

SENATE JOURNAL

— 1988 —

REGULAR SESSION
AND FIRST SPECIAL SESSION

FIFTIETH LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened Regular Session January 11, 1988
Adjourned Regular Session *SINE DIE* March 10, 1988

First Special Session Convened March 11, 1988
Adjourned Sine Die March 12, 1988

Compiled, Edited and Indexed by
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MARY WILEY
Minute and Journal Clerk

JOHN A. CHERBERG, *President of the Senate*
ALAN BLUECHEL, *President Pro Tempore*
ELLEN CRASWELL, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

REPUBLICAN CAUCUS

Majority LeaderJEANNETTE HAYNER
Caucus ChairGEORGE L. SELLAR
Majority Floor LeaderIRV NEWHOUSE
Majority WhipHAL ZIMMERMAN
Majority Deputy LeaderEMILIO CANTU
Caucus Vice ChairSTANLEY C. JOHNSON
Majority Asst. Floor Leader.....GARY A. NELSON
Majority Assistant Whip.....ANN ANDERSON

DEMOCRATIC CAUCUS

Democratic LeaderLARRY L. VOGNILD
Caucus ChairGEORGE FLEMING
Democratic Assistant Leader.....ALBERT BAUER
Caucus Vice ChairmanR. LORRAINE WOJAHN
Democratic WhipRICK S. BENDER



Secretary of the Senate.....GORDON A. GOLOB
Deputy Secretary of the SenateSID SNYDER
Assistant SecretaryW. D. "NATE" NAISMITH
Sergeant at ArmsGEORGE LA POLD
Secretary to the SecretaryMYRNA BEEBE
Reader.....PETER BIRD
Minute and Journal ClerkMARY WILEY

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1988 REGULAR SESSION
FIFTIETH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 11, 1988

Pursuant to law, the Senate of the 1988 Regular Session of the Fiftieth Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor John A. Cherberg, President of the Senate.

The Washington State Patrol Color Guard, consisting of Sergeant Peggy Bonneville, Trooper Dick Stewart, Trooper Robert Veliz and Trooper Bill Larson, presented the Colors. Pastor Phillip Wilson of the Gig Harbor Christian Church, and a guest of Gordon Golob, offered the prayer.

WELCOME BY THE PRESIDENT

President Cherberg: "Ladies and gentlemen of the Senate, it is indeed a great pleasure to greet you on this opening of the 1988 regular session of the Fiftieth Legislature of the state of Washington. I am positive both sides of the aisle will work diligently to meet successfully the deadline of a sixty-day session.

"To the new members who have been elected or appointed to the Senate since we last convened, I extend a special welcome. Your presence brings fresh ideas and new assistance to all of us in our tasks. I know that all of the members are ready for an expedient and productive session. Thank you for your kind attention."

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the state measures which were submitted to the vote of the people at the state general election held on the 3rd day of November, 1987, that the total number of ballots cast at this state general election was 918,816 and that the total number of votes cast for and against each of these measures was as follows:

REFERENDUM BILL 41

"Shall the State challenge in the United States Supreme Court the constitutionality of authority delegated to the federal reserve system?"

YES	282,613
NO	541,387

INITIATIVE MEASURE 92

"Shall it be a consumer protection violation for doctors treating Medicare eligible patients to charge more than Medicare's reasonable charges?"

YES	315,792
NO	572,813

JOURNAL OF THE SENATE

SENATE JOINT RESOLUTION 8207

"Shall the constitution empower superior court judges, after retirement, to complete pending cases in which they had made discretionary rulings?"

YES	495,273
NO	346,428

SENATE JOINT RESOLUTION 8212

"Shall state constitutional restrictions, which prevent investment of some permanent public land funds in stocks and private lending, be removed?"

YES	260,620
NO	551,408

HOUSE JOINT RESOLUTION 4212

"Shall the State Constitution be amended so legislative representatives will be elected for four years and senators for six years?"

YES	283,742
NO	567,782

HOUSE JOINT RESOLUTION 4220

"Shall the constitution be amended to permit a 15 year state-wide special property tax levy exclusively for school construction purposes?"

YES	283,118
NO	568,196

I, further certify that the following is a full, true, and correct abstract of votes cast at the State General Election held on the 3rd day of November, 1987, as canvassed by me from the returns received from the County Auditors of Cowlitz and Clark counties for the offices of State Senator and State Representative, 18th Legislative District:

18th LEGISLATIVE DISTRICT

State Senator

County	Smith(R)	Tanner(D)
Clark	7,139	5,605
Cowlitz	3,864	4,472
TOTALS	11,003	10,077

State Representative

County	Butterfield(R)	Cooper(D)
Clark	6,899	5,611
Cowlitz	2,996	5,099
TOTALS	9,895	10,710

IN WITNESS WHEREOF, I have set my my hand and affixed the seal of the state of Washington, this 2nd day of December, 1987.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

I, RALPH MUNRO, Secretary of State of the state of Washington and custodian of its seal, further certify that according to the 1987 General Election returns from King County, certified by the King County Canvassing Board, Janice Niemi was elected to the position of State Senator, 43rd Legislative District, for an unexpired three-year term.

Date: January 11, 1988 - Given under my hand and the seal of the state of Washington, at Olympia, the State Capitol.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

I, RALPH MUNRO, Secretary of State of the state of Washington and custodian of its seal, certify that according to records on file in my office Pat McMullen was

appointed on October 1, 1987, to fill the vacancy of State Senator of the 40th Legislative District by the action of the legislative authority of Whatcom County and was administered the oath of office on October 2, 1987, by Skagit County Superior Court Judges Walter J. Deierlein, Jr. and Harry Follman, as provided by law.

Date: January 11, 1988 - Given under my hand and the seal of the state of Washington, at Olympia, the State Capitol.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

I, RALPH MUNRO, Secretary of State of the state of Washington and custodian of its seal, certify that according to records on file in my office, Ken Madsen was appointed on December 14, 1987, to fill the vacancy of State Senator of the 2nd Legislative District by the action of the legislative authorities of Pierce and Thurston Counties and was administered the oath of office on December 18, 1987, by Pierce County Superior Court Judge Bruce Cohoe, as provided by law.

Date: January 11, 1988 - Given under my hand and the seal of the state of Washington, at Olympia, the State Capitol.

(Seal)

RALPH MUNRO, Secretary of State

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Barr, Hansen, von Reichbauer and Moore to escort the Honorable Senator Janice Niemi, the Honorable Senator Patrick R. McMullen, the Honorable Senator Linda A. Smith and the Honorable Senator Ken Madsen to the rostrum.

The President presented to each of the new Senators certificates of election.

ROLL CALL

The Secretary called the roll and announced to the President that all Senators were present except Senators Bender and Fleming.

The committee of honor escorted the new Senators to their seats in the Senate Chamber and the committee was discharged.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Pullen and Niemi to escort the Honorable Robert F. Brachtenbach, Justice of the Supreme Court of the state of Washington, to the Senate Chamber and a seat upon the rostrum.

LETTER OF RESIGNATION

January 11, 1988

Honorable John A. Cherberg
President of the Senate and Members of the Senate
Senate Chamber
Olympia, Washington

Dear Mr. President and Members of the Senate:

This is to submit my resignation as President Pro Tempore of the Senate, effective with the convening of the 1988 session of the 50th Legislature.

It has been a great pleasure for me to serve the Senate in this capacity.

Sincerely yours,
A. L. RASMUSSEN, State Senator,
29th District

There being no objection, the resignation of Senator A. L. Rasmussen as President Pro Tempore was accepted.

ELECTION OF PRESIDENT PRO TEMPORE

The President declared nominations to be open for President Pro Tempore of the Senate.

REMARKS BY SENATOR ZIMMERMAN

Senator Zimmerman: "Mr. President, I would like to place in nomination the name of Senator Alan Bluechel as President Pro Tempore, and I'd like to speak to that motion. Mr. President and members of the Senate, historical research tells us that since 1889, there have been fourteen Speakers Pro Tempore from King County and there have been eleven Presidents Pro Tempore from Clark, Skamania and Klickitat Counties. Most of the strength has been, of course, in two big men—one from King County who was Senator Victor Zednick—years ago—and another big man was Senator Al Henry from Klickitat County.

"Now, these two men were a very dominant factor in terms of the number from their particular areas, but I think at this point we need to recognize that there was also a factor at least in two of the men who have served in this office. The name Al, Alan—Al is a factor. Al Henry was a Senator from White Salmon; A. L.—Al—"Slim" Rasmussen has an obvious Al to it. We now turn to Senator Alan Bluechel. He has been noted as a winter recreation leader and a lot of other things, but I want to recall for you who remember, Senator Bluechel was first elected Representative Alan Bluechel in the House of Representatives in the majority in 1966. At that time, he spent his evenings in the cafeteria learning about how to pass legislation from, then majority floor leader, Slade Gorton. He was later appointed to the State Committee Chairmanship and very productively—he was an extremely energetic man—worked evenings and produced. At that time, it was quite a feat to do that, but he had more legislation than any other chairman in the House of Representatives.

"We've changed our views on quality versus quantity since then. He was also a prime mover in the very, very important Washington Futures Program. He was one of the real leaders in that program and that probably did more for the environment for the state of Washington than any program we've probably done since. He was a leader in the Washington State Planning Commission and toured the country talking about the subject of land planning and land use and he proposed a measure that passed the House rather extensively, but did fail in the Senate Chamber.

"Senator Bluechel was also the patient architect of the SEPA bill, the State Environmental Policy Act which, those of you who've been around here for these many years recognize, was a measure that passed these two bodies after considerable effort on the part of a great ad hoc group and very, very extensive work on the part of Senator Bluechel. He led our Senate Republican Caucus in the fields of the Clean Water Act and the Superfund Act and he has the background of having been captain of the University of British Columbia ski team. He is obviously well qualified to assume the present chairmanship of the Washington Recreation Commission and he is a leader in that field, as we all well know, and he is going to bring the potential of that to this state.

"His four terms in the House and in the Senate and with his observation of Senator Henry, Senator Guess, Senator Goltz and Senator Rasmussen, I'm sure that Senator Bluechel will be able to serve this office with dignity and dispatch and I recommend him for your approval as President Pro Tempore."

REMARKS BY SENATOR CANTU

Senator Cantu: "Thank you, Mr. President. I rise to second the nomination of Senator Bluechel. Senator Zimmerman, thank you very much. You covered his background very well and I won't go into that, but I think it is important though to touch on the fact that after four terms in the House and now on his fourth term in the Senate, Senator Bluechel has developed the skills that he will need to run this place. I've known Alan—Senator Bluechel—for a long time. I think one of the things that has been very important to me and very impressive to me has been the dignity of this body and Senator Bluechel will continue that tradition. He is highly respected in his community; he is highly respected in this group and in this body. I have always known him to be fair; he always has time to listen. When I was new

here, he was always available to me if I had questions--always helping me to do a better job here and a better job of serving the public. He has conducted himself in an exemplary manner. He has always been very professional and he has always been dedicated and always been very fair. I think those characteristics will serve him well as President Pro Tempore of this Senate."

MOTION

On motion of Senator Newhouse, the nominations for President Pro Tempore were closed.

ROLL CALL

The Secretary called the roll and Senator Alan Bluechel was elected President Pro Tempore of the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bender, Fleming - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators McDonald and Garrett to escort Senator Bluechel to the rostrum.

Justice Robert F. Brachtenbach of the Washington State Supreme Court administered the oath of office to President Pro Tempore Bluechel.

REMARKS BY THE PRESIDENT

President Cherberg: "It is indeed a pleasure to present to you at this time, the Honorable Senator Alan Bluechel."

REMARKS BY PRESIDENT PRO TEMPORE BLUECHEL

Senator Bluechel: "Thank you, President Cherberg. I stand here with a little amazement because twenty-two years ago when I was first elected to the House of Representatives and sitting in the second row from the back with Tim Hill on one side and Senator Zimmerman on the other, little did I ever think I would be up here addressing the Senate of the state of Washington as President Pro Tempore. You have done me a great honor. It is something I will never forget, even though as Senator Rasmussen says the life span may or may not be extended or shortened depending on the vagaries of life. To all of you, I intend to try and do the best job I am capable of. I have two masters to follow. Senator Rasmussen, you have done a great job. We all sit back and look in amazement with your handling of this body and Governor Cherberg, you are the ultimate master. I don't think, in the history of this state, there is anyone who has been able to say that they've patrolled the Senate like Governor Cherberg. You'll go down in history as the best there ever was."

"There's only one minor question that I have and that is, I understand that the Lieutenant Governor, when he assumes the office of Governor, gets paid as the Governor. I wonder if that applies to the President Pro Tempore? Thank you very much for this great honor."

REMARKS BY THE PRESIDENT

President Cherberg: "I wish to thank you, Senator Bluechel, for your very generous remarks and also the members the Senate, and to wish you very well. I'm sure you'll be a great success in your new position. Thank you so very much."

The committee of honor escorted President Pro Tempore Bluechel to his seat in the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Bauer, Senators Bender and Fleming were excused.

LETTER OF RESIGNATION

January 11, 1988

The Honorable John A. Cherberg
Lt. Governor, State of Washington

Members, Washington Senate
Legislative Building
Olympia, Washington

Dear Lt. Governor Cherberg and Fellow Members:

I hereby resign my position as Vice President Pro Tempore of the Washington Senate, effective January 11, 1988.

Please know that I fully enjoyed and respected the honor of serving in this office and extend my best wishes to my successor.

Sincerely,
AL BAUER, State Senator,
49th District

There being no objection, the resignation of Senator Al Bauer as Vice President Pro Tempore was accepted.

ELECTION OF VICE PRESIDENT PRO TEMPORE

The President declared nominations to be open for Vice President Pro Tempore of the Senate.

REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Mr. President, ladies and gentlemen of the Senate, it's with honor and a great pleasure to place in nomination, for the office of Vice President Pro Tempore, Senator Ellen Craswell. I must apologize to the body and President that I don't have the expertise and historical perspective of Senator Zimmerman. When Senator Zimmerman finishes, I always feel like I've been on vacation or through the halls of the state library or the halls of the political history of the state of Washington, so I beg your forgiveness.

"Senator Craswell has represented the Twenty-third District in the Senate for eight years. This is her eighth year and she represented the Twenty-third District in the House for two terms or four years and to borrow some words from our most honorable President, 'She is most gracious, beautiful and charming,' and I would add intelligent, dedicated and motivated to serve this Senate. I would ask you for your support and vote for Senator Craswell."

REMARKS BY SENATOR DECCIO

Senator Deccio: "Senator McCaslin took half of what I was going to say, but I'll finish with the other half. Ellen is very much appreciated and is very much respected in our caucus. She has been a real team player and we recommend to you the approval of her as Assistant Pro Tempore. I know that she will honorably and respectfully represent this body."

REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President, and members of the Senate. It's a real pleasure to second the nomination of Senator Ellen Craswell. It's been a pleasure to serve with her, now eight years, in the Senate. She's a good friend; she has served this state well with vision, integrity, and compassion and I urge you to vote for her."

MOTION

On motion of Senator Newhouse, the nominations for Vice President Pro Tempore were closed.

ROLL CALL

The Secretary called the roll and Senator Ellen Craswell was elected Vice President Pro Tempore of the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senator Bender, Fleming - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Johnson and Bauer to escort Senator Craswell to the rostrum.

Justice Robert F. Brachtenbach of the Washington State Supreme Court administered the oath of office to Vice President Pro Tempore Craswell.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, ladies and gentlemen, it's indeed an honor to present Ellen Craswell as Vice President Pro Tempore. You have my heartiest congratulations and it is quite evident everyone else is pleased with you. I believe you have to be the first lady elected Vice President Pro Tempore. If not, you're at least the loveliest."

REMARKS BY VICE PRESIDENT PRO TEMPORE CRASWELL

Senator Craswell: "Thank you very much. It truly is an honor and a privilege for me to have your support to serve in this office. It's been a special time for me. I've spent eight years sitting and looking at the back of all of your heads. Perhaps now, I'll have a chance to see the other side. Thank you again. It really is a pleasure for me and truly an honor. Thanks for your support."

The committee of honor escorted Vice President Pro Tempore Craswell to her seat in the Senate Chamber and the committee was discharged.

LETTER OF RESIGNATION

January 11, 1988

Lieutenant Governor John A. Cherberg
and Members of the Washington State Senate

Ladies and Gentlemen:

I hereby resign my position as Secretary of the Senate effective January 11, 1988, at 12:00 o'clock noon.

I am honored to have had the opportunity to serve in this capacity, and I wish my successor the very best.

Sincerely,
SID SNYDER

There being no objection, the resignation of Sid Snyder as Secretary of the Senate was accepted.

ELECTION OF SECRETARY OF THE SENATE

The President declared nominations to be open for Secretary of the Senate.

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, I would like to place in nomination the name of Gordon Golob for the office of Secretary of the Senate. I think most of the Senators on this floor know Gordon Golob very well, with the possible exception of a few of the very new ones who have just been recognized today, but Gordon has been here for sixteen years. He was first employed on January 19, 1973, by former Senator Perry Woodall. He first served in the capacity as a monitor for the Judiciary Committee for the Republican Caucus. He was not in that position very long when he became the caucus attorney and from there he has served in a variety of legal positions.

"What you probably do not know, are some of his other contributions to his community and to the United States. He was a deputy prosecutor. He has been in a law firm--a private law firm--in Tacoma for eleven years, the law firm of McCarthy, Holum, Golob, Causseaux and Rourke. He has served for twenty-five years in the United States military service and was in active duty in Vietnam during which time he flew fifty combat missions. He is now a full Colonel in the United States Air Force Reserves at McChord and is the Deputy Commander of six squadrons with six hundred personnel. He is the author of three books which he has written since he's been around these halls. One was a manual on the District Court, one was an analysis of the Revised Criminal Code of Washington, and the third was as

the result of the Juvenile Justice Act which was passed in 1977—and it was a manual to provide the information on how to implement that.

"Gordon is a man of great integrity, honesty and sincerity. He is a workaholic. If you've ever been around him, and regardless of the party, you can depend on him to be your friend and to give you straight answers when you ask for them. I certainly am very pleased to have the opportunity to make this nomination."

REMARKS BY SENATOR SELLAR

Senator Sellar: "Thank you, Mr. President, I would like to take this opportunity to second the nomination of Gordon Golob for the Secretary of the Senate. Certainly, Senator Hayner has gone over his qualifications. I think we are fortunate, because Secretary Snyder's shoes are difficult to fill. We all have a great deal of reverence for Sid Snyder and the job that he has done. We think we are fortunate in having Gordon Golob to attempt to fill those shoes—and besides that, Gordon speaks fast."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr President, while I might question the wisdom of changing the Secretary of the Senate, that decision has in fact been made and I'd like to say, that based on the actions of the Secretary of the Senate designee over the last three weeks, I think that the choice is a good choice and would encourage support of this nomination."

REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President and members of the Senate. I would like to also second the nomination of Gordon Golob. I was here when Gordon came to the Senate. In fact, I was sitting in this same seat, which shows that I haven't progressed very much. You've done better than I have. I've gotten good legal advise every time I've asked Gordon for legal advise and I think that is pretty exceptional for a lawyer. I urge your support for Gordon Golob."

MOTION

On motion of Senator Newhouse, the nominations for Secretary of the Senate were closed.

ROLL CALL

The Secretary called the roll and Gordon Golob was elected Secretary of the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senator Bender, Fleming - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators McCaslin and Gaspard to escort Gordon Golob to the rostrum.

Justice Robert F. Brachtenbach of the Washington State Supreme Court administered the oath of office to Secretary of the Senate Gordon Golob.

REMARKS BY THE PRESIDENT

President Cherberg: "It is indeed a pleasure to present to you one of the finest men I have ever met, Gordon Golob. Heartiest congratulations to you."

REMARKS BY SECRETARY OF THE SENATE GOLOB

Gordon Golob: "Thank you, Governor, and thank you all for your vote of confidence. I know this was a difficult vote for some to take. Sid Snyder has been with us, I think, since 1949, through some fifty-two to fifty-three sessions. I've got sixteen years and I think I'm on my twentieth session. In order to take over for Sid, you know I have to fine tune my managerial and my administrative skills, my legislative skills and my political skills, but I will enroll in Story Telling and Memorization

101 as soon as possible. I know I will never be able to fill that man's shoes. Thank you for your vote of confidence."

The committee of honor escorted Secretary of the Senate Gordon Golob to his place on the rostrum.

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. I think it would be inappropriate not to say a few words about Sid Snyder--being of opposite parties, but not really being as opposite as some people might think. When I arrived here in 1981, I wasn't house-broken, in fact, not even Senate-broken, but I've been working on it. I was told by a fellow named Jim Feeney to be sure and look up Sid Snyder, because Sid was one of the most knowledgeable and one of the most cooperative people in the State Senate--and Sid, your jokes are getting worse, so I think it's time. Sid, I look forward to working with you for another sixty days and, hopefully, we will always be friends. I think I speak for everyone on the floor here. Thank you very much for your years of service."

LETTER OF RESIGNATION

January 11, 1988

Lieutenant Governor John A. Cherberg
and Members of the Senate

Ladies and Gentlemen:

I hereby resign my position as Sergeant at Arms of the Senate effective January 11, 1988, at 12:00 o'clock noon.

I am honored to have had the opportunity to serve in this capacity, and I wish my successor the very best.

Sincerely,
O. F. "OLE" SCARPELLI

There being no objection, the resignation of O. F. "Ole" Scarpelli as Sergeant at Arms was accepted.

ELECTION OF SERGEANT AT ARMS

The President declared nominations to be open for Sergeant at Arms of the Senate.

REMARKS BY SENATOR ANDERSON

Senator Anderson: "Thank you, Mr. President. Ladies and gentlemen of the Senate, I would like to place the name of Mr. George LaPold in nomination for the office of Sergeant at Arms and I would like to speak to that point, please. Mr. LaPold comes to us in Olympia with thirty-three years of military experience to his credit. These include twenty-two years as an Army Reserve officer and Mr. LaPold has also had a top secret military clearance. From 1952 until the present, George has been employed in the area of law enforcement and security. George has had experience in the juvenile division, narcotics division and traffic analysis. He was an aide to the chief of police and has worked in labor relations within the law enforcement field. Mr. LaPold has served in eight different officer positions within the Alhambra, California, Police Officers Association. He, being in law enforcement though, is not new to the legislative process. He has worked within the legislative arena in California as a legislative contact for the police officers association and he has also lobbied legislative bills affecting law enforcement.

"Mr. LaPold, in 1984, was listed in Who's Who in Law Enforcement. I'm proud to announce that he is now a resident of Whatcom County. Ladies and gentlemen of the Senate, I commend to you, George LaPold, as the Sergeant at Arms."

MOTION

On motion of Senator Newhouse, the nominations for Sergeant at Arms were closed.

ROLL CALL

The Secretary called the roll and George LaPold was elected Sergeant at Arms of the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senator Bender, Fleming - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Metcalf and Conner to escort George LaPold to the rostrum.

Justice Robert F. Brachtenbach of the Washington State Supreme Court administered the oath of office to Sergeant at Arms George LaPold.

REMARKS BY THE PRESIDENT

President Cherberg: "Congratulations George, won't you say a few remarks here? You're big and strong."

REMARKS BY SERGEANT AT ARMS LAPOLD

Sergeant at Arms LaPold: "Ladies and gentlemen, I feel very honored to be working with and for you in the Senate of the state of Washington. We will try our best to improve the security for you, your aides and the people working for you. Thank you."

The committee of honor escorted Sergeant at Arms LaPold to his place on the rostrum.

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

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1988-8696

by Senators Hayner, Sellar, Vognild and Fleming

BE IT RESOLVED, That a committee of four be appointed to notify the House that the Senate is now organized and ready to transact business.

APPOINTMENT OF SPECIAL COMMITTEE

Under provisions of Senate Resolution 1988-8696, the President appointed Senators West, McMullen, Smith and Madsen to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

The committee retired to the House of Representatives.

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

MESSAGE FROM THE HOUSE

January 11, 1988

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4428, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4428 by Representatives Ebersole and Ballard

Appointing a committee to notify the governor that the legislature is organized and ready to conduct business.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4428 was advanced to second reading and read the second time.

Senator Newhouse moved that the rules be suspended and House Concurrent Resolution No. 4428 be advanced to third reading, the second reading considered the third and the resolution be placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse just speaks of three members; the script speaks of four members. Do you wish to amend the resolution? I don't know how you are going to arrange it. The House said you could have more. If you adopt the resolution, it's limited to three. You're going to have a special dispensation? Thank you."

The President declared the question before the Senate to be the motion by Senator Newhouse to suspend the rules and advance House Concurrent Resolution No. 4428 to third reading and final passage.

The motion by Senator Newhouse carried and the resolution was advanced to third reading and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4428, the President appointed Senators Hayner, Vognild and Sellar to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

PERSONAL PRIVILEGE

Senator Sellar: "Thank you, Mr. President. I'm sorry that a little intervening business has passed, but I would be remiss if I didn't say how much we have appreciated the diligence and the work of Mr. "Ole" Scarpelli as Sergeant at Arms. He has been really responsive to every member of this body and I think we owe him a debt of gratitude for the service he has given to the Senate. Thank you."

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

MESSAGE FROM THE HOUSE

January 11, 1988

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4427, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4427 by Representatives Ebersole and Ballard

Calling a joint session of the legislature to receive the governor's state of the state message.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4427 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4427 was advanced to third reading, the second reading considered the third and the resolution was adopted.

COMMITTEE OF HONOR

The committee of honor consisting of Senators Pullen and Niemi escorted the Honorable Justice Robert F. Brachtenbach from the Senate Chamber to his office in the Temple of Justice.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Unseld, Baugher, Brooks and Schmidt appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

PERSONAL PRIVILEGE

Senator Hansen: "Mr. President, a point of personal privilege. It's my privilege to talk on our centennial that's coming up. I just became conscious of the Admission's Convention that will be held in Ellensburg in 1989. There was a posse that took invitations for the Admission's Convention from Ellensburg to the airport at Yakima and sent them to our national delegation and also to the President of the United States. They rode into Olympia yesterday at 2 o'clock and presented us with a packet of invitations and then invited the Governor and the Governor's wife, who is co-chairperson of the Centennial Commission.

"It's my duty to invite the Senate, the first week of January, 1989, for our Centennial Convention or centennial acceptance that was accepted—I think it was November 11, 1889—that Washington became the 42nd state. This Admission's Convention honoring this event takes place January 3, 1989.

"There were delegates from Washington Territory that met in Ellensburg. The result was one of the most important and by far the most representative convention ever held in the territory of Washington. It was called the 'Admission's Convention.' The outcome was a resolution that asked that the Washington Territory become a state and that it be called Washington. Congress passed the appropriate legislation November 11, 1889, and Washington became the 42nd state to join the Union. You'll be getting a follow up invitation to the 'Admission's Convention' to be held in Ellensburg the first weekend in 1989. I hope you mark it on your calendar. Thank you."

REPORT OF COMMITTEE

The Senate committee consisting of Senators West, McMullen, Smith and Madsen appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

REPORT OF COMMITTEE

The special committee consisting of Senators Hayner, Vognild and Sellar appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 4428, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

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

MESSAGE FROM THE HOUSE

January 11, 1988

Mr. President:
The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4425, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4425 by Representatives Ebersole and Ballard

Providing for the reintroduction of measures introduced during the 1987 legislative session.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4425 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4425 was advanced to third reading, the second reading considered the third and the resolution was adopted.

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

MESSAGE FROM THE HOUSE

January 11, 1988

Mr. President:

The House has adopted:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4426, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHCR 4426 by Representatives Ebersole and Ballard

Establishing cut-off dates for the 1988 regular session of the legislature.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Engrossed House Concurrent Resolution No. 4426 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Engrossed House Concurrent Resolution No. 4426 was advanced to third reading, the second reading considered the third and the resolution was adopted.

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

MOTION

Senator Newhouse moved that the following resolution be adopted:

SENATE RESOLUTION 1988-8698

by Senators Hayner and Sellar

BE IT RESOLVED, That Senate Resolution No. 1987-8602, the Senate Rules of the 50th Legislature, be amended to read as follows:

On page 20, beginning on line 508, strike all material down through "23" on line 523 and insert the following:

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

1. Agriculture	6
2. Commerce and Labor	11
3. Education	11
4. Energy and Utilities	7

5. Financial Institutions	8
6. Governmental Operations	7
7. Human Services and Corrections	9
8. Judiciary	7
9. Natural Resources	11
10. Parks and Ecology	5
11. Rules	15
12. Transportation	17
13. Ways and Means	23))

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

1. Agriculture	6
2. Economic Development and Labor	11
3. Higher Education	7
4. Education	9
5. Energy and Utilities	9
6. Financial Institutions and Insurance	9
7. Governmental Operations	7
8. Health Care and Corrections	7
9. Children and Family Services	7
10. Law and Justice	9
11. Environment and Natural Resources	9
12. Rules	16
13. Transportation	14
14. Ways and Means	21

Debate ensued.

The President declared the question before the Senate to be adoption of Senate Resolution 1988-8698

The motion by Senator Newhouse carried and Senate Resolution 1988-8698 was adopted.

MOTION

On motion of Senator Newhouse, the following Standing Committee Assignments were confirmed:

MEMBERSHIP OF SENATE STANDING COMMITTEES 1988

AGRICULTURE (6) — Barr, Chair; Anderson, Vice Chair; Bailey, Halsan, Hansen, Rinehart.

CHILDREN AND FAMILY SERVICES (7) — Kiskaddon, Chair; Bailey, Vice Chair; Craswell, Fleming, Garrett, McDonald, Stratton.

ECONOMIC DEVELOPMENT AND LABOR (11) — Lee, Chair; Anderson, Vice Chair; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

EDUCATION (9) — Bailey, Chair; Kiskaddon, Vice Chair; Bauer, Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

ENERGY AND UTILITIES (9) — Benitz, Chair; Bluechel, Vice Chair; Madsen, Nelson, Newhouse, Owen, Pullen, Stratton, Williams.

ENVIRONMENT AND NATURAL RESOURCES (9) — Metcalf, Chair; Smith, Vice Chair; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

FINANCIAL INSTITUTIONS AND INSURANCE (9) — von Reichbauer, Chair; West, Vice Chair; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

GOVERNMENTAL OPERATIONS (7) — McCaslin, Chair; Zimmerman, Vice Chair; DeJarnatt, Garrett, Halsan, Metcalf, Pullen.

HEALTH CARE AND CORRECTIONS (7) — Deccio, Chair; Johnson, Vice Chair; Kreidler, Niemi, Smith, West, Wojahn.

HIGHER EDUCATION (7) — Saling, Chair; Patterson, Vice Chair; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

LAW AND JUSTICE (9) — Pullen, Chair; McCaslin, Vice Chair; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

RULES (16) — Cherberg, Chair; Bluechel, Vice Chair; Bauer, Bender, Cantu, Craswell, Fleming, Hayner, Nelson, Newhouse, Rasmussen, Sellar, Vognild, West, Wojahn, Zimmerman.

TRANSPORTATION (14) — Patterson, Chair; Nelson, Vice Chair; von Reichbauer, Vice Chair; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

WAYS AND MEANS (21) — McDonald, Chair; Craswell, Vice Chair; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jean H. Adams, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anne S. Blair, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank Ducceschi, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margery A. Guthrie, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 29, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald J. Hale, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cherry L. Jarvis, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 21, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Samuel R. Johnston, reappointed September 21, 1987, for a term ending September 25, 1991, as a member of the Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Evelyn Carlson Kest, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard K. Murakami, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 29, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bonnie J. Polhamus, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Howard H. Pryor, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 29, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. David Shaw, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 13, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael R. Thorp, appointed October 13, 1987, for a term ending July 5, 1991, as a member of the Puget Sound Water Quality Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

September 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James G. Walton, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Spokane Community Colleges District No. 17.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 29, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jack Watkins, Jr., reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 22, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith Wiseman, appointed November 6, 1987, for a term ending June 30, 1991, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 26, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy Abraham, appointed November 1, 1987, for a term ending at the Governor's pleasure, as Director of the Department of Information Services.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

October 22, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. Ted Bottiger, appointed November 20, 1987, for a term ending January 15, 1990, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

October 30, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James L. Kirschbaum, appointed October 30, 1987, for a term ending September 30, 1993, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 26, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ted S. Semon, appointed October 26, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 26, 1987

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

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

David P. Yang, appointed October 26, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 19, 1987

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

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

Anna-Greta Boice, appointed November 19, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 23, 1987

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

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

Richard R. Albrecht, appointed November 23, 1987, for a term ending September 30, 1993, as a member of the Board of Regents for Washington State University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 23, 1987

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

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

Kate B. Webster, reappointed November 23, 1987, for a term ending September 30, 1993, as a member of the Board of Regents for Washington State University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 30, 1987

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

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

Mary M. Gates, reappointed October 30, 1987, for a term ending September 30, 1993, as a member of the Board of Regents for the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 30, 1987

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

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

David A. Pitts, appointed October 30, 1987, for a term ending September 30, 1993, as a member of the Board of Trustees for Central Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 24, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jose G. Ruiz, appointed November 24, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Keith M. Eggen, appointed September 16, 1985, for a term ending at the Governor's pleasure, as Adjutant General of the Military Department.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

December 21, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe C. Jones, reappointed January 1, 1988, for a term ending December 31, 1990, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

November 27, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas Kobler, appointed January 18, 1988, for a term ending at the Governor's pleasure, as Director of the Washington State Basic Health Plan Agency.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health Care and Corrections.

December 21, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jeanie Lorenz, reappointed January 1, 1988, for a term ending December 31, 1990, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

December 23, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Earl Smith, appointed December 23, 1987, for a term ending August 2, 1990, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

CORRECTED APPOINTMENT LETTER*

December 15, 1987

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ralph E. Mackey, reappointed March 30, 1987, for a term ending December 31, 1988, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
BOOTH GARDNER, Governor

*EDITOR'S NOTE: Gubernatorial Appointment No. 9120 (Ralph E. Mackey), referred to Committee on Parks and Ecology April 13, 1987.

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

INTRODUCTION AND FIRST READING

SB 6091 by Senators West, Saling, Lee, Stratton, Johnson and Anderson

AN ACT Relating to college mascot license plates; amending RCW 46.16.590, 46.16.595, and 46.16.600; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 6092 by Senators Pullen, Garrett and Rasmussen

AN ACT Relating to the location of energy recovery or incineration facilities for the treatment of solid waste; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6093 by Senators Pullen, Talmadge, Garrett, Nelson, Johnson, Rasmussen, McMullen and von Reichbauer (by request of Department of Corrections)

AN ACT Relating to presentence reports; amending RCW 9.94A.110; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6094 by Senators Pullen, Talmadge, Garrett, Johnson, Rasmussen and McMullen (by request of Department of Corrections)

AN ACT Relating to crime-related conditions; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Law and Justice.

SB 6095 by Senators Benitz, Bauer, Bluechel, Warnke, Newhouse, Madsen, Saling, Stratton, Smitherman, Sellar, Vognilid, Conner, Kiskaddon and Zimmerman

AN ACT Relating to telecommunications; adding new sections to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6096 by Senators von Reichbauer, Smitherman, Moore, Gaspard, Johnson and Rasmussen

AN ACT Relating to real estate loans made by financial institutions; adding a new chapter to Title 61 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6097 by Senator West

AN ACT Relating to triple trailer trucks; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 6098 by Senators Kiskaddon, Lee, Johnson, Metcalf and Anderson

AN ACT Relating to children and family services; adding a new chapter to Title 26 RCW; creating new sections; declaring an emergency; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6099 by Senators Vognild, West, Warnke, Conner and Metcalf

AN ACT Relating to collective bargaining; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Economic Development and Labor.

SB 6100 by Senators Conner and Talmadge

AN ACT Relating to jurisdiction over Quileute tribal lands; and amending RCW 37.12.100, 37.12.110, 37.12.120, and 37.12.140.

Referred to Committee on Law and Justice.

SB 6101 by Senators Saling, Smitherman, Gaspard, Rinehart, West and Stratton

AN ACT Relating to state board for community college education members; and amending RCW 28B.50.050.

Referred to Committee on Higher Education.

SB 6102 by Senator Conner

AN ACT Relating to retrocession of jurisdiction over lands excluded from the boundaries of Olympic National Park by 16 U.S.C. Sec. 251e; and adding a new section to chapter 37.12 RCW.

Referred to Committee on Law and Justice.

SB 6103 by Senators Pullen, Talmadge, Bluechel, Moore and Sellar

AN ACT Relating to duties of operators and users of commercial ski areas; amending RCW 70.117.010, 70.117.020, and 70.117.030; adding new sections to chapter 70.117 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6104 by Senators Saling and Rasmussen

AN ACT Relating to easements for electrical transmission lines; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SB 6105 by Senators Saling, West, Stratton and Metcalf

AN ACT Relating to controlled substances; amending RCW 69.50.505; and creating a new section.

Referred to Committee on Law and Justice.

SB 6106 by Senators Metcalf, Lee, Zimmerman and Conner (by request of Interagency Committee for Outdoor Recreation)

AN ACT Relating to the interagency committee for outdoor recreation; and amending RCW 43.99.142.

Referred to Committee on Environment and Natural Resources.

SB 6107 by Senators Newhouse, Moore and Conner (by request of Washington State Gambling Commission)

AN ACT Relating to promotional contests of chance; amending RCW 9.46.0355, 9.46.070, 9.46.075, 9.46.150, 9.46.160, and 9.46.300; adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6108 by Senators Pullen, Talmadge and Rasmussen

AN ACT Relating to defense of person or property; amending RCW 9.01.200; and recodifying RCW 9.01.200.

Referred to Committee on Law and Justice.

SB 6109 by Senators Pullen, Halsan and Barr

AN ACT Relating to products liability actions involving firearms or ammunition; adding a new section to chapter 7.72 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6110 by Senators Lee, Garrett and Talmadge

AN ACT Relating to underground electrical transmission lines; adding a new section to chapter 35.84 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6111 by Senator Moore

AN ACT Relating to securities; adding a new section to chapter 21.20 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6112 by Senators Moore and Rasmussen

AN ACT Relating to the state advisory committee on securities and investments; and amending RCW 21.20.560.

Referred to Committee on Financial Institutions and Insurance.

SB 6113 by Senator Pullen

AN ACT Relating to quasi-community property; amending RCW 26.16.220, 26.16.230, 26.16.240, and 26.16.250; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6114 by Senator Wojahn

AN ACT Relating to children; amending RCW 2.56.030 and 13.34.130; adding a new chapter to Title 13 RCW; making an appropriation; prescribing penalties; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6115 by Senators Kiskaddon and Saling

AN ACT Relating to programs for parents and children; amending RCW 43.121.015 and 43.121.050; adding new sections to chapter 43.121 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6116 by Senators Kreidler, Conner, Garrett and Rasmussen

AN ACT Relating to the suspension of pension payments for teachers; and amending RCW 41.32.570.

Referred to Committee on Ways and Means.

SB 6117 by Senator Kiskaddon

AN ACT Relating to volunteer family support; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6118 by Senators Wojahn, Anderson, Fleming, Rinehart, Garrett, Talmadge, Stratton, Deccio and Bauer

AN ACT Relating to child care development and services; adding new sections to chapter 74.13 RCW; adding a new section to chapter 82.04 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6119 by Senators Barr and Wojahn

AN ACT Relating to interim permits and examinations for persons applying to be licensed practical nurses; amending RCW 18.78.060; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 6120 by Senators Deccio, Sellar, Johnson, Smith and West

AN ACT Relating to a study of rural health delivery; creating new sections; and providing an expiration date.

Referred to Committee on Health Care and Corrections.

SB 6121 by Senators Deccio, Sellar, Johnson and Smith

AN ACT Relating to medicare health care facility options; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Health Care and Corrections.

SB 6122 by Senators Deccio, Barr, Johnson, West, Anderson and Conner

AN ACT Relating to rural hospitals; and amending RCW 70.38.025 and 70.38.111.

Referred to Committee on Health Care and Corrections.

SB 6123 by Senators Barr, Deccio, Johnson, West, Conner and Anderson

AN ACT Relating to rural hospitals; amending RCW 70.39.020; and adding a new section to chapter 70.39 RCW.

Referred to Committee on Health Care and Corrections.

SB 6124 by Senators Deccio, Johnson and Smith

AN ACT Relating to rural health care; amending RCW 70.38.065; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; and adding a new section to chapter 50.12 RCW.

Referred to Committee on Health Care and Corrections.

SB 6125 by Senators Deccio, Sellar, Johnson, Smith, West and Barr

AN ACT Relating to rural hospitals; and amending RCW 19.85.010 and 19.85.020.

Referred to Committee on Health Care and Corrections.

SB 6126 by Senators Deccio and Johnson

AN ACT Relating to coordination of health care services; adding a new section to chapter 18.73 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 70.46 RCW; and creating a new section.

Referred to Committee on Health Care and Corrections.

SB 6127 by Senators Stratton, Talmadge, Niemi, Conner, West and Rasmussen

AN ACT Relating to children and family services; amending RCW 13.40.025, 13.40.027, 13.40.030, 43.121.020, 43.121.030, 43.121.040, and 43.121.060; adding a new chapter to Title 26 RCW; creating new sections; repealing RCW 13.40.035; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6128 by Senators Bluechel and Bender

AN ACT Relating to park and recreation service areas; amending RCW 36.68.400, 36.68.470, 36.68.541, 36.68.550, 36.68.570, 36.68.580, 36.68.600, and 67.20.010; and adding a new section to chapter 36.68 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6129 by Senators Wojahn, Deccio and Vognild

AN ACT Relating to health insurance; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6130 by Senators Lee, Wojahn, Rinehart and Anderson

AN ACT Relating to notice to employees of employer leave policies, use of employer-granted leave to care for minor children with health conditions, and leave from employment for maternity disability; amending RCW 49.12.005; adding a new section to chapter 49.60 RCW; adding new sections to chapter 49.12 RCW; creating a new section; and providing penalties.

Referred to Committee on Economic Development and Labor.

PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President. It is my understanding that, even though we act on this referral at this time, that the bills will be available for additional signatures for the rest of the day. Is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "That is correct."

MOTION

At 1:39 p.m., on motion of Senator Newhouse, the Senate adjourned until 4:30 p.m., Tuesday, January 12, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SECOND DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Tuesday, January 12, 1988

The Senate was called to order at 4:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Brenda Roderick and Brian Allison, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6131 by Senators Deccio and Johnson

AN ACT Relating to county jails; and adding a new section to chapter 36.63 RCW.

Referred to Committee on Health Care and Corrections.

SB 6132 by Senators Deccio and Johnson

AN ACT Relating to rural hospital payment; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health Care and Corrections.

SB 6133 by Senator Talmadge

AN ACT Relating to part-time and temporary public employment; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 28B.16 RCW.

Referred to Committee on Governmental Operations.

SB 6134 by Senators Talmadge and Conner

AN ACT Relating to memberships in professional associations by classified state employees; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Governmental Operations.

SB 6135 by Senator Talmadge

AN ACT Relating to hospitals; and amending RCW 70.41.180.

Referred to Committee on Health Care and Corrections.

SB 6136 by Senators Smith, DeJarnatt, Kreidler, Metcalf and Zimmerman (by request of Washington State Parks and Recreation Commission)

AN ACT Relating to state park camping fees; and repealing RCW 43.51.057.

Referred to Committee on Environment and Natural Resources.

SB 6137 by Senators Talmadge, Moore, Fleming, Gaspard, Conner, Vognild and McMullen

AN ACT Relating to campaign financing; amending RCW 42.17.105; adding new sections as new subchapters in chapter 42.17 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6138 by Senator McCaslin

AN ACT Relating to qualifications for positions under state civil service; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 28B.16 RCW.

Referred to Committee on Governmental Operations.

SB 6139 by Senators McCaslin and Garrett

AN ACT Relating to boundary review boards; amending RCW 35.02.037, 35.02.039, 35.02.070, 35.02.078, 35.02.086, 35.02.100, 35.02.150, 35.10.217, 35.10.450, 35.13.171, 35A.14.015, 35A.14.030, 35A.14.050, 35A.14.070, 35A.14.160, 35A.14.220, 35A.14.230, 36.94.170, 39.33.060, 56.02.070, 56.36.030, and 57.40.120; and repealing RCW 36.93.010, 36.93.020, 36.93.030, 36.93.040, 36.93.050, 36.93.060, 36.93.070, 36.93.080, 36.93.090, 36.93.093, 36.93.100, 36.93.105, 36.93.110, 36.93.115, 36.93.120, 36.93.130, 36.93.140, 36.93.150, 36.93.160, 36.93.170, 36.93.180, 36.93.190, 36.93.200, 36.93.210, 36.93.220, 36.93.900, 36.93.910, and 36.93.920.

Referred to Committee on Governmental Operations.

SB 6140 by Senators McCaslin, Garrett and Lee

AN ACT Relating to boundary review boards; and amending RCW 36.93.090.

Referred to Committee on Governmental Operations.

SB 6141 by Senators McCaslin, Garrett and McMullen

AN ACT Relating to protection of legislative communications by public employees; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Governmental Operations.

SB 6142 by Senators McCaslin, Garrett and Sellar

AN ACT Relating to two-year excess property tax levies; amending RCW 84.52.054, 35.58.090, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.73.060, 36.83.030, 67.38.130, 70.44.060, and 86.15.160; reenacting and amending RCW 84.52.052 and 36.68.520; creating a new section; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6143 by Senators Pullen, Talmadge and Nelson

AN ACT Relating to technical revisions to the real estate contract forfeiture act; amending RCW 61.30.010, 61.30.020, 61.30.030, 61.30.040, 61.30.050, 61.30.060, 61.30.070, 61.30.080, 61.30.090, 61.30.100, 61.30.110, 61.30.120, 61.30.130, 61.30.140, and 61.30.150; and creating a new section.

Referred to Committee on Law and Justice.

SB 6144 by Senators Anderson and Bailey

AN ACT Relating to voting in special districts; and amending RCW 85.38.100 and 85.38.120.

Referred to Committee on Governmental Operations.

SB 6145 by Senators Rinehart, Bailey, Bauer, Saling, Gaspard, Kiskaddon, Smitherman and Benitz

AN ACT Relating to collaborative projects between higher education institutions, schools, and school districts; adding new sections to chapter 28A.04 RCW; and creating a new section.

Referred to Committee on Higher Education.

SJR 8218 by Senators McCaslin, Garrett and Sellar

Granting authority to the legislature to authorize two-year excess property tax levies for taxing districts.

Referred to Committee on Governmental Operations.

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

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 1988-8697

by Senators Rasmussen, Johnson and Lee

WHEREAS, Soccer is one of the world's most popular sports; and
WHEREAS, Soccer is the fastest growing team sport in the United States; and

WHEREAS, The United States Soccer Federation is an organization supporting and promoting soccer at all levels; and

WHEREAS, Soccer provides an excellent opportunity for our youth to develop team and individual athletic skills; and

WHEREAS, The 1994 World Cup will be a major sporting and tourism event; and

WHEREAS, World-wide interest in the 1994 World Cup will focus world attention and interest on our nation; and

WHEREAS, The 1994 World Cup would greatly encourage the continued growth of soccer in the United States;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That it declares its full support of the efforts of the United States Soccer Federation in bringing the 1994 World Cup to the United States. And to that end offers its enthusiastic support to the United States Soccer Federation in all its actions before the Federation Internationale de Football Association, with the goal of bringing the 1994 World Cup to our nation.

MOTIONS

On motion of Senator Newhouse, permission was granted for the Committee on Economic Development and Labor to use the Senate Chamber, Friday, January 15, 1988, from 9:00 a.m. to 4:00 p.m.

On motion of Senator Newhouse, permission was granted for the Committee on Children and Family Services to use the Senate Chamber, Friday, February 5, 1988, from 1:00 to 3:00 p.m.

MOTION

At 4:45 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

At 5:06 p.m., the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the House. The Speaker instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the President of the Senate John A. Cherberg, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette Hayner and Democratic Leader Larry Vognild to seats on the rostrum.

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

The Speaker presented the gavel to President Cherberg.

The Clerk of the Senate called the roll of the Senate and all members were present.

The Clerk of the House called the roll of the House and all members were present except Representative Allen, who was excused.

The President appointed Senators McMullen, Halsan, Pullen, Hayner and McCaslin and Representatives Armstrong, K. Wilson, Taylor and Butterfield as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President appointed Senators Wojahn, Lee and Barr and Representatives Basich, Chandler and Walker as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President appointed Senators Hansen, Craswell, Fleming and Bluechel and Representatives Appelwick, Cantwell, Barnes and Holland to escort Governor Booth Gardner from his office to a seat on the rostrum.

The President introduced the Supreme Court Justices and the State Elected Officials.

The President introduced Governor Booth Gardner.

STATE OF THE STATE ADDRESS
BY GOVERNOR BOOTH GARDNER

Governor Gardner: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished Justices of the Supreme Court, members of the Legislature, honored elected officials and fellow citizens of the state of Washington. Tonight marks the beginning of my fourth year on the job. The long hours that come with this job seldom give you the time you'd like to have with your family. I am fortunate to have an understanding and equally hardworking partner, my wife Jean. She is co-chairing the Centennial Celebration with Secretary of State Ralph Munro, and devoting countless hours to improving the quality of children's television and family viewing practices. I don't say it often enough, but I'll say it tonight, "Thank you, Jean, this job would be impossible without you."

"In six days, our state will join the nation in celebrating the birthday of a truly great American. Dr. Martin Luther King never held public office. He was not interested in accumulating wealth. He had something much greater, much stronger than position or riches—he had a dream, and an unparalleled ability to articulate that dream. His dream was dedicated to the ideals of freedom and justice for all. It was a dream based on his desire to leave the world a better place for our children.

"Let us use the occasion of Dr. King's 59th birthday, not only to remember the man and his many contributions, but also to rededicate ourselves to a common purpose. Let us use this opportunity to remember the importance of having a dream—a vision that we use to measure all of our actions—an overriding vision, like Dr. King's, that places children at the top of this state's social agenda. Many children are at serious risk today because the structure that historically supports them—family, education and the economy—is undergoing dramatic change. We must make sure that our children are not victims of this change.

"Which brings me to tonight's topic, my vision for Washington's future, a future that is only as healthy and as bright as our children. It is a vision that is probably shared by everyone of us in this room. I dream of an education system that is the finest in the world, of a safe and clean environment, of a government that is a waste-free service organization, one that can provide vital services wherever they are needed. I hope for a business climate that offers employment to every citizen that wants a job, because the best welfare program is a job. I hope for a strengthening of the family, because the best social service system in the world is a strong, healthy family.

"This isn't just my dream; it's the dream of people throughout this state. In Othello and Sedro Woolley, Sunnyside and Port Angeles, and countless other communities across our state, I have heard people articulate this dream. From the day care center operator in Mt. Vernon, struggling to make ends meet, to the unemployed logger in Raymond wanting to go back to work, to a farmer in Ritzville with bushels of surplus wheat on the ground, I have heard this dream. We all have different needs and aspirations, but there is one dream, one concern we all share. That is a concern for our children, an overwhelming desire to provide them with an even richer quality of life and greater opportunity to succeed, than we enjoy today. Achieving this dream will take time and effort, cooperation and commitment. Here in Washington, we are blessed with a solid foundation for making our dreams a reality.

"Tonight, I'm going to give you an open appraisal of the state of our state. On balance, we are in fairly good economic condition. I say on balance, because there is both good and bad. There is still hunger, poverty and illiteracy in Washington. Walk the streets of any city in this state, visit a crowded mission, go to a mill town where they have twenty percent unemployment, and you will better understand that the challenge of offering the American dream to every citizen is still a distant goal. We have thirty-nine counties in this state. Twenty-one, over half, meet the definition of 'economically distressed areas.' In Washington, D.C., those numbers are statistics. In Washington State, those numbers represent real human beings, with real human needs. The challenge is to help provide the opportunity for every one of us to make the most of our lives.

"There is reason for optimism tonight. Statewide employment in 1987 hit an all-time high. For the first time in our state's history, we employ over two million people. Unemployment hit its lowest annual average since 1980. The timber industry is once again growing, and our aerospace industry is coming off a record breaking year. Despite growing national trade deficits, our exports are up. Our number one industry, agriculture, is coming off a generally good year and the promise of an even better year in 1988 is on the horizon. Washington farmers are diversifying their crops and are finding new markets in Asia and around the world. Finally, we have a developing advanced technology industry that is rapidly moving Washington to the cutting edge of world research and technology--technologies that will not only provide more jobs, but have a major influence in keeping our natural resource industries, like timber and agriculture, competitive.

"Those are a few of the reasons why I speak with optimism tonight, but much of my optimism comes as a result of what we've been able to accomplish over the last three years. Accomplishments that were the result of a collective effort by all of us, including legislators, concerned citizens and state employees. Everything we have accomplished has occurred because we were able to replace partisanship with partnership. That continues to be our challenge, to raise the policy debate beyond petty partisanship to a plateau that will allow us to focus on the future. We must find, through debate, discussion and disagreement, a common ground and the courage to do whatever it takes to get us there.

"Since the first day of my administration, I have had three goals, all critical to the future of our state. They are quality education, a clean and safe environment, and economic opportunity for all Washington citizens.

"Education is the fuel that propels democracy. The most important investment a state can make is in its human resources, and the best time to make that investment is at the front end of a person's life. Without quality education, a child faces overwhelming odds against success. It is literally like trying to run a fifty-yard dash with one hundred pound weights on your ankles. You'll be lucky to finish, let alone win. If you find that hard to believe, go down to your local jail, go to your local drug abuse center, go to your welfare office and ask how many of them have a high school diploma. During the past three years, we have embarked on the most ambitious education effort this state has ever seen. We created, funded and then doubled a state early childhood education program for children in poverty, and we reduced class sizes in kindergarten through third grade. We provided funding for dropout prevention, as well as drug and alcohol abuse prevention programs. We've established new competency test requirements and we've increased salaries for beginning teachers. We increased higher education salaries to stop the brain drain from our colleges and universities, and have embarked on the largest construction and renovation program in the history of the community college system. With our ground breaking Schools for the 21st Century program and a higher education master plan, we are establishing a road map that will lead the entire state's education system into the 21st Century.

"We still have a long way to go. Last year was not the end of our educational improvement efforts. It was a tremendous beginning to a long-term effort which, we all hope, will lead to the day when our school system is the best in the country. Our children must leave our school system with the ability to think critically and self teach. Further, we must instill in our children a respect for human dignity, give them a sense of history, explain to them the responsibilities of living in a democracy, and make sure that they recognize the importance of honesty, integrity and hard work. Our future as a state is only as bright as our children. That's why we put education in its rightful position as the number-one priority.

"Washington is probably the most environmentally conscious state in the country and the reason is as obvious as Mount Rainier. Our natural environment is one of the most breathtaking in the world. It is an environment that is critical to our quality of life, to our economy and to our future, but it is a natural heritage at constant risk. For too long, the environment was taken for granted. Raw sewage was poured into our waterways, chemicals were used on our forests and fields without discretion, and garbage was dumped wherever it was convenient. Now, we recognize that those practices have endangered our way of life.

"Today, we are taking swift and sure action to turn the tide on yesterday's environmental mistakes. Through careful planning, we can balance economic goals and environmental protection, but when balancing the two concerns, the scale must always tip in the direction of the environment. We owe that to our children.

"We have achieved many environmental successes. We have established ongoing financing to clean and protect our state's valuable water resources--from Puget Sound to the Spokane Aquifer. We have established a state superfund law which is expediting cleanup of hundreds of hazardous waste hotspots all over Washington and, even more importantly, the bill funds a prevention program that will enable us to avoid new hazardous waste problems in the years to come. We have reached an historic timber, fish and wildlife agreement--an alliance among environmentalists, fishing interests, the timber industry and Indian tribes to protect and improve our rivers, our streams and our wildlife. With a strong, unified voice, we helped persuade the federal government to take Washington off their list as a site for the nation's high-level nuclear waste repository.

"Economic development--every single one of our economic development programs is based on one simple truth, 'Washington won't work, if her people aren't working.' We've created a welfare reform program for family independence which is the model in this country, one that will improve the lives of countless children in poverty and give their parents the dignity and economic stability of employment. I am pleased to report that the program was approved by Congress, the only state program approved by Congress, and with the help of this Legislature, the Family Independence Program will begin on schedule later this year.

"We authorized and have begun work on agricultural trade centers in Spokane and Yakima and we have significantly expanded our efforts to market Washington products abroad. We have created economic development incentives for businesses, in-state as well as out-of-state incentives that have already led to investments in areas such as Anacortes, Goldendale, Longview, Pend Oreille County, Port Angeles, Chehalis, and many other communities across the state--investments which have saved or created jobs--jobs that preserve the stability for countless Washington families.

"In addition to these successes, we have made other gains in other areas. The Legislature created a pilot health-care program for those who cannot afford health-care coverage, the first program of its kind in this country. We have improved consumer protection laws and strengthened penalties for numerous crimes from drunk driving to child abuse and we will continue to strengthen them. We have also taken numerous steps to cut waste out of government. One simple fact, if we are to effectively provide critical services in the years to come, we must spend the taxpayers' money as wisely and as efficiently as possible.

"I could spend this entire speech listing other steps we've taken to improve government services and efficiency. Instead, I've given each legislator a list of some of our major improvement efforts over the last three years and I extend an invitation to everyone watching tonight to write or call my office for your own copy. These accomplishments make an impressive foundation for our future. Our challenge is to continue building on that foundation and to do so within existing revenues.

"During this session, I am proposing that we increase penalties for sex crimes involving children, including child rape. The bill recognizes that many criminals don't use force to intimidate a defenseless child into a sex act. This legislation is a moral imperative for 1988. Further, I'm asking the Legislature for one million dollars to finance AIDS education in our schools, other public education efforts and to finance case management recommendations that came from the AIDS Task Force. It is absolutely necessary to do all we can, within fiscal reality, to ensure that our children and the general public fully understand this deadly virus.

"I am submitting a bill that will allow the state to supervise intensely some of the most hardened and dangerous criminals, including sex offenders, murderers and drug dealers. Currently, the state has no authority to monitor them after they are released from prison. That must change, and that will change, with the passage of this bill. There are numerous other items that deserve attention this session.

They include the state employees health benefits system, wetlands protection and restoring funds to fight forest fires. Each of these items is important.

"As I mentioned earlier, I spend a great deal of time with private citizens across this state. One thing is clear, they are tired of partisan, squabbling politics. They want a state government that will see beyond the end of its political nose—the next election. They want leaders who are willing to set priorities, to make tough choices and to prepare this state for the future.

"Tonight, let us commit ourselves and this legislative session, to a common purpose, to a general good. Let us judge legislation by how it affects our future as a state. The choices we make during the next few years will dramatically influence Washington's position in the years to come. Let us use the occasion of Washington's Centennial Celebration to reflect upon the past and to redouble our efforts to establish our state as an international trade center for the Pacific. Let us use the Pacific Celebration activities to promote Pacific Rim cultural and political exchanges and international friendship. Let us use our 100th birthday celebration to step up to the challenges that will influence the second century—challenges such as successfully competing in a rapidly expanding global economy.

"We know that to succeed in the 21st Century, we have to have a quality education system, because our kids in this state are not competing against kids from Oregon and Idaho for jobs. They are competing for jobs against children from countries like Japan, Korea, West Germany and Canada. One man who fully understood this challenge was Western Washington University's President, Bob Ross. His vision, his dedication, resulted in Western's recent selection as one of the finest universities in the country. In Bob's memory, I would like to announce tonight the formation of the G. Robert Ross Memorial Scholarship to assist talented community college graduates to recognize their dreams of a four-year college education. I encourage businesses and individuals to join me in contributing to this worthy cause.

"We must develop a viable transportation system in this state. Our traffic problems, which are already interminable, will do nothing but get worse as we progress into the next century. I want to see the day when we can walk down the steps of this building and step onto a mass transit system which will take us to Tacoma, Seattle and beyond. Planning isn't enough. In the not-so-distant future it will be mandatory that we build a rail system that spans most, if not all, of the I-5 corridor.

"We must prepare for a rapidly growing senior citizen population. We must find better ways to utilize the skills, the perspectives that their vast experience provides. Tonight, I want to announce the formation of Washington's Senior Environmental Corps. There is a large reservoir of talented, retired individuals who are committed to the protection of the environment. The Corps would be made up of retired persons willing to serve as park guides, scientific researchers, and visiting teachers in our schools.

"Now, a final challenge, one that I know you've all heard me talk about before, and you'll hear again, it is time we have a reasoned, bipartisan discussion about how this state collects and spends revenue. In other words, tax and spending reform. I don't believe anyone would seriously argue that our current tax system is a good one. Any tax system that puts the greatest burden on those least able to pay is a bad system, and that is exactly what ours does. It discriminates against middle income families and those on fixed incomes.

"Let me give you an example. In Washington State, a person making \$90,000 a year pays approximately three percent of his or her total income in state taxes, while a person making \$20,000 a year pays on the average nine percent. That's unfair, but our tax system is more than unfair. It's a tremendous handicap to our economic development efforts. Think about this for a moment. Before a new business makes a single dollar in this state, we are already collecting taxes from it. That's not right and it is an obvious disincentive for doing business in this state.

"Our tax system has not withstood the test of scrutiny in nearly fifteen years, and that is too long. It is time we take an exhaustive, bipartisan look at that system. Going into the process, there must be no sacred cows. Every part of our current tax system must be placed on the table. Each of us must drop our own personal favorite tax proposal and pledge commitment to a process that leads to reform that is in

everyone's best interest. There should be few restrictions on reform, but I will only support tax reform that meets these standards. We do not use tax reform to raise taxes. Any tax reform package must substantially improve our state's overall business climate and when I say business climate, I'm not talking about corporate profit margins, I'm talking about jobs, new jobs, well-paying jobs. We must squarely address the issue of government spending controls and develop firm limits on tax rates and we must create a system that doesn't require constant tinkering and more and more nuisance taxes.

"Tonight, I ask you to join this debate. Next to a quality education system we can do nothing that will have greater impact on Washington's economic future and that challenge isn't limited to elected officials. It commands the effort of every citizen in this state. Tonight, I ask every person watching to accept that challenge. Don't for one minute believe that you can't impact the direction of this state. You can. The decisions we make during the next few years will in large measure influence our second one hundred years.

"Tonight, by asking you to help me, I'm not suggesting you agree with every element of my agenda. I only ask that you actively participate in a discussion of where we need to go, what we need to do to ensure that our future is bright. We are all Washington citizens. We might not agree on the same path to the future, but we all share a goal of a secure future, a future that provides children an even greater quality of life than we enjoy today—a future that is safe and liveable for all—a future that lives up to Dr. King's dream of equal opportunity for all. To ensure that future, we must leave our children two things—roots and wings. The roots of a strong family, a quality education, a clean environment and economic opportunity, and the wings of dreams and goals and ideals. That's our challenge. I hope you'll help.

"Good night and best wishes for a prosperous 1988."

The President instructed the special committee to escort Governor Gardner to his office.

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

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

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

MOTION

On motion of Representative Ebersole, the Joint Session was dissolved.

The Speaker instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate John A. Cherberg, President Pro Tempore Alan Bluechel, Vice President Pro Tempore Ellen Craswell, Majority Leader Jeannette Hayner and Democratic Leader Larry Vognild from the House Chamber.

The Speaker instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the Senators from the House Chamber.

The Senate was called to order at 6:15 p.m.

MOTION

At 6:15 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 13, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 13, 1988

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Kiskaddon, Moore, Pullen and Williams.

The Sergeant at Arms Color Guard, consisting of Pages Kirsten Bergquist and Jason Weinmeister, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration the following sections of a bill partially vetoed by the Governor, together with a copy of the official veto message of the Governor setting forth his objections to each of the sections as provided by Article III, Section 12, of the Washington State Constitution:

Section 22 of Senate Bill No. 5427, the remainder of which has been designated Chapter 109, Laws of 1987.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this twenty-sixth day of April, 1987.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE GOVERNOR

April 20, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 22, Senate Bill No. 5427, entitled:

"AN ACT Relating to simplifying and clarifying procedures of the department of ecology, local air pollution control authorities, and the pollution control hearings board."

Section 22 of this bill amends RCW 70.107.050 relating to noise pollution penalties. I have signed into law today Substitute Senate Bill No. 5389, entitled:

"AN ACT relating to noise control."

Signing both laws would constitute a double amendment to existing law and create confusion. For this reason, I have vetoed section 22.

With the exception of section 22, Senate Bill No. 5427 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable, President of the Senate
The Legislature of the State of Washington

Olympia, Washington
Mr. President:

We respectfully transmit for your consideration Substitute Senate Bill No. 5088, Senate Bill No. 5956 and Senate Bill No. 6010 which have been vetoed by the Governor, together with the respective veto messages of the Governor setting forth his objections to each of the bills as required by Article III, Section 12, of the Washington State Constitution.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the state of Washington at Olympia, this twenty-first day of May, 1987.

(Seal)

DONALD F. WHITING,
Acting Deputy Secretary of State

MESSAGES FROM THE GOVERNOR

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5088, entitled:

"AN ACT Relating to custodial interference."

This bill would amend criminal provisions relating to custodial interference to include interference with visitation rights. First, while I believe non-custodial parents deserve fair treatment when their visitation rights are abused or denied, I am sensitive to those who are concerned that involving the police in settling non-violent visitation disputes is not the best approach. Police experience has shown that disputes over dates, times and conditions of child visitation are so common that any effort on behalf of the police to respond to calls for assistance in such disputes would very seriously affect police and sheriff department resources and ability to respond to life-threatening and criminal law situations. Police intervention should be reserved for when there are threats to the physical well-being of a child.

Secondly, there are remedies under existing law to protect "relatives", including parents, when their visitation rights are denied.

Third, Substitute House Bill No. 48, the Parenting Act, is intended to improve the way child custody is determined and will provide for an alternative dispute resolution process to settle parental disputes over such concerns as visitation. We need to give this new parenting/custody determination procedure in Substitute House Bill No. 48 a chance to work.

Substitute Senate Bill No. 5088 would also limit the current defense to a prosecution of custodial interference by adding several more conditions, all of which must be met. There are many who are concerned that this amendment narrows the defense to the degree that routine problems that cause a delay in delivering a child would subject parents to unnecessary criminal action. Furthermore, Substitute House Bill No. 48 provides for a civil action for custodial interference if either custodial or non-custodial parents interfere with custody or visitation.

For these reasons, I have vetoed Substitute Senate Bill No. 5088.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5956, entitled:

"AN ACT Relating to the taxation by a county of persons residing outside the state who are employed inside the county."

This bill would permit counties bordering Idaho to impose an excise tax on persons residing outside the state who are employed inside the county. The amount of the tax would be based on actual government service benefits received by such

persons, and the revenues would be allocated to cities and towns. The proposed law would expire if Idaho exempts non-resident common carrier employees from Idaho income taxes.

In short, this bill retaliates against Idaho for taxing the incomes of railroad workers and truckers who pass through the state of Idaho in the course of their business.

I am vetoing this bill for three reasons: First, it is unneighborly for Washington to enact such a retaliatory tax without first engaging in good faith discussions to try to resolve the issue. Second, based on conversations with local government officials, this tax is unlikely to be imposed by Washington counties, even if this bill were to become law. And third, it is unlikely that the technical aspects of implementing such a tax would be feasible, should a county seek to impose the proposed tax.

I have talked with Governor Andrus, and we have agreed to work together to ensure that the issue of taxation of interstate common carrier workers does not become an issue of confrontation between our states. It is my understanding that the Idaho State Legislature has already enacted legislation exempting most interstate truckers from the tax in dispute, and they have expressed a willingness to work cooperatively on any remaining problems. Together we will seek fair tax treatment for Washington and Idaho residents and the elimination of any harassment level of taxation.

For these reasons, Senate Bill No. 5956 is vetoed.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6010, entitled:

"AN ACT Relating to the disposal of hazardous waste pesticides."

Substitute Senate Bill No. 6010 directs the Department of Agriculture to set up the administrative structure necessary to implement a pesticide waste disposal program. For this purpose, the bill allows the department to become licensed as a hazardous waste generator.

Pesticide disposal is a growing problem for the agriculture industry of our state. Allowing the department to become licensed as a hazardous waste generator, however, causes the state to assume the long-term liability for the waste. The costs of this liability have not been well considered and could be substantial. It is also not clear that such an action is necessary or even useful in light of various regulations issued by the Environmental Protection Agency.

In addition, the Department of Energy has recently released the Agricultural Hazardous Waste Study which examines the problem of pesticide disposal. The study raises several issues that should be investigated before we design a statewide collection program.

Finally, funding for all hazardous waste disposal programs has been severely reduced. Although there is funding for this program in the budget approved by the Legislature, I believe other factors cited above are more important and require a veto of Substitute Senate Bill No. 6010.

For these reasons, I have vetoed Substitute Senate Bill No. 6010.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration the following sections of a bill partially vetoed by the Governor, together with a copy of the official veto

message of the Governor setting forth his objections to each of the sections as provided by Article III, Section 12, of the Washington State Constitution:

Sections 143 and 214 of Senate Bill No. 5017, the remainder of which has been designated Chapter 202, Laws of 1987.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this twenty-sixth day of April, 1987.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE GOVERNOR

April 25, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 143 and 214, Senate Bill No. 5017, entitled:

"AN ACT Relating to conforming the statutes involving district courts to reflect modern terminology and practices."

Sections 143 and 214 are identical to sections 4 and 18 of Senate Bill No. 5015. Since I have signed Senate Bill No. 5015, sections 143 and 214 of this bill are duplicative.

With the exceptions of sections 143 and 214, Senate Bill No. 5017 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the respective veto messages of the Governor setting forth his objections to the sections of each of the bills as provided by Article III, Section 12, of the Washington State Constitution:

Section 1(2) of Substitute Senate Bill No. 5113, the remainder of which has been designated Chapter 310, Laws of 1987.

Sections 11, 16, 21(6) and 21(9) of Substitute Senate Bill No. 5124, the remainder of which has been designated Chapter 311, Laws of 1987.

Section 3 of Substitute Senate Bill No. 5206, the remainder of which has been designated Chapter 323, Laws of 1987.

Sections 4 and 5 of Substitute Senate Bill No. 5608, the remainder of which has been designated Chapter 335, Laws of 1987.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this thirteenth day of May, 1987.

(Seal)

LAURA ECKERT, Assistant Secretary of State

MESSAGES FROM THE GOVERNOR

May 11, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(2), Substitute Senate Bill No. 5113, entitled:

"AN ACT Relating to motor vehicle passenger safety device usage."

Substitute Senate Bill No. 5113 in section 1(1) provides that any anticipated change in losses that may be attributed to usage of seatbelts, child restraints, and

other lifesaving devices should be reflected in the credits or discounts provided by automobile insurers. I endorse this idea.

Section 1(2) involves a double amendment and duplication to Substitute House Bill No. 920, section 1(3) and is identical. I have therefore vetoed section 1(2) to avoid duplication in the statute.

With the exception of section 1(2), Substitute Senate Bill No. 5113 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 11, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 11, 16, 21(6) and 21(9), Substitute Senate Bill No. 5124, entitled:

"AN ACT Relating to impoundment and disposition of unauthorized, abandoned, junk, and other vehicles."

Sections 11, 16, 21(6) and 21(9) conflict with amendments to RCW 46.61.567, 46.55.170, RCW 46.61.563 and RCW 46.61.567, respectively, contained in sections 744, 741, 743 and 744 of Substitute House Bill No. 454. These sections are not vetoed for their substance, but are vetoed to avoid confusion with Substitute House Bill No. 454. Substitute Senate Bill No. 5124 specifies certain duties to be carried out by the state commission on equipment. The state commission on equipment is abolished under Substitute House Bill No. 454 and the commission's responsibilities are transferred to the Washington State Patrol.

References are made to the state commission on equipment in sections 11 and 16 of Substitute Senate Bill No. 5124. Substitute House Bill No. 454 establishes the Legislature's clear intention that the Washington State Patrol, and not the state commission on equipment, carry out the responsibilities set forth in the above-referenced sections of Substitute Senate Bill No. 5124.

With the exception of sections 11, 16, 21(6) and 21(9), Substitute Senate Bill No. 5124 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 12, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute Senate Bill No. 5206 entitled:

"AN ACT Relating to superior court judges."

Section 3 of this bill requires the office of the administrator for the courts to conduct a weighted caseload analysis of Superior and District Court judge positions. Duplicate language is contained in section 6 of Engrossed Substitute House Bill No. 217.

With the exception of section 3, Substitute Senate Bill No. 5206 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 12, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to two sections, Substitute Senate Bill No. 5608 entitled:

"AN ACT Relating to abused and injured animals."

The bill amends the cruelty to animals statutes to allow law enforcement officials to remove an animal for a medical examination to determine if the animal is neglected and in need of restoration. The bill also prescribes penalties for violations of these statutes.

Sections 4 and 5, amendments to the original bill, specifically allow dogs to be transported in the open bed of a pickup truck. Current statute allows this to occur

but requires that the animal be suitably harnessed or otherwise protected from falling or being thrown from the vehicle. Testimony before the House pointed out that nationally every year over 100,000 dogs die after being thrown from pickup truck beds. In keeping with the intent of the bill to encourage humane treatment of animals, I am vetoing sections 4 and 5.

With the exception of sections 4 and 5, Substitute Senate Bill No. 5608 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration the following sections of a bill partially vetoed by the Governor, together with a copy of the official veto message of the Governor setting forth his objections to each of the sections as provided by Article III, Section 12, of the Washington State Constitution:

Section 601 of Substitute Senate Bill No. 6048, the remainder of which has been designated Chapter 212, Laws of 1987.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this thirtieth day of April, 1987.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE GOVERNOR

April 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 601, Substitute Senate Bill No. 6048, entitled:

"AN ACT Relating to mandatory arbitration."

Substitute Senate Bill No. 6048 makes a number of technical and substantive changes to the Tort Reform Act of 1986.

Section 601 requires the state Risk Manager to conduct or contract for a feasibility study on the cost and benefits of the State of Washington providing excess liability and property insurance to political subdivisions of the state. No appropriation is provided for this study and the Risk Manager currently faces the possibility of budgetary reductions. In order to conduct the study, it would require an experienced actuary and such personnel are not available on staff.

Also, local governments currently have the opportunity of establishing joint cooperative self-insurance funds under the provisions of RCW 48.62. I would encourage them to pursue the possibilities of establishing excess coverage through such a mechanism in a joint cooperative effort.

With the exception of section 601 and the reference to it in section 1903, Substitute Senate Bill No. 6048 is approved.

Respectfully submitted,
Booth Gardner, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the official veto messages of

the Governor setting forth his objections to the sections or items of each of the bills as required by Article III, Section 12, of the Washington State Constitution:

Section 5 of Engrossed Substitute Senate Bill No. 5850, the remainder of which has been designated Chapter 397, Laws of 1987;

Section 2 of Engrossed Substitute Senate Bill No. 5143, the remainder of which has been designated Chapter 404, Laws of 1987;

Section 5 of Engrossed Substitute Senate Bill No. 5857, the remainder of which has been designated Chapter 416, Laws of 1987;

Section 2 of Substitute Senate Bill No. 5846, the remainder of which has been designated Chapter 427, Laws of 1987;

A portion of section 10(6) of Engrossed Second Substitute Senate Bill No. 5074, the remainder of which has been designated Chapter 439, Laws of 1987;

Sections 2(5) and 15(9) of Engrossed Substitute Senate Bill No. 5299, the remainder of which has been designated Chapter 443, Laws of 1987;

Section 4 of Substitute Senate Bill No. 5123, the remainder of which has been designated Chapter 469, Laws of 1987;

Sections 1, 2, 3, 4 in part, and 12 of Senate Bill No. 5739, the remainder of which has been designated Chapter 471, Laws of 1987;

Sections 18 of Substitute Senate Bill No. 5911, the remainder of which has been designated Chapter 472, Laws of 1987;

Sections 2(2)(g) and 12 of Substitute Senate Bill No. 5606, the remainder of which has been designated Chapter 502, Laws of 1987;

Section 23 of Second Substitute Senate Bill No. 5555, the remainder of which has been designated Chapter 504, Laws of 1987;

Section 1 of Senate Bill No. 6053, the remainder of which has been designated Chapter 508, Laws of 1987;

The second paragraph of section 1 and all of section 3 of Engrossed Substitute Senate Bill No. 5801, the remainder of which has been designated Chapter 515, Laws of 1987;

Sections 10 and 14 of Engrossed Senate Bill No. 5556, the remainder of which has been designated Chapter 523, Laws of 1987;

Sections 7 and 8 of Engrossed Second Substitute Senate Bill No. 5659, the remainder of which has been designated Chapter 524, Laws of 1987;

Sections 117 through 122, 219, 221 through 224, 229 through 232 and 302 of Substitute Senate Bill No. 5479, the remainder of which has been designated Chapter 525, Laws of 1987;

Section 8 of Engrossed Substitute Senate Bill No. 5570, the remainder of which has been designated Chapter 528, Laws of 1987;

Section 10 of Engrossed Substitute Senate Bill No. 5901, the remainder of which has been designated Chapter 8, Laws of 1987, First Special Session;

Sections 8(9), 9, and 10 of Engrossed Substitute Senate Bill No. 6016, the remainder of which has been designated Chapter 9, Laws of 1987, First Special Session;

Sections 9(4), 10(4), 25(2) and 41 of Engrossed Substitute Senate Bill No. 6076, the remainder of which has been designated Chapter 10, Laws of 1987, First Special Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington at Olympia, this eleventh day of January, 1988.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGES FROM THE GOVERNOR

May 15, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, with my approval as to section 5, Engrossed Substitute Senate Bill No. 5850, entitled:

"AN ACT Relating to traffic infractions."

Section 5 of the bill directs the Department of Licensing to suspend individuals with two or more "failures to appear" on their record. Substitute Senate Bill No. 5061, which I have already signed into law, contains a similar provision. It allows the arrest and conviction of a person with two or more charges of "failure to appear" on his or her driving record in any four-year period from a traffic infraction. It also grants the officer the authority to arrest the person on the spot after receiving radio verification of their driving record from the Department of Licensing.

We have addressed this issue in two different ways in two separate bills. In order to avoid confusion and additional administrative cost to the public and state, I have vetoed section 5. The provisions contained in Substitute Senate Bill No. 5061 will have a much greater impact on this problem without a negative fiscal impact.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5850 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed Substitute Senate Bill No. 5143, entitled:

"AN ACT Relating to exemption from public disclosure of the contents of public employment applications and the addresses and telephone numbers of natural persons."

This bill adds provisions to the public disclosure law to exempt from public inspection and copying applications for public employment, residential addresses and telephone numbers of employees and volunteers of a public agency, and residential addresses and telephone numbers of public utility customers. A separate section makes public employment and applications materials if the application is for an executive position.

I support the exemptions from disclosure for residential addresses and telephone numbers. Concerns have been raised regarding public safety where such information is available to the public. There appears to be no compelling public policy reason why this personal information should be generally available.

Under state law, personal information regarding public employees maintained in public agency files, is not disclosable if disclosure violates a right to privacy. Further, the Open Public Meetings Act (Chapter 42.30 RCW) allows public entities to evaluate qualifications of an applicant for public employment in an executive session, so long as the final hiring and salary setting is done in an open meeting. This bill would specifically exempt public employment applications, resumes and other materials submitted from disclosure, unless the application is for an executive position.

Section 2 of the bill causes particular concern to me given the broad access to information about executive position job applicants. It would require disclosure of "all applications and resumes" of executive position applicants. Applications and resumes for this level of position by their nature must be very complete and thorough.

Most top executives are reluctant to jeopardize their present employment position and, more importantly, the relationships that go with that position, which would result from publicizing their application for another position. The disclosure requirement would seriously impact the size and, more importantly, the quality of the pool of applicants. I believe this is true of both the business world as well as the public sector world of executive employment.

I have vetoed section 2 because it will frustrate efforts by public elected and appointed officials and managers to recruit and hire the best at all levels of government. I remain committed to trying to attract the best people to public employment and feel this section would only frustrate the efforts of the many elected officials and managers who share this goal.

With the exception of section 2, Engrossed Substitute Senate Bill No. 5143 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Substitute Senate Bill No. 5857, entitled:

"AN ACT Relating to the professional discipline of physicians."

I support this legislation which develops a rehabilitation program for health care professionals impaired by alcohol or drugs. Section 5, however, restricts the ability of the Department of Licensing to provide the best possible protection to the public. By limiting the use of the committee's records in legal proceedings, it would prohibit the Medical Disciplinary Board from being able to use the records when a physician had failed to cooperate or complete a treatment program. This would pose an unnecessary threat to the consumer. Section 6, which I am leaving in the bill, does protect the physician from general public disclosure.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5857 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5846 entitled:

"AN ACT Relating to boating safety."

This measure would have the Parks and Recreation Commission undertake some additional duties with respect to boating safety on this state's waters.

I have vetoed section 2 which creates a new statutory advisory committee. After reviewing this matter, I find that the purposes and functions of this bill can be fulfilled without creating, in statute, an additional advisory body.

With the exception of section 2, Substitute Senate Bill No. 5846 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of section 10(6), Engrossed Second Substitute Senate Bill No. 5074 entitled:

"AN ACT Relating to mental health."

I support the revisions of the involuntary commitment procedures. They will provide a more comprehensive approach to the treatment of mentally-ill adults in intensive and less restrictive settings.

However, the last sentence of section 10(6) which reads "In the event of a revocation of a less restrictive alternative treatment, the subsequent treatment period may be no longer than fourteen days", will cause the subsequent treatment period after a revocation to be restricted.

State hospitals would be required to file a new ninety day petition for persons whose original involuntary treatment plan was revoked and who require care beyond the fourteen day period. This would create a significant workload. Additionally, it would require a duplicative hearing process by mandating that a hearing on the new treatment plan be held in addition to the hearing revoking the existing plan.

With the exception of a portion of section 10(6), Engrossed Second Substitute Senate Bill No. 5074 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2(5) and 15(9), Engrossed Substitute Senate Bill No. 5299, entitled:

"AN ACT Relating to massage therapy."

This bill makes a number of changes to the statute relating to the licensing of massage businesses and massage therapists. Sections 2(5) and 15(9) would have the effect, if signed into law, of prohibiting cities and counties from licensing and regulating massage businesses. It is important that local governments are allowed to license and regulate all massage businesses.

While most massage practices provide a valuable and needed service, there is still a need for some local authority over these businesses. The personal contact involved in this type of business brings with it the opportunity for business fronts for criminal activity which require law enforcement attention. Local regulation provides involvement by local officials and citizens who become justifiably concerned about the character of their community.

With the exception of sections 2(5) and 15(9), Engrossed Substitute Senate Bill No. 5299 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5123 entitled:

"AN ACT Relating to highway advertising control."

Section 4 waives the restriction that on-premise signs of facilities advertised on highway information panels extend less than fifteen feet above the roof of the building when those signs are not visible from the rural primary system and scenic system. In addition, these sections allow the Department of Transportation to waive the height restriction on a case-by-case basis even when a sign is visible from the roadway.

The purposes of highway sign restrictions are both safety related and aesthetic. An excess of signs visible from a highway leads to motorist confusion and distracts the driver from full attention to traffic. For this reason, the federal government and the state have adopted standards for the design, placement and purposes of signs in order to minimize unnecessary clutter.

Furthermore, the state has adopted the scenic highway system to "attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to ensure that information in the specific interest of the traveling public is presented safely and effectively" (RCW 47.42.010). To that end, the Legislature has provided guidance to the Department of Transportation for determining which types of signs meet with statutory intent.

Section 4 of this bill attempts to provide the Department with flexibility to meet the needs of businesses located along the state's highway systems. However, by allowing unrestricted waivers from the statutory height requirements, we may eventually thwart the purposes of sign restrictions. Without statutory guidance, the Department of Transportation is left without grounds for denial of waivers and may be forced to grant all such requests. I do not believe this outcome was intended.

With the exception of section 4, Substitute Senate Bill No. 5123 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2, 3, 4 in part, and 12, Senate Bill No. 5739, entitled:

"AN ACT Relating to escrow."

This bill would eliminate in section 1, the \$200,000 fidelity bond requirement for officers and employees engaged in escrow transactions. The complete elimination of a fidelity bond requirement would unnecessarily expose the consumer to substantial losses resulting from any fraudulent or dishonest acts by escrow employees or officers. Even though these bonds presently do not run directly to the public, they provide a financial asset to the corporation which the public can sue. This is particularly important in that many of these escrow businesses are incorporated and the nature of the business does not require any substantial capital assets.

The errors and omissions policy alone, which is required in the amount of \$50,000, would not in many cases be in an amount enough to cover the average home sale transaction, nor by its terms would it cover fraud or dishonesty. The sale of a family residence is often the biggest financial transaction people are likely to be involved with and it is essential that adequate protection be available for those unfortunate cases where a loss results from fraud or dishonesty.

Sections 2, 3, 4 in part, and 12 are vetoed because they merely amend other sections of the chapter to reflect the change made in section 1 which deleted the fidelity bond requirement.

I note that the remaining amendments contained in this bill allow an association comprised of certificated escrow agents to organize a mutual corporation with the consent of the director, for the purpose of insuring or self-insuring against claims arising out of escrow transactions, upon a showing that insurance availability is cost-prohibitive or that such bond or policy is not reasonably available.

With the exception of sections 1, 2, 3, 4 in part, and 12, Senate Bill No. 5739 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 18, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 18, Substitute Senate Bill No. 5911, entitled:

"AN ACT Relating to state government."

This bill establishes natural resource conservation areas and imposes a temporary surcharge of 0.06 percent on the state real estate excise tax, RCW 82.45, to fund acquisition of such areas. This surcharge is repealed effective July 1, 1989.

Additionally, the bill repeals the conveyance tax, RCW 82.20, on real estate property transfers and increases the state real estate excise tax rate by 0.21 percent as a replacement for the conveyance tax revenues. The present state real estate excise tax rate is 1.07 percent and would be increased to 1.34 percent by this bill, including the temporary natural resource conservation surcharge. The bill has an emergency clause and becomes effective on the Governor's signature.

Section 18 affects only sections 14 through 17, which repeal the conveyance tax and increase the rate of the real estate excise tax. If section 18 becomes law, it would require conveyance stamps on old instruments which have previously been processed but were held in escrow for recording at a future date. The loss of revenue by removing this section will be minimal compared to the time, effort and confusion it would create for the public and county treasurers by leaving the provision in the law. It would be very difficult to collect this increased tax on old deeds

where the escrow had been figured on the rate in effect at the time the transaction took place, prior to the effective date of this bill.

With the exception of section 18, Substitute Senate Bill No. 5911 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2(2)(g) and 12, Substitute Senate Bill No. 5606, entitled:

"AN ACT Relating to budget and accounting."

Section 2(2)(g) requires that the Governor's budget document display specific objects of expenditures for major programs. Current practice is to display all objects at the agency level, and selected objects at the program level.

By creating additional statutory requirements, the Legislature will increase the cost and size of what is already a 900-page document. Detailed object information is available from the Office of Financial Management; it is not necessary that this same information be incorporated into the published budget. For these reasons, I am vetoing Section 2(2)(g).

Section 12 specifies that the bill will be effective on August 1, 1987, except for section 7, which is to take effect immediately.

The immediate implementation of section 7 is impractical. Section 7 places restrictions on fund and account deficiencies. The restrictions are complex and comprehensive. Additional time is required to fully implement the provisions of this section. Accordingly, I am vetoing section 12 so that the entire bill will become effective 90 days after the adjournment of the regular session.

With the exceptions of sections 2(2)(g) and 12, Substitute Senate Bill No. 5606 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Second Substitute Senate Bill No. 5555, entitled:

"AN ACT Relating to state information technology."

Section 23 of this bill would require that a study of state budgets and expenditures for information systems be conducted by the legislative evaluation and accountability program administration. This study would be conducted over a period of two years, while the new Department of Information Services is being formed.

I believe that this section is unnecessary. The Legislature has the general oversight authority for state agencies and may undertake studies of state operations without implementing legislation.

Furthermore, this study would be taking place while a great many changes are made in the organization of state information systems, as required by the remainder of this bill. It may be more difficult to get accurate baseline data during this period than at other times. To ensure that the Legislature is fully informed about the development and operations of this new agency, I will be instructing its director to make periodic reports to appropriate legislative committees.

With the exception of section 23, Second Substitute Senate Bill No. 5555 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6053, entitled:

AN ACT Relating to educational service districts."

Section 1 of this bill would allow Educational Service Districts to borrow money to purchase real or personal property for their operations.

Educational Service Districts are not local entities and are not accountable to local constituencies. They are agencies with no guaranteed source of income or revenue with which to secure borrowed funds. The primary source of revenue for Educational Service Districts comes from local school district participation. School districts do have accountability to local constituencies. They also have the authority to borrow funds, and could do so cooperatively in support of Educational Service Districts, should such a need arise.

With the exception of section 1, Senate Bill No. 6053 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to the second paragraph of section 1 and all of section 3, Engrossed Substitute Senate Bill No. 5801, entitled:

"AN ACT Relating to industrial insurance."

This bill would change the rules under which certain firefighters and law enforcement officers may qualify for workers' compensation benefits when they suffer from respiratory disease or have heart attacks. It stipulates that for those firefighters under the LEOFF II pension system, respiratory disease will be presumed to be job related, unless the employer can prove otherwise. It also changes the definition of injury for LEOFF II firefighters and police officers. They would no longer have to prove that a heart attack was due to unusual exertion on the job to qualify for workers' compensation.

I recognize the need to ease the burden of proof required for firefighters who contract respiratory diseases. The establishment of a rebuttable presumption that a respiratory disease is occupationally related for those employees will address a major problem for those who incur legitimate work place respiratory diseases.

However, I do not believe that it is appropriate to change the definition of injury, as proposed in the second paragraph of section 1 and affected in section 3, so that a heart attack is presumed to be job related. While the definition of injury has been the topic of considerable study and discussion for the past two years, there is no conclusive evidence to demonstrate that there is a higher incidence of job-related heart problems in firefighters and law enforcement officers than those in other professions.

With the exception of second paragraph of section 1 and all of section 3, Engrossed Substitute Senate Bill No. 5801 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10 and 14, Engrossed Senate Bill No. 5556, entitled:

"AN ACT Relating to flood control."

Section 10 is a technical amendment to a section of the code that was repealed by Senate Bill 5427, already signed into law. I have eliminated this section of the bill to avoid confusion.

Section 14 would allow the Department of Ecology to grant an exemption for certain towns from statutory prohibitions against some types of construction and rehabilitation within designated floodways. Section 4 of the bill includes language that allows repairs, reconstruction and improvements to an existing structure. Since the state supplements the national flood insurance program, any exemptions from

this prohibition that go beyond the examples allowed under section 4 would represent a needless risk of public funds.

With the exception of sections 10 and 14, Engrossed Senate Bill No. 5556 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 7 and 8, Engrossed Second Substitute Senate Bill No. 5659, entitled:

"AN ACT Relating to child protective services."

This bill is the result of a lot of hard work by legislators and citizens to improve protective services for the children of our state. However, Section 7, which amends RCW 13.34.190, would allow the Department of Social and Health Services to terminate parental custody in any case having dependency status with the department. Department of Social and Health Services does not seek this greater authority. This is a technical error that the Legislature did not intend to make. If passed, this section would result in all dependency cases being held until this language could be changed. Therefore, I have vetoed section 7 of Engrossed Second Substitute Senate Bill No. 5659 to preserve current law.

Section 8 of Engrossed Second Substitute Senate Bill No. 5659 amends RCW 26.44.010. It articulates the paramount goal of child protective services as being the safety of the child. However, the impact of this language is receiving vastly different interpretations by attorneys, child advocates and legislators.

It is clear that in the past year, child protective service workers have become increasingly aware of the need to put the welfare of the child above all other concerns. I feel confident that no matter what language is put in this section, those workers are putting the needs of children first. The confusion surrounding this language compels me to recommend that in the interim the interested parties come together and agree on what the best standard is for guiding protective services in safeguarding the general welfare of children. For this reason, I have vetoed section 8 of Engrossed Second Substitute Senate Bill No. 5659.

With the exception of sections 7 and 8, Engrossed Second Substitute Senate Bill No. 5659 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval as to sections 117 through 122, 219, 221 through 224, 229 through 232, and 302, Engrossed Substitute Senate Bill No. 5479 entitled:

"AN ACT Relating to improving the educational system."

This measure was introduced at my request. Its provisions provide for enhanced teacher preparation standards and a pilot school program. These measures are intended to improve teaching to meet the needs of children who must live in the challenging economy of the 21st century.

A number of amendments which created new programs were added to this bill during the legislative process. While I believe most of these programs are meritorious, I am vetoing those for which the legislature provided no funding. Adding unfunded programs to substantive law gives false hope to those who would benefit from them. For this reason, I have vetoed sections which would have created a primary block education program (sections 117 through 122), a principals' academy (sections 219, 221 through 224), and an award program for teacher preparation (sections 229 through 232).

In addition, I vetoed section 302 which requires the Superintendent of Public Instruction to create a paperwork reduction task force. This provision duplicates

paperwork reduction duties already existing in the Basic Education Act and, thus, contributes only a statutory requirement for a task force. I am confident that the Superintendent can meet his paperwork reduction responsibilities without this provision.

With the exception of sections 117 through 122, 219, 221 through 224, 229 through 232 and 302 which I have vetoed, Engrossed Substitute Senate Bill No. 5479 is approved.

Respectfully submitted,
Booth Gardner, Governor

May 19, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Engrossed Substitute Senate Bill No. 5570, entitled:

"AN ACT Relating to disposal of incinerator ash residues."

This legislation would exempt municipal solid waste incinerator ash residue from the state's hazardous waste law and create a new category of waste and a new regulatory procedure.

Section 8 of the bill would allow any aggrieved person to bring an action in law or equity to the pollution control hearings board related to this new regulatory process. Currently, the board only hears appeals from department orders, permits, penalties, and other decisions. The language of this section could potentially confer new jurisdiction by allowing persons who feel the department is not processing permits or adopting regulations pursuant to this bill as it should to seek relief from the board rather than through the state court system.

The intent of this section was to assure a route for citizen appeals. A route for citizen appeals of any department decision exists in section 10 of Senate Bill No. 5427, already signed into law. Thus, elimination of this section does not affect the ability of citizens to challenge the department's decisions. For this reason, I have vetoed section 8.

I am concerned that a wholesale exemption of a category of waste from the hazardous waste law could set a bad precedent and send an incorrect message by implying that the door is open for exempting other categories of hazardous waste. The toxicity of a waste, and thus, viable alternatives for its safe disposal should be determined on the basis of scientific tests. Because of these factors, I am signing this legislation reluctantly.

In developing the rules, regulations and policies necessary to implement Engrossed Substitute Senate Bill No. 5570, I am asking the Department of Ecology to give primary emphasis to the long-term protection of public health and environmental values. The Department also needs to develop effective disposal alternatives and address such issues as the risk of mixing fly and disposal ash, immobilizing ash and transportation.

With the exception of section 8, Engrossed Substitute Senate Bill No. 5570 is approved.

Respectfully submitted,
Booth Gardner, Governor

June 12, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Engrossed Substitute Senate Bill No. 5901, entitled:

"An Act Relating to fiscal matters."

The main thrust of this legislation provides additional programmatic and budgetary authorities for the State Convention and Trade Center that are necessary to ensure the timely completion of its construction and its fiscally responsible operation. I support the intent and purpose of these sections of the bill.

As a technical matter, I am vetoing section 10 of this bill, which repeals section 317 — an appropriation for convention center operations — in Engrossed Substitute

House Bill No. 1221, the 1987-89 biennial state budget bill. I am taking separate action to veto section 317 of Engrossed Substitute House Bill No. 1221. Thus, the more current appropriation language contained in this bill, Engrossed Substitute Senate Bill No. 5901, should and will go into effect.

As a separate issue, I have received certain requests to veto sections 7 and 8 of this bill. These sections impose additional conditions on the use of proceeds from two special purpose taxes which the Legislature previously has authorized the City of Bellevue to levy on hotel room sales. The conditions would prohibit the use of those proceeds to finance construction of a facility to house a professional sports team.

This issue arises, in part, as a legislative response to the City of Bellevue's current consideration of a plan to develop a major downtown civic complex, including possibly an arena that could be utilized in the future by the Seattle Supersonics professional basketball team. The Supersonics have several years remaining in their lease at the Seattle Center Coliseum, which is owned and managed by the City of Seattle. However, the Supersonics have recently expressed their potential interest in developing and utilizing a new arena somewhere in the Central Puget Sound region.

The City of Bellevue has not yet made a final decision on whether, or how, it will proceed to develop the project. However, the City would like, in the event that it decides to proceed, to be able to use its portion of state authorized hotel tax proceeds to help finance such a civic complex, including a possible arena. On the other hand, sections 7 and 8 of Engrossed Substitute Senate Bill No. 5901 are a clear statement from the Legislature that it is not appropriate for the proceeds from Bellevue's state-authorized hotel tax to be used to construct a public arena that becomes part of a competition among jurisdictions in the region to secure an existing professional sports franchise tenant.

The question has been raised as to whether prohibiting the City's use of hotel tax proceeds in this manner constitutes an unwarranted state intrusion into local government affairs. After careful consideration, I have concluded that sections 7 and 8 represent the Legislature's further clarification of its intent concerning the use of special purpose hotel tax revenues. I agree with that intent. Therefore, I am signing Engrossed Substitute Senate Bill No. 5901 leaving sections 7 and 8 intact.

I have reached my conclusions on the appropriateness of retaining sections 7 and 8 based on several considerations. First of all, it is the Legislature which authorizes these special purpose hotel taxes that local governments may levy. Further, one of the two special hotel taxes at issue is Bellevue's 2% levy, which is a credit against the state's 6.5% sales tax. In this case, the state is authorizing Bellevue to collect a local tax which would otherwise be revenue to the State General Fund. Also, the Legislature has modified the local authority to levy these taxes, or has imposed new conditions on their use, frequently since original enactment twenty years ago. The most recent such change prior to this year was during the 1986 session. The Legislature then modified King County's authority to use proceeds from its 2% hotel tax, which is also a credit against the state sales tax, in order to provide subsidies in the Kingdome's leases with professional sports teams. Other new conditions were also imposed. In this later instance, the Legislature became highly sensitized to the issue of public subsidies to professional sports franchises through lease concessions in publicly-owned facilities.

I also have concerns about the potential impact a new taxpayer-financed arena would have on other existing taxpayer-financed facilities in the region. I also concur with the Sonics professional basketball team, whose officers have said that, should they decide they need a new facility, they would prefer to develop one as a totally private venture.

Bellevue officials have indicated that they may pursue construction of such a facility in spite of the prohibitions in sections 7 and 8 in Engrossed Substitute Senate Bill No. 5901. However, I am encouraged that discussions on this issue are involving public officials from throughout the region to consider the regional impact of such a decision. The parties at interest may need to bring this issue back before the Legislature next year.

With the exception of section 10, Engrossed Substitute Senate Bill No. 5901 is approved.

Respectfully submitted,
Booth Gardner, Governor

June 12, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 8(9), 9 and 10, Engrossed Substitute Senate Bill No. 6016, entitled:

"AN ACT Relating to transportation revenue and taxation."

Section 8(9), Page 12, Transfer of Excess Mass Transit funds

This section would require, beginning with the 1989-91 biennium, that unmatched local mass transit funds be transferred into the Puget Sound Ferry Operations Account. These unmatched funds have historically reverted to the General Fund. The June 30, 1989 sunset clause on the .1% MVET increase which is dedicated to ferry systems operations creates a need in the 1989-91 biennium for additional funding. Given the demands the operating budget places on the General Fund in future biennia, this transfer is not fiscally responsible.

Section 9 and 10, Page 12, Ferry System Fuel Tax Exemption

These sections exempt the ferry system from paying the fuel tax. This exemption has a biennial fiscal impact of \$1 million on the General Fund. The funding to pay the fuel tax is in the Department of Transportation 1987-89 budget.

With the exception of sections 8(9), 9 and 10, Engrossed Substitute Senate Bill No. 6016 is approved.

Respectfully submitted,
Booth Gardner, Governor

June 12, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 9(4), 10(4), 25(2) and 41, Engrossed Substitute Senate Bill No. 6076, entitled:

"AN ACT Relating to transportation appropriations."

Section 9(4), Page 3, Curbstone Program

This section, while not prescriptive, allows for expansion of the "Curbstone" program. The numbers and language are contradictory in that the amount identified for expansion erroneously includes the base, while expenditures are limited to funding source revenues, which would not be sufficient to support the specified expansion.

Section 10(4), Page 4, Public Safety and Education Account Transfer

This section transfers funds out of the Public Safety and Education Account into the Highway Safety Fund. In recent years, the legislature has expressed a desire for an open process in determining the levels of appropriations to various agencies from the Public Safety and Education Account. This transfer circumvents that process by dedicating a portion of the revenues accrued to the Public Safety and Education Account to the Highway Safety Fund. Also, the amount developed in the March, 1987, forecast is less than the amount appropriated, which appears to be unintended and could result in the account being over-extended.

Section 25(2), Page 11, Increased Appropriation for Highway Stores

This section allows the Department of Transportation's appropriation to be increased by an unspecified amount. This is in violation of Article 8, section 4 of the Constitution because it fails to distinctly specify the amount of the appropriation.

Section 41, Page 20, Service Fund Charges

This section puts caps on revolving fund payments by the Washington State Patrol, the Department of Licensing and the Department of Transportation. The section references assumed budgeted amounts for revolving funds which have not been established. This section creates an inconsistency relative to other state agencies in the matter of revolving fund charges.

With the exception of sections 9(4), 10(4), 25(2) and 41, Engrossed Substitute Senate Bill No. 6076 is approved.

Respectfully submitted,
Booth Gardner, Governor

FURTHER MESSAGES FROM THE GOVERNOR

April 20, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5442, entitled:
"AN ACT Relating to forest fires."

This legislation would direct the Department of Natural Resources to do the following:

"Upon arriving at the scene of a forest fire, the employees or agents of the department shall have the first priority to attempt to extinguish the fire, and attempts to conduct a survey of contiguous property to ascertain the necessity to remove individuals or property from the area of the fire shall be secondary to that responsibility: PROVIDED, HOWEVER, That this requirement does not mean that individuals in immediate danger from the fire may not be assisted."

The legislation appears to be confusing in its direction to the Department of Natural Resources and inconsistent with the normal values we place upon preserving and protecting human life. On a practical level, fighting forest fires is a situational, fast-moving, and complicated job. It may be difficult to predict the speed or direction of a fire or fires, and it is not unusual for several fires to be burning simultaneously. Even though other entities probably have a statutory duty to protect human life, their resources can be very strained and the Department of Natural Resources should always help protect human life. I am sure that we would all feel remorse if this legislation were adopted and subsequently resulted in the loss of human life because our firefighting crews did not feel they should try to protect human life at least on the same level as fighting the forest fire.

Senate Bill No. 5442 is vetoed in its entirety.

Respectfully submitted,
Booth Gardner, Governor

April 20, 1987

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5944, entitled:

"AN ACT Relating to certified public accountants."

This legislation eliminates the continuing education requirement for certified (nonlicensed) public accountants, and allows that category of accountants to use the title of "Certified Public Accountant" or "CPA" if their activities do not require a CPA license.

The certified public accountant statute in our state historically has provided for a two-tier system, "certified" and "licensed." Under current law, only licensed CPAs are authorized to represent themselves to the public as "CPAs." In 1986, the Legislature passed Chapter 295, Laws of 1986, which created an educational requirement for the "certificated" or nonlicensed CPAs.

This legislation removes the continuing education requirement only for the nonlicensed CPAs. Additionally, it allows the same nonlicensed CPAs to represent themselves to the public as "CPAs" as long as they don't practice in subjects reserved for licensed CPAs.

The bill, as it is presently drafted, will confuse the public as far as who is or is not a CPA. Also, it is not in the public interest to remove an educational requirement and at the same time allow the same people to hold themselves out as CPAs in their dealings with the public.

I would hope that the Legislature in future sessions would again address this issue to remove or clarify the differences in the two-tiered system regarding licensed and nonlicensed CPAs and to amend the statute in such a fashion that the

public will not be confused by the differing categories of accountants who are able to use the title "CPA."

Substitute Senate Bill No. 5944 is vetoed in its entirety.

Respectfully submitted,
Booth Gardner, Governor

MOTION

On motion of Senator Newhouse, the Messages from the Secretary of State and from the Governor referring to vetoed and partially vetoed bills were referred to the Committee on Rules.

PARLIAMENTARY INQUIRY

Senator Nelson: "I have a point of parliamentary inquiry, Mr. President. For the record, I would like to inquire whether or not this legislative body can take action on the Governor's vetoes during this session, especially those that have been introduced today?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the Senate can act on the vetoes during this session."

MESSAGE FROM THE HOUSE

January 12, 1988

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4425,

HOUSE CONCURRENT RESOLUTION NO. 4426,

HOUSE CONCURRENT RESOLUTION NO. 4427,

HOUSE CONCURRENT RESOLUTION NO. 4428, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4425,

HOUSE CONCURRENT RESOLUTION NO. 4426,

HOUSE CONCURRENT RESOLUTION NO. 4427,

HOUSE CONCURRENT RESOLUTION NO. 4428.

INTRODUCTION AND FIRST READING

SB 6146 by Senators Pullen, Talmadge, Halsan, McCaslin, Rasmussen, Nelson, Anderson and McMullen

AN ACT Relating to authorizing interception and recording of conversations concerning illegal controlled substances with prior judicial approval and allowing interception and transmission of such conversations without prior judicial approval for the sole purpose of protecting the safety of law enforcement officers; amending RCW 9.73.090; adding new sections to chapter 9.73 RCW; creating new sections; and repealing RCW 9.73.050.

Referred to Committee on Law and Justice.

SB 6147 by Senators Pullen, Niemi, Rasmussen, Craswell and Nelson

AN ACT Relating to revising criminal code definitions; amending RCW 9A.04.110; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6148 by Senators Pullen, Halsan, Garrett, Johnson and Barr

AN ACT Relating to concealed pistol licenses and restriction on dissemination of information applications; amending RCW 9.41.070; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Law and Justice.

SB 6149 by Senator DeJarmatt

AN ACT Relating to vehicular traffic on ocean beaches; amending RCW 43.51.680 and 79.94.360; and adding a new section to chapter 79.94 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6150 by Senators DeJarnatt, Patterson, Owen, Conner, Garrett and Rinehart

AN ACT Relating to spare tires; and amending RCW 46.37.425.

Referred to Committee on Transportation.

SB 6151 by Senator Pullen, Johnson, Rasmussen and Talmadge (by request of Public Disclosure Commission)

AN ACT Relating to campaign finance reporting; amending RCW 42.17.020, 42.17-.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.070, 42.17.080, 42.17.100, 42.17.105, 42.17.125, and 42.17.135; and reenacting and amending RCW 42.17.090.

Referred to Committee on Law and Justice.

SB 6152 by Senators Halsan, Talmadge and Garrett

AN ACT Relating to controlled substances; amending RCW 69.50.505; and creating a new section.

Referred to Committee on Law and Justice.

SB 6153 by Senators Halsan and Pullen

AN ACT Relating to police dogs; and amending RCW 4.24.410, 9A.76.200, and 16.08.080.

Referred to Committee on Law and Justice.

SB 6154 by Senator Bailey

AN ACT Relating to curriculum guidelines; and amending RCW 28A.03.425.

Referred to Committee on Education.

SB 6155 by Senators Bailey, Craswell, Johnson and Barr

AN ACT Relating to school construction; amending RCW 67.70.240; adding a new section to chapter 67.70 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 6156 by Senators Bailey and Craswell

AN ACT Relating to the self-study process by school districts; and amending RCW 28A.58.085.

Referred to Committee on Education.

SB 6157 by Senator Bailey

AN ACT Relating to student learning objectives; and providing an expiration date.

Referred to Committee on Education.

SB 6158 by Senator Bailey

AN ACT Relating to school involvement programs; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 28B.16 RCW.

Referred to Committee on Education.

SB 6159 by Senator Bailey

AN ACT Relating to education.

Referred to Committee on Education.

SB 6160 by Senator Bailey

AN ACT Relating to education.

Referred to Committee on Education.

SB 6161 by Senator Bailey

AN ACT Relating to education.

Referred to Committee on Education.

SB 6162 by Senators Pullen, Talmadge, Zimmerman, Newhouse and Niemi

AN ACT Relating to homesteads; and amending RCW 6.13.080 and 64.32.200.

Referred to Committee on Law and Justice.

SB 6163 by Senators Newhouse, Vognild, Hayner, Benitz, Garrett and Warnke

AN ACT Relating to sales by liquor control board stores; and amending RCW 66.16.080.

Referred to Committee on Economic Development and Labor.

SB 6164 by Senators Talmadge and Conner

AN ACT Relating to firearms; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6165 by Senator Wojahn

AN ACT Relating to burglary; and adding a new section to chapter 9A.52 RCW.

Referred to Committee on Law and Justice.

SB 6166 by Senator Bailey

AN ACT Relating to the teacher assistance program; amending RCW 28A.67.240; adding new sections to chapter 28A.67 RCW; and making an appropriation.

Referred to Committee on Education.

SB 6167 by Senators Nelson and Talmadge

AN ACT Relating to public disclosure; amending RCW 42.17.190; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Law and Justice.

SB 6168 by Senator Pullen

AN ACT Relating to drug testing of amateur athletes; enacting the Betsy O'Halloran freedom and privacy protection act of 1988; adding a new section to chapter 28B.10 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6169 by Senator Pullen

AN ACT Relating to drug testing required by employers; and adding a new chapter to Title 49 RCW.

Referred to Committee on Law and Justice.

SB 6170 by Senator Pullen

AN ACT Relating to drug testing required by employers; and adding a new chapter to Title 49 RCW.

Referred to Committee on Law and Justice.

SB 6171 by Senators Pullen, Talmadge, McCaslin, Nelson and Saling

AN ACT Relating to revising the seriousness level of the crime of statutory rape, creating the crime of child molestation, and revising the statute of limitations therefor; amending RCW 9A.44.100, 9.94A.440, 9A.46.060, 9A.88.030, 13.40.110, and 70.125.030; reenacting and amending RCW 9.94A.030, 9.94A.320, and 9A.04.080; adding new sections to chapter 9A.44 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6172 by Senators Kiskaddon, Talmadge, Bailey and Garrett

AN ACT Relating to reporting violent offenses and child abuse and assault; and amending RCW 9.69.100.

Referred to Committee on Law and Justice.

SB 6173 by Senators Kiskaddon, Wojahn, Deccio, Stratton, Johnson and Barr

AN ACT Relating to a department of health; amending RCW 43.17.010, 43.17.020, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.140, and 43.20A.360; reenacting and amending RCW 43.20.030; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.635, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, and 43.20A.665; and providing an effective date.

Referred to Committee on Health Care and Corrections.

SB 6174 by Senators Kiskaddon, Stratton, Bailey, Pullen and Garrett

AN ACT Relating to abuse and neglect reporting; and reenacting and amending RCW 26.44.030.

Referred to Committee on Children and Family Services.

SB 6175 by Senator Moore

AN ACT Relating to public disclosure of animal research information by state universities; adding a new section to chapter 28B.20 RCW; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on Agriculture.

SB 6176 by Senators Barr, Hansen, Benitz, Anderson and Bailey

AN ACT Relating to creating a uniform seed law; amending RCW 15.14.010; adding new sections to chapter 15.49 RCW; repealing RCW 15.49.010, 15.49.020, 15.49.030, 15.49.035, 15.49.040, 15.49.050, 15.49.060, 15.49.070, 15.49.080, 15.49.090, 15.49.100, 15.49.110, 15.49.120, 15.49.130, 15.49.140, 15.49.150, 15.49.160, 15.49.170, 15.49.180, 15.49.190, 15.49.200, 15.49.210, 15.49.220, 15.49.230, 15.49.240, 15.49.250, 15.49.260, 15.49.270, 15.49.280, 15.49.290, 15.49.300, 15.49.320, and 15.49.340; and providing an effective date.

Referred to Committee on Agriculture.

SB 6177 by Senators Barr, Hansen, Benitz, Anderson, Bailey and Conner

AN ACT Relating to excise tax exemptions for agricultural products; and reenacting and amending RCW 82.04.050.

Referred to Committee on Agriculture.

SB 6178 by Senators Benitz, Barr, Hansen, Anderson, Bailey and Newhouse

AN ACT Relating to the vinifera grape growers' assessment; amending RCW 66.24-.215; and adding new sections to chapter 15.88 RCW.

Referred to Committee on Agriculture.

SB 6179 by Senators Kiskaddon, Talmadge, Bailey, Pullen, Stratton and Saling

AN ACT Relating to visitation rights; and amending RCW 26.10.160.

Referred to Committee on Children and Family Services.

SJR 8219 by Senator Halsan

Providing for limitation of salary adjustments for state elected officials.

Referred to Committee on Governmental Operations.

SJR 8220 by Senator Madsen

Proposing a constitutional amendment creating crime victim's rights.

Referred to Committee on Law and Justice.

MOTION

At 10:13 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:45 a.m. by President Cherberg.

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

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature number 97, originally filed with this office on August 13, 1987. On December 31, 1987, the sponsors of the proposed initiative filed 13,076 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 215,217 signatures.

Accordingly, pursuant to the provisions of Article 2, Section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature number 97 to you at this time. We expect to complete the random sample verification of signatures no later than January 15, 1988, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington at Olympia, this eleventh of January, 1988.

(Seal)

RALPH MUNRO, Secretary of State

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

MOTION

Senator Newhouse moved that the Committee on Rules be relieved of the following listed bills and the bills be referred to the committees as designated:

BILLS TO BE REFERRED FROM RULES TO COMMITTEESENATE BILLS - THIRD READING

ESSB 5025 to Committee on Governmental Operations
 SSB 5031 to Committee on Governmental Operations
 SB 5033 to Committee on Law and Justice
 SB 5036 to Committee on Environment and Natural Resources
 SB 5052 to Committee on Transportation
 SB 5054 to Committee on Law and Justice
 SSB 5055 to Committee on Environment and Natural Resources
 SSB 5065 to Committee on Law and Justice
 SB 5072 to Committee on Environment and Natural Resources
 SSB 5075 to Committee on Environment and Natural Resources
 SB 5076 to Committee on Ways and Means
 SSB 5083 to Committee on Law and Justice
 SB 5084 to Committee on Ways and Means
 E2SSB 5086 to Committee on Ways and Means
 SSB 5115 to Committee Financial Institutions and Insurance
 SB 5116 to Committee on Transportation
 SB 5117 to Committee on Agriculture
 ESSB 5122 to Committee on Environment and Natural Resources
 ESB 5152 to Committee on Ways and Means
 SSB 5157 to Committee on Environment and Natural Resources
 SSB 5158 to Committee on Environment and Natural Resources
 SSB 5165 to Committee on Energy and Utilities
 SSB 5168 to Committee on Agriculture
 SB 5171 to Committee on Transportation
 SSB 5213 to Committee on Energy and Utilities
 SB 5241 to Committee on Ways and Means
 SB 5246 to Committee on Ways and Means
 ESB 5263 to Committee on Education
 SSB 5264 to Committee on Ways and Means

ESSB 5266 to Committee on Ways and Means
SB 5271 to Committee on Ways and Means
SSB 5278 to Committee on Law and Justice
SSB 5280 to Committee on Economic Development and Labor
SB 5282 to Committee on Economic Development and Labor
ESB 5294 to Committee on Economic Development and Labor
ESB 5307 to Committee on Governmental Operations
SSB 5311 to Committee on Environment and Natural Resources
ESSB 5313 to Committee on Education
SB 5320 to Committee on Ways and Means
ESB 5321 to Committee on Ways and Means
SB 5325 to Committee on Transportation
SB 5343 to Committee on Economic Development and Labor
SSB 5345 to Committee on Ways and Means
SB 5355 to Committee on Ways and Means
SSB 5372 to Committee on Energy and Utilities
ESSB 5376 to Committee on Environment and Natural Resources
ESSB 5378 to Committee on Health Care and Corrections
SB 5379 to Committee on Environment and Natural Resources
SB 5382 to Committee on Health Care and Corrections
2SSB 5383 to Committee on Ways and Means
SSB 5387 to Committee on Ways and Means
SSB 5391 to Committee on Transportation
SB 5395 to Committee on Ways and Means
E2SSB 5398 to Committee on Economic Development and Labor
ESSB 5401 to Committee on Health Care and Corrections
SSB 5404 to Committee on Health Care and Corrections
ESB 5422 to Committee on Environment and Natural Resources
SB 5429 to Committee on Higher Education
SSB 5436 to Committee on Economic Development and Labor
SB 5437 to Committee on Ways and Means
SSB 5443 to Committee on Environment and Natural Resources
SB 5450 to Committee on Law and Justice
E2SSB 5452 to Committee on Health Care and Corrections
SSB 5460 to Committee on Law and Justice
SB 5467 to Committee on Health Care and Corrections
ESB 5475 to Committee on Higher Education
ESB 5480 to Committee on Education
SSB 5492 to Committee on Governmental Operations
SB 5500 to Committee on Law and Justice
SSB 5504 to Committee on Economic Development and Labor
SB 5521 to Committee on Ways and Means
ESB 5531 to Committee on Ways and Means
SSB 5544 to Committee on Ways and Means
E2SSB 5553 to Committee on Children and Family Services
ESB 5558 to Committee on Higher Education
SSB 5572 to Committee on Energy and Utilities
SB 5579 to Committee on Ways and Means
ESB 5592 to Committee on Law and Justice
ESSB 5596 to Committee on Law and Justice
SSB 5599 to Committee on Health Care and Corrections
ESSB 5625 to Committee on Education
SSB 5626 to Committee on Education
SB 5631 to Committee on Education
ESSB 5634 to Committee on Law and Justice
SSB 5641 to Committee on Environment and Natural Resources
2SSB 5654 to Committee on Law and Justice
E2SSB 5665 to Committee on Economic Development and Labor
SSB 5682 to Committee on Higher Education
ESSB 5704 to Committee on Financial Institutions and Insurance
ESSB 5720 to Committee on Education

ESSB 5723 to Committee on Ways and Means
 SB 5731 to Committee on Transportation
 ESB 5744 to Committee on Law and Justice
 ESB 5757 to Committee on Children and Family Services
 SSB 5770 to Committee on Law and Justice
 SB 5783 to Committee on Law and Justice
 SSB 5787 to Committee on Economic Development and Labor
 SB 5788 to Committee on Economic Development and Labor
 ESB 5821 to Committee on Higher Education
 SB 5831 to Committee on Economic Development and Labor
 SB 5832 to Committee on Economic Development and Labor
 SSB 5854 to Committee on Financial Institutions and Insurance
 SSB 5868 to Committee on Law and Justice
 SB 5869 to Committee on Law and Justice
 ESSB 5885 to Committee on Ways and Means
 ESSB 5887 to Committee on Health Care and Corrections
 SB 5937 to Committee on Higher Education
 ESB 5938 to Committee on Environment and Natural Resources
 SB 5939 to Committee on Environment and Natural Resources
 SSB 5941 to Committee on Environment and Natural Resources
 ESB 5943 to Committee on Law and Justice
 ESB 5953 to Committee on Higher Education
 SB 5958 to Committee on Higher Education
 SSB 5973 to Committee on Ways and Means
 SSB 6001 to Committee on Economic Development and Labor
 SSB 6002 to Committee on Ways and Means
 SSB 6020 to Committee on Transportation
 SSB 6036 to Committee on Energy and Utilities
 ESSB 6055 to Committee on Ways and Means
 ESSB 6058 to Committee on Energy and Utilities
 SSB 6062 to Committee on Economic Development and Labor
 ESB 6073 to Committee on Ways and Means
 SSJM 8002 to Committee on Energy and Utilities
 SJM 8003 to Committee on Governmental Operations
 SJM 8009 to Committee on Higher Education
 SJM 8011 to Committee on Energy and Utilities
 SSJM 8012 to Committee on Economic Development and Labor
 SSJM 8013 to Committee on Economic Development and Labor
 SJM 8015 to Committee on Energy and Utilities
 SJR 8210 to Committee on Ways and Means
 SCR 8410 to Committee on Economic Development and Labor
 ESSCR 8412 to Committee on Ways and Means

SENATE BILLS - SECOND READING

SB 5006 to Committee on Governmental Operations
 SB 5011 to Committee on Governmental Operations
 SB 5018 to Committee on Law and Justice
 SB 5026 to Committee on Governmental Operations
 SB 5039 to Committee on Environment and Natural Resources
 SB 5066 to Committee on Law and Justice
 SB 5073 to Committee on Environment and Natural Resources
 SB 5079 to Committee on Law and Justice
 SB 5135 to Committee on Environment and Natural Resources
 SB 5140 to Committee on Ways and Means
 SB 5147 to Committee on Transportation
 SB 5154 to Committee on Financial Institutions and Insurance
 SB 5182 to Committee on Agriculture
 SB 5228 to Committee on Health Care and Corrections
 SB 5230 to Committee on Health Care and Corrections
 SB 5257 to Committee on Financial Institutions and Insurance
 SB 5258 to Committee on Financial Institutions and Insurance

SB 5259 to Committee on Health Care and Corrections
SB 5260 to Committee on Children and Family Services
SB 5273 to Committee on Economic Development and Labor
SB 5275 to Committee on Environment and Natural Resources
SB 5290 to Committee on Governmental Operations
SB 5303 to Committee on Environment and Natural Resources
SB 5332 to Committee on Governmental Operations
SB 5339 to Committee on Law and Justice
SB 5342 to Committee on Environment and Natural Resources
SB 5347 to Committee on Ways and Means
SB 5353 to Committee on Economic Development and Labor
SB 5367 to Committee on Governmental Operations
SB 5369 to Committee on Ways and Means
SB 5370 to Committee on Ways and Means
SB 5394 to Committee on Environment and Natural Resources
SB 5399 to Committee on Environment and Natural Resources
SB 5419 to Committee on Economic Development and Labor
SB 5421 to Committee on Transportation
SB 5434 to Committee on Environment and Natural Resources
SB 5447 to Committee on Financial Institutions and Insurance
SB 5457 to Committee on Agriculture
SB 5473 to Committee on Environment and Natural Resources
SB 5476 to Committee on Education
SB 5486 to Committee on Economic Development and Labor
SB 5499 to Committee on Health Care and Corrections
SB 5507 to Committee on Financial Institutions and Insurance
SB 5560 to Committee on Law and Justice
SB 5602 to Committee on Economic Development and Labor
SB 5603 to Committee on Health Care and Corrections
SB 5638 to Committee on Economic Development and Labor
SB 5644 to Committee on Governmental Operations
SB 5647 to Committee on Transportation
SB 5655 to Committee on Law and Justice
SB 5680 to Committee on Law and Justice
SB 5691 to Committee on Economic Development and Labor
SSB 5710 to Committee on Law and Justice
SB 5719 to Committee on Health Care and Corrections
SB 5729 to Committee on Environment and Natural Resources
SB 5730 to Committee on Environment and Natural Resources
SB 5736 to Committee on Financial Institutions and Insurance
SB 5754 to Committee on Economic Development and Labor
SB 5755 to Committee on Financial Institutions and Insurance
SB 5765 to Committee on Governmental Operations
SB 5768 to Committee on Economic Development and Labor
SB 5769 to Committee on Economic Development and Labor
SB 5771 to Committee on Governmental Operations
SB 5789 to Committee on Economic Development and Labor
SB 5833 to Committee on Law and Justice
SB 5839 to Committee on Higher Education
SSB 5848 to Committee on Economic Development and Labor
SB 5853 to Committee on Environment and Natural Resources
SB 5862 to Committee on Economic Development and Labor
SB 5864 to Committee on Economic Development and Labor
SB 5878 to Committee on Transportation
SB 5895 to Committee on Energy and Utilities
SB 5934 to Committee on Economic Development and Labor
SB 5945 to Committee on Economic Development and Labor
SB 5957 to Committee on Governmental Operations
SB 5985 to Committee on Environment and Natural Resources
SB 6028 to Committee on Energy and Utilities
SB 6031 to Committee on Ways and Means

SB 6032 to Committee on Transportation
SB 6037 to Committee on Law and Justice
SB 6041 to Committee on Economic Development and Labor
SB 6042 to Committee on Economic Development and Labor
SB 6046 to Committee on Economic Development and Labor
SB 6047 to Committee on Governmental Operations
SB 6052 to Committee on Economic Development and Labor
SB 6063 to Committee on Economic Development and Labor
SB 6071 to Committee on Governmental Operations
SB 6077 to Committee on Transportation
SJM 8010 to Committee on Agriculture
SJR 8203 to Committee on Governmental Operations
SJR 8211 to Committee on Governmental Operations
SCR 8409 to Committee on Law and Justice

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to refer the bills from the Committee on Rules to the listed Committees.

The motion by Senator Newhouse carried and the listed bills were referred to the designated committees.

MOTION

At 11:51 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 14, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 14, 1988

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Christy Konsmo and Jason Brokaw, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

January 6, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Beverly A. Schoenfeld, reappointed January 6, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Green River Community College, District No. 10.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 12, 1988

GA 9030 DR. ELIOT W. SCULL, appointed May 6, 1986, for a term ending December 31, 1988, as a member of the Interagency Committee for Outdoor Recreation, succeeding Virginia Warden.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

January 12, 1988

GA 9114 NORMAN L. WINN, reappointed March 9, 1987, for a term ending January 1, 1993, as a member of the Forest Practices Appeals Board.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

January 12, 1988

GA 9120 RALPH E. MACKEY, reappointed March 30, 1987, for a term ending December 31, 1988, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

January 12, 1988

GA 9122 SIMON MARTINEZ, reappointed April 17, 1987, for a term ending April 16, 1991, as a member of the Oil and Gas Conservation Committee.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

January 12, 1988

GA 9123 NAT WASHINGTON, appointed April 20, 1987, for a term ending January 19, 1993, as a member of the Wildlife Commission, succeeding Archie Mills.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

January 12, 1988

GA 9165 BRAD OWEN, reappointed September 5, 1987, for a term ending June 12, 1991, as a member of the Pacific Marine Fisheries Commission.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

January 12, 1988

GA 9174 ROBERT D. ALVERSON, reappointed September 5, 1987, for a term ending June 12, 1991, as a member of the Pacific Marine Fisheries Commission.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 13, 1988

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 12,

SUBSTITUTE HOUSE BILL NO. 53,

HOUSE BILL NO. 280,

HOUSE BILL NO. 294,

SUBSTITUTE HOUSE BILL NO. 439, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6180 by Senators Pullen, Talmadge, Newhouse and von Reichbauer (by request of Office of the Administrator for the Courts)

AN ACT Relating to jury selection and summoning; amending RCW 2.36.010, 2.36.050, 2.36.063, 2.36.070, 2.36.093, 2.36.100, 2.36.110, 2.36.130, 8.04.080, 10.27.020, 10.27.040, and

36.24.020; adding new sections to chapter 2.36 RCW; creating a new section; repealing RCW 2.36.060, 2.36.090, 2.36.140, 2.36.160, 12.12.040, 12.12.060, and 12.12.100; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6181 by Senators Rinehart, Kiskaddon, Gaspard, Fleming, Bailey, Bender and Garrett

AN ACT Relating to the early childhood education and assistance program; amending RCW 28A.34A.020, 28A.34A.030, 28A.34A.040, 28A.34A.050, 28A.34A.060, 28A.34A.070, 28A.34A.080, and 28A.34A.110; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 6182 by Senator McCaslin

AN ACT Relating to contractors' registration; and reenacting and amending RCW 18.27.030.

Referred to Committee on Economic Development and Labor.

SB 6183 by Senators Smith, Conner, Rasmussen, Metcalf, Pullen, Zimmerman and Garrett

AN ACT Relating to recreational angling for salmon; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6184 by Senators Craswell, Conner, Metcalf, Smith, Rasmussen and Pullen

AN ACT Relating to fishing seasons; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6185 by Senators Metcalf, Barr, DeJarnatt and Rasmussen

AN ACT Relating to food fish and shellfish; amending RCW 75.25.090 and 75.25.125; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6186 by Senators Bailey, Benitz, Saling, Johnson and Deccio

AN ACT Relating to education about acquired immune deficiency syndrome; adding a new section to Title 28A RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 6187 by Senators Metcalf and Conner

AN ACT Relating to the commercial harvesting of seaweed; and amending RCW 79.68.080.

Referred to Committee on Environment and Natural Resources.

SB 6188 by Senators Rasmussen, Metcalf and Smith

AN ACT Relating to food fish; and amending RCW 75.08.080.

Referred to Committee on Environment and Natural Resources.

SB 6189 by Senators Pullen, Metcalf, Garrett and Rasmussen

AN ACT Relating to the construction of the Cedar river spawning channel; adding a new section to chapter 75.08 RCW; adding new sections to chapter 75.52 RCW; creating a new section; and making appropriations.

Referred to Committee on Environment and Natural Resources.

SB 6190 by Senators Metcalf, McMullen, Anderson and Rasmussen

AN ACT Relating to a spawning channel for salmon on the Skagit river; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6191 by Senators Craswell, Wojahn and Garrett

AN ACT Relating to children; amending RCW 2.56.030, 13.34.130, and 26.44.115; adding a new chapter to Title 13 RCW; making an appropriation; prescribing penalties; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6192 by Senators Patterson, Owen, Conner, Hansen, von Reichbauer, Craswell and McMullen

AN ACT Relating to state ferries; and reenacting and amending RCW 82.08.0255 and 82.12.0256.

Referred to Committee on Transportation.

SB 6193 by Senators von Reichbauer, Owen, Craswell, Patterson, Conner and Hansen

AN ACT Relating to motor vehicle excise tax distributions; and reenacting and amending RCW 82.44.150.

Referred to Committee on Transportation.

SB 6194 by Senators Vognild, Hayner, Talmadge, Halsan, Deccio and Smith

AN ACT Relating to residential confinement; reenacting and amending RCW 9.94A-.030; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Health Care and Corrections.

SB 6195 by Senators Vognild, Metcalf, Rasmussen, Conner, DeJarnatt, Deccio, Garrett, Madsen, Hansen and Halsan

AN ACT Relating to hindering logging activities; adding a new section to chapter 9A.48 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6196 by Senators Vognild, Newhouse, McDonald, Talmadge, Garrett, Conner, Rasmussen, Fleming, Metcalf and Deccio

AN ACT Relating to state casualty losses; adding new sections to chapter 43.79 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6197 by Senators Rasmussen and Halsan

AN ACT Relating to the Washington state patrol memorial plaque; creating new sections; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 6198 by Senators Rasmussen and McCaslin

AN ACT Relating to revenue and taxation; amending RCW 84.56.020; adding a new section to chapter 36.94 RCW; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Ways and Means.

SB 6199 by Senators Rasmussen, Hansen and McCaslin

AN ACT Relating to art in state agencies; and repealing RCW 43.17.200.

Referred to Committee on Governmental Operations.

SB 6200 by Senators Seller, Bauer, Zimmerman, Bender, Bailey, Garrett and von Reichbauer

AN ACT Relating to reduced utility rates; and amending RCW 74.38.070.

Referred to Committee on Governmental Operations.

SB 6201 by Senators Rasmussen, Johnson and Saling

AN ACT Relating to special license plates; and amending RCW 73.04.115.

Referred to Committee on Transportation.

SB 6202 by Senators Deccio, Johnson and West

AN ACT Relating to reimbursement of institutions for the mentally retarded; and amending RCW 74.09.120.

Referred to Committee on Health Care and Corrections.

SB 6203 by Senators Deccio, Niemi, Kreidler and Smith

AN ACT Relating to developmental disabilities; creating new sections; and providing an expiration date.

Referred to Committee on Health Care and Corrections.

SB 6204 by Senators Deccio, Niemi, Johnson and Kreidler

AN ACT Relating to acquired immunodeficiency syndrome; and amending RCW 43.150.050.

Referred to Committee on Health Care and Corrections.

SB 6205 by Senators Deccio, Johnson, Kreidler, Smith, and West

AN ACT Relating to medical care under the limited casualty program; and amending RCW 74.09.700.

Referred to Committee on Health Care and Corrections.

SB 6206 by Senators Deccio, Johnson and West

AN ACT Relating to swimming pools; adding a new section to chapter 70.90 RCW; and prescribing penalties.

Referred to Committee on Health Care and Corrections.

SB 6207 by Senators Craswell, Owen, Kiskaddon and Stratton

AN ACT Relating to foster care; and amending RCW 13.34.060 and 13.34.130.

Referred to Committee on Children and Family Services.

SB 6208 by Senators Pullen and Talmadge (by request of Office of Financial Management)

AN ACT Relating to criminal justice information; amending RCW 10.98.130; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 6209 by Senators Bailey, Rinehart, Lee and Benitz

AN ACT Relating to graduation requirements; amending RCW 28A.05.060; and repealing RCW 28A.05.064.

Referred to Committee on Education.

SB 6210 by Senators McCaslin, Garrett, Zimmerman, Hayner and Nelson (by request of State Auditor)

AN ACT Relating to the state auditor; and amending RCW 43.09.250.

Referred to Committee on Governmental Operations.

SB 6211 by Senators McCaslin, Garrett, Zimmerman, Hayner and Nelson (by request of State Auditor)

AN ACT Relating to the state auditor; and amending RCW 43.09.300.

Referred to Committee on Governmental Operations.

SB 6212 by Senators Pullen, Vognild, Conner, von Reichbauer and Garrett

AN ACT Relating to fire fighters and police; and amending RCW 41.26.110, 41.16.020, and 41.20.010.

Referred to Committee on Law and Justice.

SB 6213 by Senators Warnke, Owen, Lee and Smitherman

AN ACT Relating to off-road and all-terrain vehicles; amending RCW 46.09.020, 46.09.040, 46.09.070, and 46.09.110; adding new sections to chapter 46.09 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6214 by Senators Deccio, Wojahn, Johnson and Kreidler

AN ACT Relating to mental illness; amending RCW 9.41.040, 71.02.900, 71.05.010, 71.05.240, and 71.24.015; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6215 by Senators Pullen, Talmadge and Fleming

AN ACT Relating to criminal justice services and the crime laboratory system; amending RCW 43.43.670; adding new sections to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6216 by Senators Gaspard and von Reichbauer

AN ACT Relating to the Olympic games; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Ways and Means.

SB 6217 by Senator Benitz

AN ACT Relating to the Prosser well at the Washington State University research center; and creating a new section.

Referred to Committee on Agriculture.

SB 6218 by Senators McCaslin, Bauer, Johnson, Conner and Benitz

AN ACT Relating to the practice of physical therapy; amending RCW 18.74.010; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health Care and Corrections.

SB 6219 by Senators Kreidler and Kiskaddon

AN ACT Relating to consent to adoption; and amending RCW 26.33.170 and 13.34.210.

Referred to Committee on Children and Family Services.

SB 6220 by Senators Anderson, Halsan, Deccio, Owen, Saling, Smitherman, Stratton, DeJarnatt, Warnke, Lee, Cantu, West, McMullen, Fleming, Williams, Conner, Hayner and Garrett

AN ACT Relating to business and industrial development corporations; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.070, 31.24.080, 31.24.090, 31.24.120, 31.24.130, 31.24.140, and 31.24.150; reenacting and amending RCW 42.17.310; adding new sections to chapter 31.24 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 48.14 RCW; creating a new section; repealing RCW 31.24.050, 31.24.060, and 31.24.100; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6221 by Senators Deccio, Kreidler, Johnson, Niemi, Smith, Wojahn, Zimmerman, Hayner, Vognlid and Talmadge

AN ACT Relating to sexually transmissible diseases; amending RCW 43.150.050, 28A-.05.010, 70.24.050, 70.24.070, 70.24.080, 70.24.110, and 70.24.120; adding a new section to chapter 28A.05 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.04 RCW; adding new sections to chapter 49.60 RCW; adding new sections to chapter 70.24 RCW; adding a new section to chapter 70.48 RCW; creating new sections; repealing RCW 70.24.010, 70.24.020, 70.24.030, 70.24.040, and 70.24.060; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 6222 by Senators Anderson, Fleming, Conner and Smitherman

AN ACT Relating to the small business export finance assistance center; and amending RCW 43.210.040.

Referred to Committee on Economic Development and Labor.

SB 6223 by Senators West, Fleming, Conner and Smitherman

AN ACT Relating to international trade and investment; adding new sections to chapter 43.31 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6224 by Senator Pullen

AN ACT Relating to drug testing in the workplace; adding a new section to chapter 49.44 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6225 by Senators Fleming, Patterson, von Reichbauer, Gaspard, Conner, Halsan, Bender, Talmadge, Rasmussen, McMullen, Vognild and Garrett

AN ACT Relating to athlete agents; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6226 by Senators Talmadge, Pullen, Halsan, Nelson and Garrett

AN ACT Relating to the risk management liability account and the risk management property account; amending RCW 4.92.005, 4.92.110, 4.92.130, 10.01.150, 28B.10.842, 43.19.19361, 43.19.19362, 43.19.19363, 43.19.19366, and 43.84.092; adding new sections to chapter 4.92 RCW; adding new sections to chapter 43.19 RCW; creating new sections; repealing RCW 4.92.140, 4.92.160, and 4.92.170; and making an appropriation.

Referred to Committee on Law and Justice.

SB 6227 by Senators Pullen, Talmadge and Halsan

AN ACT Relating to acknowledgments; and amending RCW 64.08.050, 64.08.060, 64.08.070, and 42.44.100.

Referred to Committee on Law and Justice.

SB 6228 by Senators Kiskaddon, Rinehart and Bailey

AN ACT Relating to corporal punishment in public schools; amending RCW 9A.16.100; adding new sections to Title 28A RCW; and providing an effective date.

Referred to Committee on Education.

SB 6229 by Senator Kiskaddon

AN ACT Relating to personal development and self-esteem; adding new sections to Title 28A RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SJM 8018 by Senators Metcalf, Owen, Conner, DeJarnatt, Garrett and Rasmussen

Requesting protection for steelhead and salmon from marine mammals.

Referred to Committee on Environment and Natural Resources.

SJM 8019 by Senators Metcalf, DeJarnatt, Anderson, Conner and von Reichbauer

Requesting curtailment of the foreign catch of Washington-produced salmon.

Referred to Committee on Environment and Natural Resources.

SCR 8424 by Senators Metcalf, Smith and Rasmussen

Participating in the Pacific Fisheries Legislative Task Force.

Referred to Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 12 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Rust, Walker, Valle, May, Nutley, Allen, Unsoeld, Brekke, Lux, Pruitt, Jacobsen, Belcher and P. King)

Authorizing grants for mediation of disputes involving natural resources.

Referred to Committee on Environment and Natural Resources.

SHB 53 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives H. Sommers, Grimm, B. Williams, Silver, Brekke and Winsley)

Modifying retirement provisions for higher education personnel.

Referred to Committee on Ways and Means.

HB 280 by Representatives Heavey, Schmidt and Walk (by request of Department of Licensing)

Changing provisions relating to the suspension of a driver's license for failure to report an accident.

Referred to Committee on Transportation.

HB 294 by Representatives Heavey, Padden, Armstrong and Kremen (by request of Department of Licensing)

Eliminating hearings in certain drivers' license suspensions.

Referred to Committee on Transportation.

SHB 439 by Committee on Housing (originally sponsored by Representatives Nutley, Nelson and Ferguson)

Regulating unfit conditions on premises.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Newhouse, the following listed committees were relieved of further consideration of the listed bills and the bills were referred to the listed committees:

BILLS TO BE REFERRED FROM ONE COMMITTEE TO ANOTHER COMMITTEE

SB 5053 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5056 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5092 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5133 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5166 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5207 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5216 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5224 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5281 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5296 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5328 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5346 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5350 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5352 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SB 5358 from Committee on Commerce and Labor to Committee on Economic Development and Labor

SCR 8407 from Committee on Commerce and Labor to Committee on Economic Development and Labor

GA 9106, Henry M. Aronson, from Committee on Commerce and Labor to Committee on Economic Development and Labor

GA 9112, Lawrence M. Killeen, from Committee on Commerce and Labor to Committee on Economic Development and Labor

GA 9130, Philip T. Bork, from Committee on Commerce and Labor to Committee on Economic Development and Labor

GA 9132, Joseph A. Dear, from Committee on Commerce and Labor to Committee on Economic Development and Labor

GA 9133, Sara T. Harmon, from Committee on Commerce and Labor to Committee on Economic Development and Labor

GA 9134, Thomas P. Keefe, from Committee on Commerce and Labor to Committee on Economic Development and Labor

GA 9144, Barbara Bryant, from Committee on Commerce and Labor to Committee on Economic Development and Labor

GA 9153, Carl M. Ooka, from Commerce and Labor to Committee on Economic Development and Labor

SB 5038 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5126 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5137 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5153 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5323 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5384 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5438 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5472 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5543 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5563 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5653 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5687 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5820 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5828 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5999 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 6043 from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 6090 from Committee on Natural Resources to Committee on Environment and Natural Resources

SCR 8417 from Committee on Natural Resources to Committee on Environment and Natural Resources

GA 9114, Norman L. Winn, from Committee on Natural Resources to Committee on Environment and Natural Resources

GA 9122, Simon Martinez, from Committee on Natural Resources to Committee on Environment and Natural Resources

GA 9123, Nat Washington, from Committee on Natural Resources to Committee on Environment and Natural Resources

GA 9136, John C. McGlenn, from Committee Natural Resources to Committee on Environment and Natural Resources

GA 9165, Brad Owen, from Committee on Natural Resources to Committee on Environment and Natural Resources

GA 9174, Robert D. Alverson, from Committee on Natural Resources to Committee on Environment and Natural Resources

SB 5043 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5044 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5068 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5218 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5435 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5574 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5575 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5587 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5590 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5591 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5656 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5724 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5784 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5942 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 6009 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 6057 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 6060 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 6067 from Committee on Parks and Ecology to Committee on Environment and Natural Resources

GA 9030, Dr. Eliot W. Scull, from Committee on Parks and Ecology to Committee on Environment and Natural Resources

GA 9120, Ralph E. Mackey, from Committee on Parks and Ecology to Committee on Environment and Natural Resources

GA 9162, Marjorie Redman, from Committee on Parks and Ecology to Committee on Environment and Natural Resources

SB 5119 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5162 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5231 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5269 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5270 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5341 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5489 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5496 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5518 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5526 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5551 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5568 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5607 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5614 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5669 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5676 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5696 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5711 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5714 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5752 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5860 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5935 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5940 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5967 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5971 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 6007 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 6011 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 6029 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 6069 from Committee on Human Services and Corrections to Committee on Health Care and Corrections

GA 9021, Barbara Vanderkolk, from Committee on Human Services and Corrections to Committee on Health Care and Corrections

GA 9129, Donald V. Hobbs, from Committee on Human Services and Corrections to Committee on Health Care and Corrections

SB 5229 from Committee on Human Services and Corrections to Committee on Children and Family Services

SB 5386 from Committee on Human Services and Corrections to Committee on Children and Family Services

SB 5471 from Committee on Human Services and Corrections to Committee on Children and Family Services

SB 5554 from Committee on Human Services and Corrections to Committee on Children and Family Services
SB 5707 from Committee on Human Services and Corrections to Committee on Children and Family Services
SB 5893 from Committee on Human Services and Corrections to Committee on Children and Family Services
SB 6005 from Committee on Human Services and Corrections to Committee on Children and Family Services
SB 6006 from Committee on Human Services and Corrections to Committee on Children and Family Services
SB 5108 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5192 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5250 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5373 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5446 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5537 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5539 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5547 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5562 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5705 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5737 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5756 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5773 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5777 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5823 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5829 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5855 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5865 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5875 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 6034 from Committee on Financial Institutions to Committee on Financial Institutions and Insurance
SB 5889 from Committee on Financial Institutions to Committee on Health Care and Corrections
SB 5003 from Committee on Judiciary to Committee on Law and Justice
SB 5004 from Committee on Judiciary to Committee on Law and Justice
SB 5087 from Committee on Judiciary to Committee on Law and Justice
SB 5102 from Committee on Judiciary to Committee on Law and Justice
SB 5121 from Committee on Judiciary to Committee on Law and Justice
SB 5125 from Committee on Judiciary to Committee on Law and Justice
SB 5141 from Committee on Judiciary to Committee on Law and Justice
SB 5186 from Committee on Judiciary to Committee on Law and Justice
SB 5187 from Committee on Judiciary to Committee on Law and Justice

- SB 5198 from Committee on Judiciary to Committee on Law and Justice
 SB 5255 from Committee on Judiciary to Committee on Law and Justice
 SB 5262 from Committee on Judiciary to Committee on Law and Justice
 SB 5268 from Committee on Judiciary to Committee on Law and Justice
 SB 5305 from Committee on Judiciary to Committee on Law and Justice
 SB 5317 from Committee on Judiciary to Committee on Law and Justice
 SB 5356 from Committee on Judiciary to Committee on Law and Justice
 SB 5362 from Committee on Judiciary to Committee on Law and Justice
 SB 5388 from Committee on Judiciary to Committee on Law and Justice
 SB 5432 from Committee on Judiciary to Committee on Law and Justice
 SB 5448 from Committee on Judiciary to Committee on Law and Justice
 SB 5449 from Committee on Judiciary to Committee on Law and Justice
 SB 5470 from Committee on Judiciary to Committee on Law and Justice
 SB 5490 from Committee on Judiciary to Committee on Law and Justice
 SB 5491 from Committee on Judiciary to Committee on Law and Justice
 SB 5494 from Committee on Judiciary to Committee on Law and Justice
 SB 5505 from Committee on Judiciary to Committee on Law and Justice
 SB 5577 from Committee on Judiciary to Committee on Law and Justice
 SB 5661 from Committee on Judiciary to Committee on Law and Justice
 SB 5677 from Committee on Judiciary to Committee on Law and Justice
 SB 5681 from Committee on Judiciary to Committee on Law and Justice
 SB 5695 from Committee on Judiciary to Committee on Law and Justice
 SB 5700 from Committee on Judiciary to Committee on Law and Justice
 SB 5701 from Committee on Judiciary to Committee on Law and Justice
 SB 5751 from Committee on Judiciary to Committee on Law and Justice
 SB 5775 from Committee on Judiciary to Committee on Law and Justice
 SB 5778 from Committee on Judiciary to Committee on Law and Justice
 SB 5826 from Committee on Judiciary to Committee on Law and Justice
 SB 5827 from Committee on Judiciary to Committee on Law and Justice
 SB 5841 from Committee on Judiciary to Committee on Law and Justice
 SB 5867 from Committee on Judiciary to Committee on Law and Justice
 SB 5884 from Committee on Judiciary to Committee on Law and Justice
 SB 5891 from Committee on Judiciary to Committee on Law and Justice
 SB 5929 from Committee on Judiciary to Committee on Law and Justice
 SB 5963 from Committee on Judiciary to Committee on Law and Justice
 SB 5966 from Committee on Judiciary to Committee on Law and Justice
 SB 6000 from Committee on Judiciary to Committee on Law and Justice
 SB 6015 from Committee on Judiciary to Committee on Law and Justice
 SB 6030 from Committee on Judiciary to Committee on Law and Justice
 SB 6068 from Committee on Judiciary to Committee on Law and Justice
 SB 6075 from Committee on Judiciary to Committee on Law and Justice
 SB 6088 from Committee on Judiciary to Committee on Law and Justice
 GA 9124, Ron Sims, from Committee on Judiciary to Committee on Law and Justice
 GA 9125, Sheila A. Homchick, from Committee on Judiciary to Committee on Law and Justice
 GA 9126, Daniel A. DiGuilio, from Committee on Judiciary to Committee on Law and Justice
 GA 9127, Bernard Colligan, from Committee on Judiciary to Committee on Law and Justice
 GA 9128, James Roper, from Committee on Judiciary to Committee on Law and Justice
 GA 9145, Joseph H. Davis, from Committee on Judiciary to Committee on Law and Justice
 GA 9147, Nancyhelen Fischer, from Committee on Judiciary to Committee on Law and Justice
 GA 9150, Jan Kumasaka, from Committee on Judiciary to Committee on Law and Justice
 GA 9166, Sharon Mast, from Committee on Judiciary to Committee on Law and Justice

GA 9168, John Ladenburg, from Committee on Judiciary to Committee on Law and Justice

GA 9169, Eileen P. Farley, from Committee on Judiciary to Committee on Law and Justice

GA 9171, Anne L. Ellington, from Committee on Judiciary to Committee on Law and Justice

GA 9172, Dale Brighton, from Committee on Judiciary to Committee on Law and Justice

SB 5048 from Committee on Judiciary to Committee on Governmental Operations

SB 5576 from Committee on Judiciary to Committee on Health Care and Corrections

SB 5027 from Committee on Governmental Operations to Committee on Environment and Natural Resources

SB 5028 from Committee on Governmental Operations to Committee on Transportation

SB 5336 from Committee on Education to Committee on Higher Education

SB 5430 from Committee on Education to Committee on Higher Education

SB 5445 from Committee on Education to Committee on Higher Education

SB 5461 from Committee on Education to Committee on Higher Education

SB 5660 from Committee on Education to Committee on Higher Education

SB 5742 from Committee on Education to Committee on Higher Education

SB 5748 from Committee on Education to Committee on Higher Education

SB 5872 from Committee on Education to Committee on Higher Education

SB 5873 from Committee on Education to Committee on Higher Education

SB 5874 from Committee on Education to Committee on Higher Education

SJM 8014 from Committee on Education to Committee on Higher Education

MOTIONS

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Senate Bill No. 5171.

On motion of Senator Newhouse, Senate Bill No. 5171 was referred to the Committee on Agriculture.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Queen Julie Schilter, representing the 1988 Capital Lakefair Incorporated and appointed Senators Cantu and Gaspard to escort the honored guest to the Senate Rostrum.

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

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

TWENTY-FOUR HOUR NOTICE

Senator Newhouse served notice that there were amendments on the desk to the Senate Rules, the notice being necessary because of the twenty-four hour rule to consider amendments to the Senate Rules.

MOTION

At 12:19 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Friday, January 15, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Friday, January 15, 1988

The Senate was called to order at 1:00 p.m. by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Heather Brockway and LaVonne Fisher, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 14, 1988

SB 5182 Prime Sponsor, Senator Hansen: Revising the administration of the business and occupation tax statutes. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

January 14, 1988

SSB 5292 Prime Sponsor, Senator Conner: Permitting certain retired veterans to be eligible for veterans' preferences for public employment purposes. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 5292 be referred to the Committee on Governmental Operations. Signed by Senators Bluechel, Vice Chairman; Bender, Cantu, Craswell, Fleming, Hayner, Nelson, Newhouse, Rasmussen, Vognild, West, Wojahn, Zimmerman.

Referred to Committee on Governmental Operations.

January 14, 1988

ESSB 5364 Prime Sponsor, Senator Gaspard: Redesignating the state boxing commission as the state athletic commission and revising its powers and duties. Reported by Committee on Rules

MAJORITY recommendation: That Engrossed Substitute Senate Bill No. 5364 be referred to the Committee on Governmental Operations. Signed by Senators Bluechel, Vice Chairman; Bender, Cantu, Craswell, Fleming, Hayner, Nelson, Newhouse, Rasmussen, Vognild, West, Wojahn, Zimmerman.

Referred to Committee on Governmental Operations.

January 14, 1988

SB 5631 Prime Sponsor, Senator Smitherman: Providing for the recruitment of teachers from underrepresented groups. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 5631 be referred to the Committee on Education. Signed by Senators Bluechel, Vice Chairman; Bender, Cantu, Craswell, Fleming, Hayner, Nelson, Newhouse, Rasmussen, Vognild, West, Wojahn, Zimmerman.

Referred to Committee on Education.

January 14, 1988

SB 6108 Prime Sponsor, Senator Pullen: Revising provisions relating to defense of persons or property. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 13, 1988

SB 6109 Prime Sponsor, Senator Pullen: Specifying the grounds for bringing a products liability action based on design defects for firearms or ammunition. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6109 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Nelson.

Passed to Committee on Rules for second reading.

January 14, 1988

SB 6148 Prime Sponsor, Senator Pullen: Revising certain procedures for applying for concealed pistol licenses. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6148 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6230 by Senators Craswell, Owen and Rasmussen

AN ACT Relating to corporal punishment in licensed child care facilities; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Children and Family Services.

SB 6231 by Senators Craswell, Owen, Johnson, Stratton, West, Smith, Anderson, Rasmussen and Metcalf

AN ACT Relating to prohibitions against the deliberate causing of death; adding a new section to chapter 18.51 RCW; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care and Corrections.

SB 6232 by Senators Anderson, Smitherman, Barr, Stratton, Lee, Wojahn, Bailey, Kiskaddon, Patterson, McCaslin, Smith, Fleming, Johnson and Conner

AN ACT Relating to aid to families with dependent children; and adding a new section to chapter 74.12 RCW.

Referred to Committee on Children and Family Services.

SB 6233 by Senators Patterson, Owen, Nelson, West and Stratton

AN ACT Relating to motor vehicles; amending RCW 81.80.060, 81.80.070, 81.80.130, 81.80.150, 81.80.190, 81.80.211, 81.80.260, 81.80.355, 81.80.371, 81.04.010, 81.04.110, 46.20.440, 46.20.450, and 46.63.110; reenacting and amending RCW 46.52.130; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.64 RCW; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.020, 81.80.175, and 46.20.460; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6234 by Senators Bailey, Patterson, Gaspard, Lee, Smith, Zimmerman, Saling, Anderson, Cantu, Newhouse, Metcalf, Deccio, von Reichbauer, Barr, Vognlid and Benitz

AN ACT Relating to projects recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6235 by Senators Metcalf, Owen, Rasmussen and von Reichbauer (by request of Department of Ecology)

AN ACT Relating to allowing the state of Washington to receive capitalization grants from the federal government for the state revolving loan fund for financing water pollution control facilities and activities; adding a new chapter to Title 90 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6236 by Senators Metcalf and Owen (by request of Department of Ecology)

AN ACT Relating to the authority to administer federal clean water act programs; and amending RCW 90.48.260.

Referred to Committee on Environment and Natural Resources.

SB 6237 by Senators Metcalf and Owen (by request of Department of Ecology)

AN ACT Relating to priority management of hazardous waste; amending RCW 70.105.010 and 70.105.180; adding new sections to chapter 70.105 RCW; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 6238 by Senators Metcalf and Owen (by request of Department of Ecology)

AN ACT Relating to the authority to administer selected federal safe drinking water act programs; and amending RCW 43.21A.445.

Referred to Committee on Environment and Natural Resources.

SB 6239 by Senators Zimmerman, Metcalf and Rasmussen

AN ACT Relating to a fisheries hotline; amending RCW 75.08.011; adding a new section to chapter 75.08 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6240 by Senators Warnke and Metcalf

AN ACT Relating to wild mushroom harvesting on state lands; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6241 by Senators Warnke and Anderson

AN ACT Relating to the closure of forest lands; and amending RCW 76.04.325.

Referred to Committee on Environment and Natural Resources.

SB 6242 by Senators Warnke, Metcalf and Anderson

AN ACT Relating to closing lands or roads to public entry by the department of natural resources; and amending RCW 79.01.244.

Referred to Committee on Environment and Natural Resources.

SB 6243 by Senators Smitherman, Lee, Warnke, Bender, Talmadge, Vognild, Metcalf, Hansen, Stratton, West and Fleming (by request of Joint Select Committee on Labor-Management Relations)

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6244 by Senators Bailey, Metcalf, Vognild, Anderson, McMullen, Nelson, Bender, Kiskaddon, Smith and Barr

AN ACT Relating to school construction; and amending RCW 28A.47.803.

Referred to Committee on Education.

SB 6245 by Senators McDonald, Gaspard, Zimmerman, Lee and Rasmussen (by request of State Treasurer)

AN ACT Relating to investment of bond proceeds; adding a new section to chapter 39.42 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6246 by Senators McDonald and Gaspard (by request of Board of Tax Appeals)

AN ACT Relating to the board of tax appeals; and amending RCW 82.03.070, 82.03.120, 82.03.140, 82.03.150, 82.03.160, 82.03.170, and 84.08.130.

Referred to Committee on Ways and Means.

SB 6247 by Senators Metcalf, Owen and Rasmussen

AN ACT Relating to herring; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6248 by Senators Metcalf, Smith, Rasmussen and Anderson

AN ACT Relating to the sale and use of salmon eggs; amending RCW 75.08.245 and 75.52.035; adding a new section to chapter 75.08 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6249 by Senator Halsan

AN ACT Relating to prohibition of certain types of agricultural fertilizers; adding a new section to chapter 15.54 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6250 by Senators Halsan, Talmadge, Stratton and Gaspard

AN ACT Relating to terrorism; amending RCW 9.94A.310 and 35A.42.020; reenacting and amending RCW 9.94A.030; repealing RCW 9.05.010, 9.05.020, 9.05.030, 9.05.040, 9.05.050, 9.05.060, 9.05.070, 9.05.080, 9.05.090, 9.05.100, 9.05.110, 9.05.120, 9.05.130, 9.05.140, 9.05.150, 9.05.160, 9.81.010, 9.81.020, 9.81.030, 9.81.040, 9.81.050, 9.81.060, 9.81.070, 9.81.080, 9.81.082, 9.81.083, 9.81.090, 9.81.100, 9.81.110, 9.81.120, 9.82.010, 9.82.020, and 9.82.030; creating a new section; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6251 by Senators Halsan, Anderson, Talmadge, Rasmussen, Wojahn, Zimmerman, McCaslin, Metcalf, Madsen and Smith

AN ACT Relating to criminal sentencing; and reenacting and amending RCW 9.94A.320.

Referred to Committee on Law and Justice.

SB 6252 by Senators Halsan and Talmadge

AN ACT Relating to failure to comply with traffic infraction laws; and amending RCW 46.64.020 and 46.52.120.

Referred to Committee on Law and Justice.

SB 6253 by Senator Halsan

AN ACT Relating to criminal sentencing; and reenacting and amending RCW 9.94A.320.

Referred to Committee on Law and Justice.

SB 6254 by Senators West, Anderson and Lee

AN ACT Relating to the apprenticeship council; and creating new sections.

Referred to Committee on Economic Development and Labor.

SB 6255 by Senators West, Patterson, Smith, Zimmerman, Benitz and Barr

AN ACT Relating to exemptions from interstate trip permits for commercial vehicles; adding a new section to chapter 46.85 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6256 by Senators West, Talmadge, von Reichbauer, Rasmussen, McDonald, McCaslin, Deccio, Nelson, Hayner, Metcalf and Johnson

AN ACT Relating to assaults on sports officials; adding a new section to chapter 9A.36 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6257 by Senators West, Talmadge, von Reichbauer, McDonald, Deccio, McCaslin, Warnke, Nelson, Hayner, Metcalf, DeJarnatt and Johnson

AN ACT Relating to civil liability for sports officials; adding a new section to chapter 4.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6258 by Senator West

AN ACT Relating to apprenticeship training; amending RCW 18.106.070, 19.28.510, 19.28.530, 39.12.021, 43.22.010, 43.22.505, 49.12.110, 51.08.012, 51.16.140, 51.32.073, and 70.120.020; creating a new section; and repealing RCW 49.04.010, 49.04.030, 49.04.040, 49.04.050, 49.04.060, 49.04.070, 49.04.080, 49.04.090, 49.04.100, 49.04.110, 49.04.120, 49.04.130, 49.04.900, 49.04.910, and 51.12.130.

Referred to Committee on Economic Development and Labor.

SB 6259 by Senators Smith, Patterson, DeJarnatt and Metcalf

AN ACT Relating to steelhead punchcards; amending RCW 77.32.360; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 6260 by Senators Warnke, Smitherman, Garrett and Conner (by request of Pharmacy Board)

AN ACT Relating to registration of poisons; and amending RCW 69.38.030.

Referred to Committee on Economic Development and Labor.

SB 6261 by Senators Owen and Patterson (by request of Department of Ecology)

AN ACT Relating to the motor vehicle inspection and maintenance program; amending RCW 46.16.015, 70.120.040, 70.120.070, and 70.120.120; adding a new section to chapter 70.120 RCW; and repealing section 17, chapter 163, Laws of 1979 ex. sess. (uncodified).

Referred to Committee on Environment and Natural Resources.

SB 6262 by Senators Nelson, Bender and von Reichbauer (by request of Department of Transportation)

AN ACT Relating to permits for State Route 90 construction on or adjacent to Lake Washington; and amending RCW 90.58.140.

Referred to Committee on Transportation.

SB 6263 by Senators McCaslin, Garrett, Zimmerman, Owen and Stratton

AN ACT Relating to utility service installation in first-class cities; and amending RCW 35.22.640.

Referred to Committee on Governmental Operations.

SB 6264 by Senators Metcalf, Kreidler, Smith and Anderson

AN ACT Relating to the management and disposal of infectious wastes; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Environment and Natural Resources.

SB 6265 by Senators Metcalf, Kreidler and Lee

AN ACT Relating to environmental excellence awards; and amending RCW 43.21A.520.

Referred to Committee on Environment and Natural Resources.

SB 6266 by Senators Metcalf, Vognild and Barr

AN ACT Relating to aquifer protection districts; and amending RCW 36.36.040.

Referred to Committee on Environment and Natural Resources.

SB 6267 by Senator Talmadge

AN ACT Relating to the release and use of genetically engineered organisms in the environment; adding a new chapter to Title 90 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6268 by Senator Owen

AN ACT Relating to school districts; creating new sections; and providing an expiration date.

Referred to Committee on Education.

SB 6269 by Senators Owen, von Reichbauer, Kreidler, Warnke, Smitherman, Johnson and Conner

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

Referred to Committee on Transportation.

SB 6270 by Senator Owen and Barr

AN ACT Relating to posting of motor fuel prices; and adding a new section to chapter 19.94 RCW.

Referred to Committee on Transportation.

SB 6271 by Senators Deccio, Wojahn, Smith, Kreidler, Nelson and Johnson

AN ACT Relating to care provided in the home; amending RCW 70.126.010, 48.21.220, 48.21A.090, and 48.44.320; adding a new chapter to Title 70 RCW; adding a new section to chapter 70.126 RCW; creating a new section; repealing RCW 70.126.040 and 70.126.050; prescribing penalties; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care and Corrections.

SB 6272 by Senators Anderson, Smitherman, Lee, Warnke, Cantu, Deccio, McMullen, Saling, Williams, Conner, West, Fleming and Smith

AN ACT Relating to local development; adding a new section to chapter 42.17 RCW; adding new sections to chapter 43.63A RCW; and adding a new section to chapter 43.170 RCW.

Referred to Committee on Economic Development and Labor.

SB 6273 by Senators Lee, Warnke, Deccio, Saling, Conner and Fleming

AN ACT Relating to foreign sales corporations; adding a new section to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6274 by Senators Fleming, Lee, Smitherman, Warnke and Anderson

AN ACT Relating local development; and amending RCW 43.63A.078.

Referred to Committee on Economic Development and Labor.

SB 6275 by Senators Smitherman, West, Fleming, Deccio, McMullen, Saling, Conner and Anderson

AN ACT Relating to small business loans; adding a new section to chapter 42.17 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development and Labor.

SB 6276 by Senators Lee, Warnke, Fleming, Smitherman, Conner, Deccio, McMullen and Johnson

AN ACT Relating to entrepreneurial development; adding a new chapter to Title 43 RCW; adding new sections to chapter 50.20 RCW; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6277 by Senators Warnke, Smitherman, Fleming, Williams, Conner and Lee

AN ACT Relating to the establishment of a business and job retention program; amending RCW 43.155.060; adding a new chapter to Title 43 RCW; adding a new section

to chapter 42.17 RCW; adding a new section to chapter 43.160 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6278 by Senators Benitz and Williams (by request of Washington State Energy Office)

AN ACT Relating to energy conservation; amending RCW 35.92.360 and 54.16.280; and providing an effective date.

Referred to Committee on Energy and Utilities.

SJR 8221 by Senators Benitz, Williams, von Reichbauer and Conner (by request of Washington State Energy Office)

Extending and expanding the authorization for government utilities to lend money for energy conservation.

Referred to Committee on Energy and Utilities.

SCR 8425 by Senators Hayner and Sellar

Amending the joint rules governing conference committees.

Hold.

MOTION

On motion of Senator Newhouse, Senate Concurrent Resolution No. 8425 was held on the desk.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Gubernatorial Appointment No. 9205, Thomas Kobler, appointed as Director of the Washington State Basic Health Plan Agency.

On motion of Senator Newhouse, Gubernatorial Appointment No. 9205 was referred to the Committee on Ways and Means.

MOTION

At 1:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 18, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 18, 1988

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Valerie Banks and Jeremy Byer, presented the Colors. Reverend Charles Price, pastor of the Mt. Sinai Missionary Baptist Church of Lakewood, Washington, and a guest of Senator George Fleming, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 15, 1988

SB 5171 Prime Sponsor, Senator Hansen: Removing presumption of negligence in collisions between motor vehicles and livestock. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

January 15, 1988

SB 5117 Prime Sponsor, Senator Barr: Requiring owners to control livestock to within twelve hours of running at large in livestock restricted area. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

January 14, 1988

SB 6096 Prime Sponsor, Senator von Reichbauer: Prohibiting equity skimming. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6096 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 15, 1988

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 13

SUBSTITUTE HOUSE BILL NO. 22,

SUBSTITUTE HOUSE BILL NO. 23,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 115,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 243,

ENGROSSED HOUSE BILL NO. 254,

SUBSTITUTE HOUSE BILL NO. 264,

HOUSE BILL NO. 516,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 567, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6279 by Senators Talmadge and Stratton

AN ACT Relating to fire risk affecting both residential and forest land areas; amending RCW 36.70.330; adding a new section to chapter 58.17 RCW; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Governmental Operations.

SB 6280 by Senator Madsen

AN ACT Relating to criminal procedure; amending RCW 7.36.130; adding new sections to chapter 10.73 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 6281 by Senator Madsen

AN ACT Relating to criminal mental defenses; amending RCW 9A.12.010, 10.77.010, 10.77.020, 10.77.030, 10.77.060, 10.77.070, 10.77.150, 10.77.163, 10.77.165, and 10.77.200; adding new sections to chapter 10.77 RCW; and repealing RCW 10.77.040, 10.77.080, and 10.77.110.

Referred to Committee on Law and Justice.

SB 6282 by Senator Madsen

AN ACT Relating to crimes; amending RCW 13.40.160; adding a new section to chapter 9A.52 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6283 by Senators Halsan, Benitz and Williams

AN ACT Relating to voter approval of energy project financing; and amending RCW 80.52.030.

Referred to Committee on Energy and Utilities.

SB 6284 by Senators Bender, West, Lee, Conner, Anderson, McMullen, Warnke, Smitherman, Saling and Johnson

AN ACT Relating to international capital projects; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6285 by Senators Warnke and Lee

AN ACT Relating to motor vehicle aftermarket crash parts; amending RCW 46.71.080 and 46.71.090; adding a new section to chapter 46.71 RCW; adding a new section to chapter 48.30 RCW; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6286 by Senators Owen, Bender, Johnson, von Reichbauer and McMullen

AN ACT Relating to retirement credit with the Washington state patrol for military service in Southeast Asia; amending RCW 43.43.260; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6287 by Senators Barr and Madsen

AN ACT Relating to bicyclists wearing headphones; and amending RCW 46.37.480.

Referred to Committee on Transportation.

SB 6288 by Senators Lee and Talmadge

AN ACT Relating to motor vehicles; amending RCW 46.61.235 and 46.61.440; and reenacting and amending RCW 46.63.020.

Referred to Committee on Transportation.

SB 6289 by Senators Anderson, Pullen, Wojahn, Stratton, Lee, Kiskaddon, Bailey, Johnson, Saling, Nelson and Smith

AN ACT Relating to sexual offenses; amending RCW 9A.44.050 and 9A.44.100; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6290 by Senators Lee, Warnke, Bluechel, Anderson, Fleming, Conner, Smitherman, West, Johnson, Gaspard and von Reichbauer (by request of Department of Trade and Economic Development)

AN ACT Relating to the Washington ambassador program; amending RCW 43.31.373, 43.31.377, 43.31.379, 43.31.381, 43.131.315, and 43.131.316; and repealing RCW 43.31.389.

Referred to Committee on Economic Development and Labor.

SB 6291 by Senators von Reichbauer, Bender, Sellar, Johnson and Gaspard (by request of Department of Transportation)

AN ACT Relating to the expansion and improvement of the relocation assistance and real property acquisition policies; amending RCW 8.26.010, 8.26.020, 8.26.180, 8.26.190, and 8.26.200; adding new sections to chapter 8.26 RCW; creating new sections; repealing RCW 8.26.030, 8.26.040, 8.26.050, 8.26.060, 8.26.070, 8.26.080, 8.26.090, 8.26.100, 8.26.110, 8.26.120, 8.26.130, 8.26.140, 8.26.150, 8.26.160, and 8.26.170; and declaring an emergency.

Referred to Committee on Transportation.

SB 6292 by Senators Zimmerman, Bauer, Smith, Conner and DeJarnatt

AN ACT Relating to property tax exemptions for public assembly halls and meeting places; and amending RCW 84.36.037.

Referred to Committee on Ways and Means.

SB 6293 by Senators Deccio, Kreidler, Newhouse, Vognild, Johnson, Wojahn, Smith, Niemi, Nelson, Halsan, Kiskaddon, Fleming, Sellar, Rinehart, Stratton, Garrett and von Reichbauer

AN ACT Relating to registered nurses regarding determination of death; and amending RCW 18.88.280.

Referred to Committee on Health Care and Corrections.

SB 6294 by Senators Newhouse, Vognild, Lee, Smitherman, Benitz, Saling, Deccio and Warnke (by request of Employment Security Department)

AN ACT Relating to services for employers; amending RCW 50.04.070, 50.04.072, 50.16.010, and 50.29.025; adding new sections to chapter 50.12 RCW; adding a new section to chapter 50.24 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6295 by Senators Garrett and Patterson

AN ACT Relating to Model Traffic Ordinance; and amending RCW 46.90.300, 46.90.406, 46.90.427, and 46.90.700.

Referred to Committee on Transportation.

SB 6296 by Senators Nelson, Hansen, Owen, McMullen, McCaslin, Sellar, Conner and Johnson

AN ACT Relating to the state patrol; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

SB 6297 by Senators von Reichbauer, Moore, Kreidler and Johnson (by request of Department of Labor and Industries)

AN ACT Relating to investment of funds of the department of labor and industries; and amending RCW 43.33A.110.

Referred to Committee on Economic Development and Labor.

SB 6298 by Senators Zimmerman, Williams and Bluechel (by request of Community Development)

AN ACT Relating to abandoned property with historical value; amending RCW 27.53.060 and 43.19.1919; adding a new section to chapter 27.53 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6299 by Senators Metcalf, Owen, Vognild, Barr and Conner

AN ACT Relating to forest protection; amending RCW 76.04.610 and 76.04.750; adding new sections to chapter 76.04 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6300 by Senators Zimmerman, Rasmussen, Nelson and Lee (by request of Legislative Budget Committee)

AN ACT Relating to state salary survey methodology; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6301 by Senators Zimmerman, Rasmussen, Barr and von Reichbauer (by request of Legislative Budget Committee)

AN ACT Relating to state government; amending RCW 43.131.215, 43.131.216, 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.323, 43.131.327, 43.131.328, 43.131.329, 43.131.330, 43.131.331, 43.131.332, 43.131.333, and 43.131.334; and repealing RCW 43.117.910, 43.131.269, 43.131.270, and 67.70.900.

Referred to Committee on Governmental Operations.

SB 6302 by Senators Kiskaddon, Warnke, Zimmerman, Garrett, McDonald and Johnson

AN ACT Relating to participation and communication on public issues as part of the centennial observance by organizations and citizens; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 6303 by Senator DeJarnatt

AN ACT Relating to out-of-state drivers' license suspensions and revocations; amending RCW 46.20.342; and providing an effective date.

Referred to Committee on Transportation.

SB 6304 by Senators Conner, Wojahn, Lee, Benitz, Niemi and Bauer

AN ACT Relating to community property; adding new sections to chapter 26.16 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Law and Justice.

SB 6305 by Senators Pullen, Talmadge, Bailey, McCaslin, Lee, Garrett, Rasmussen, Nelson and Smith

AN ACT Relating to the statute of limitations for sexual abuse or exploitation of a child; amending RCW 4.16.350; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Law and Justice.

SB 6306 by Senators Kiskaddon and West

AN ACT Relating to dependency of high-risk youths; adding a new section to chapter 13.34 RCW; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children and Family Services.

SB 6307 by Senator Kiskaddon

AN ACT Relating to open adoptions; amending RCW 26.33.060 and 26.33.330; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Children and Family Services.

SB 6308 by Senators Bailey and Kiskaddon

AN ACT Relating to juvenile court training; amending RCW 2.56.030; and creating a new section.

Referred to Committee on Children and Family Services.

SB 6309 by Senators Kiskaddon, Bailey and West

AN ACT Relating to dependency; amending RCW 13.34.130 and 13.34.070; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Children and Family Services.

SB 6310 by Senators Kiskaddon and Bailey

AN ACT Relating to dependency proceedings; and amending RCW 13.34.080 and 13.34.180.

Referred to Committee on Children and Family Services.

SB 6311 by Senators Bailey, Kiskaddon and West

AN ACT Relating to dependency; and amending RCW 13.34.020, 13.32A.010, 74.13.010, and 26.44.010.

Referred to Committee on Children and Family Services.

SB 6312 by Senators Kiskaddon and Bailey

AN ACT Relating to juvenile dependency proceedings; amending RCW 13.34.100; and reenacting and amending RCW 26.44.053.

Referred to Committee on Children and Family Services.

SB 6313 by Senators McDonald, Gaspard, Bailey, Zimmerman, Kreidler and Lee

AN ACT Relating to the retirement of interfund loans from the resource management cost account to the forest development account; amending RCW 76.12.120 and 79.64.030; adding a new section to chapter 79.12 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6314 by Senators Cantu, Rasmussen, Craswell, Anderson, Johnson, Nelson and Smith

AN ACT Relating to blood donation; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care and Corrections.

SB 6315 by Senators Owen, Barr and West

AN ACT Relating to purse seine gear; and amending RCW 75.12.010.

Referred to Committee on Environment and Natural Resources.

SB 6316 by Senators Pullen, Madsen, Zimmerman, Vognild, Bailey, Saling, Johnson, Talmadge, Metcalf, Bauer and West

AN ACT Relating to the forfeiture of real property from the commercial sale or production of controlled substances and imitation controlled substances and providing for the redistribution of proceeds from the sale of forfeited property; amending RCW 69.50.505; and creating a new section.

Referred to Committee on Law and Justice.

SB 6317 by Senators Pullen, Vognild, Zimmerman, Garrett, Talmadge and West

AN ACT Relating to abatement of nuisances regarding unlawful controlled substances; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6318 by Senators von Reichbauer, Moore, Garrett and Rasmussen (by request of Insurance Commissioner)

AN ACT Relating to cancellation and renewal of insurance policies; amending RCW 48.18.290 and 48.18.2901; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6319 by Senators von Reichbauer, Moore, Rasmussen, Kiskaddon and Zimmerman (by request of Insurance Commissioner)

AN ACT Relating to life insurance; adding a new section to chapter 48.23 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6320 by Senators von Reichbauer, Moore and Rasmussen (by request of Insurance Commissioner)

AN ACT Relating to insurance form and rate filings; amending RCW 48.18.100, 48.18.140, 48.19.060, 48.19.100, 48.19.120, and 48.19.280; repealing RCW 48.19.440; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SJR 8222 by Senators Madsen, Lee, Gaspard, Metcalf, McMullen and McCaslin

Authorizing current use valuation for all property.

Referred to Committee on Ways and Means.

SJR 8223 by Senators Kiskaddon and Bailey

Establishing a priority for appropriations for dependent children's services.

Referred to Committee on Children and Family Services.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8425, which was held on the desk, January 15, 1988, was advanced to second reading and placed on the second reading calendar.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of special guests from the Uzbek Society for Friendship and Cultural Relations with Foreign Countries, and appointed Senators Zimmerman, Hayner, Stratton and Vogtild to escort the honored guests to the Senate Rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Honorable Ismail Dzharabekof, First Deputy to the Prime Minister of the U.S.S.R. and Mr. Fattah Teshabaev, President of the Uzbek Society for Friendship and Cultural Relations with Foreign Countries.

With permission of the Senate, business was suspended to permit Mr. Dzharabekof to address the Senate.

President Cherberg presented books on the state of Washington to each of the guests seated on the rostrum.

Addition guests of the Uzbek Society who were seated in the gallery were introduced.

Senator Zimmerman gave an additional welcome to the honored visitors.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

At 10:33 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Cherberg.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following special guests of Senator Hayner: Ms. Laura Kennedy, the staff coordinator of the Hubert Humphrey Fellows Program from the University of Washington, and guests from the Phillipines, Cyprus, Liberia, Nigeria, Pakistan, Cyprus, India and Thailand, who were seated in the gallery.

The President announced that each of the honored guests would receive Ambassador of Good Will Certificates.

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

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1988-8703

by Senators Hayner and Sellar

BE IT RESOLVED, That Senate Resolution No. 1987-8602, the Senate Rules of the 50th Legislature, be amended to read as follows:

On page 1, line 86, after "chamber" insert "legislative area, legislative offices or buildings, and legislative hearing and meeting rooms."

On page 7, line 220, after "officials", strike "and/or designees" and insert "~~((and/or designees))~~"

On page 23, beginning on line 602, strike

"f. That the bill be indefinitely postponed.

g. Do not pass." and insert

~~"((f. That the bill be indefinitely postponed.~~

~~g. Do not pass.))"~~

On page 25, after line 659, insert the following:

*EMPLOYMENT COMMITTEE

RULE 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee."

Renumber the following rules accordingly.

TWENTY-FOUR HOUR NOTICE

Senator Talmadge served notice that there were amendments on the desk to the Senate Rules, the notice being necessary because of the twenty-four hour rule to consider amendments to the Senate Rules.

MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Senate Concurrent Resolution No. 8425.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8425, by Senators Hayner and Sellar

Amending the joint rules governing conference committees.

The resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8425 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8425.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8425, and the resolution passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Zimmerman - 46.

Voting nay: Senator Williams - 1.

Absent: Senators Fleming, Wojahn - 2.

SENATE CONCURRENT RESOLUTION NO. 8425, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Bender, Senators Fleming and Wojahn were excused.

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

MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Senate Resolution 1988-8700

MOTION

On motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 1988-8700

by Senators West, Williams, Johnson, Lee, Bailey, Stratton, Kiskaddon and Zimmerman

WHEREAS, Dr. Martin Luther King, Jr. had a "Dream" of a society where there would be no injustice, where there would be freedom and dignity for all people; and

WHEREAS, Dr. King's daily life demonstrated his faith in God and in mankind, and gave hope and inspiration to millions by calling for creation of a world where prejudice, racial intolerance, poverty, hunger and disease would be overcome; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr. was acclaimed internationally and awarded the Nobel Peace Prize in recognition of his leadership in and dedication to achieving through non-violent efforts economic, educational and social equality for all persons; and

WHEREAS, His death at the hands of an assassin in 1968 shocked and saddened the world, that a man of peace, a man of God, a man who espoused pacifism and peaceful change could be struck down so violently; and

WHEREAS, Despite his death, the "Dream" goes on, and grows each year, encouraging all of us, in our public and private lives, to do all we can to provide for the needs of the poor and the disadvantaged, to strive for a world without conflict, and to promote the concept of the nobility of every individual; and

WHEREAS, Today, the 18th day of January, 1988, is the 59th anniversary of the birth of this great American, and is recognized across the state of Washington and throughout the United States as Martin Luther King Day;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the members of the Senate of the state of Washington, pause in our endeavors to pay tribute to one of America's most honored and honorable citizens, The Reverend Dr. Martin Luther King, Jr., and to call to the attention of the residents of this state Dr. King's accomplishments, and to rededicate ourselves to the fulfillment of his "Dream" and to the pursuit of his principles of love, peace, freedom, and equality for all people; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the various educational institutions and organizations throughout the state which are dedicated to the achievement of racial equality, and to Dr. King's widow and to the members of his family.

Senator Talmadge spoke to Senate Resolution 1988-8700.

MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Senate Resolution 1988-8701

MOTION

On motion of Senator Smitherman, the following resolution was adopted:

SENATE RESOLUTION 1988-8701

by Senators Fleming, Owen, Bender, Vognild, Conner, Warnke, Williams, Johnson, Sellar, Lee, Rasmussen, Gaspard, Talmadge, Bailey, Bauer, Stratton, Kiskaddon, Kreidler, Zimmerman, McMullen and Smitherman

WHEREAS, The Reverend Dr. Martin Luther King Jr. earned national recognition in the 1950's and 1960's by turning the nation's attention toward the non-violent struggle for civil rights reform and racial justice in America; and

WHEREAS, Dr. King was awarded the Nobel Peace Prize in 1964 for his outstanding work in awakening the conscience of this nation and all the world; and

WHEREAS, Dr. King's activities led directly to the Civil Rights Act of 1964, which brought an end to legal segregation and minority degradation in this country, and provided the basis for many of the civil rights gains of the last twenty-five years; and

WHEREAS, Dr. King taught that since human dignity is not a matter of race, gender, faith, or geography, then there really is no place in this world for racism, anti-semitism, sexual exploitation, or apartheid; and

WHEREAS, Dr. King held that people are entitled to freedom from oppression wherever they live, just as we are morally obligated to resist oppressive systems such as "apartheid" wherever they occur, so long as we resist them in a dignified, non-violent manner; and

WHEREAS, Though an assassin's bullets took Martin Luther King's life away, no bullets could ever take away the meaning of his life; and

WHEREAS, We do not recognize this day in order to mourn the death of Dr. King, but rather, to celebrate his life, to acknowledge the legacy of his spirit, to further the influence of his gentleness, to remember his love, and to refocus our attention on the everlasting beauty of his dream;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the illustrious life and times of Dr. Martin Luther King Jr. on this day, Monday, January 18, 1988, Martin Luther King Day. As in years past, we celebrate this national and state holiday not merely in recognition of the just aspirations of black people, but as a holiday upon which all Washingtonians are also urged to reflect on the concept of peace and justice for all mankind, goals which motivated Dr. King throughout his short, but purposeful life; and

BE IT FURTHER RESOLVED, That the Washington State Senate issue this resolution to the public commemorating this solemn occasion in recognition of Dr King's contribution to our nation.

JOINT MEETING

Senator Bluechel invited all members to a joint meeting in the Chamber of the House of Representatives on Tuesday, March 19, 1988, at 10:00 a.m. to hear Dr. William G. Ouchi of the Graduate School of Management from U.C.L.A.

MOTION

At 12:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Tuesday, January 19, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 19, 1988

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bender, Kreidler, McMullen, Moore, Niemi, Owen, Talmadge and Williams. On motion of Senator Vognild, Senator Williams was excused.

The Sergeant at Arms Color Guard, consisting of Pages Angelique Stavaas and Andy Wilcox, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1988

SB 6101 Prime Sponsor, Senator Saling: Changing eligibility requirements for members of the state board for community college education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

January 14, 1988

SB 6136 Prime Sponsor, Senator Smith: Repealing authority for surcharges on nonresidents camping at state parks. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6220 Prime Sponsor, Senator Anderson: Changing provisions relating to business industrial development corporations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6220 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

January 18, 1988

SB 6272 Prime Sponsor, Senator Anderson: Establishing the Washington investment opportunities office. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 18, 1988

GA 9136 JOHN C. McGLENN, appointed June 12, 1987, for a term ending January 19, 1993, as a member of the Wildlife Commission, succeeding Elizabeth Meadowcroft.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6321 by Senators Zimmerman, DeJarnatt, Bauer, McCaslin and von Reichbauer

AN ACT Relating to building permits; and amending RCW 36.21.050.

Referred to Committee on Governmental Operations.

SB 6322 by Senators Zimmerman, Bailey, Metcalf, Saling and Kiskaddon

AN ACT Relating to time limits for trials involving child abuse victims; adding a new section to chapter 10.46 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6323 by Senators Zimmerman, DeJarnatt, Vognild and Johnson

AN ACT Relating to retail sales by mail; and amending RCW 82.14.020.

Referred to Committee on Ways and Means.

SB 6324 by Senators Zimmerman, Wojahn, Metcalf and Kiskaddon

AN ACT Relating to mammograms; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6325 by Senators Zimmerman and Johnson

AN ACT Relating to education in the common schools on acquired immunodeficiency syndrome; amending RCW 28A.05.010; adding a new section to chapter 28A.05 RCW; and providing an effective date.

Referred to Committee on Education.

SB 6326 by Senators Zimmerman, Bauer, Anderson, Cantu, Craswell, Sellar, Barr, Smith and Johnson

AN ACT Relating to lifeline telephone service; amending RCW 80.04.010; reenacting and amending RCW 80.04.130; repealing RCW 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.480; and repealing section 12, chapter 229, Laws of 1987 (uncodified).

Referred to Committee on Energy and Utilities.

SB 6327 by Senators Warnke, Smitherman, Pullen and Lee

AN ACT Relating to a purchase preference for fuels produced within the state of Washington; adding new sections to chapter 39.24 RCW; and repealing RCW 39.24.020, 39.24.030, 39.24.040, and 39.24.050.

Referred to Committee on Economic Development and Labor.

SB 6328 by Senators Warnke, Smith, McMullen, Lee and Smitherman

AN ACT Relating to workers' compensation; amending RCW 51.32.095 and 51.32.090; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6329 by Senators Smitherman, Warnke, Lee and McMullen

AN ACT Relating to duties of employers for industrial insurance purposes; amending RCW 51.28.050; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 6330 by Senators Halsan, Pullen and Conner

AN ACT Relating to license plates indicating Civil Air Patrol membership; adding a new section to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6331 by Senators Bauer, Kreidler, Wojahn, Moore and Zimmerman

AN ACT Relating to hemophiliacs; adding a new chapter to Title 70 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 6332 by Senators Newhouse and Rasmussen

AN ACT Relating to unclaimed property in museums and historical societies; amending RCW 63.24.160 and 63.29.020; and adding a new chapter to Title 63 RCW.

Referred to Committee on Governmental Operations.

SB 6333 by Senators Saling, Rasmussen, Wojahn, Patterson, Halsan, Warnke, Garrett, Kreidler, Talmadge, Moore, Stratton, Owen, McMullen, Bailey, Johnson, Kiskaddon, West, Conner, Fleming, Vognild, Smith, von Reichbauer, Gaspard and Bauer

AN ACT Relating to the teachers' retirement system; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

SB 6334 by Senators Barr, Hansen, Halsan and Bauer

AN ACT Relating to the uniform commercial code central filing system for agricultural products; and amending RCW 62A.9-307, 62A.9-402, and 62A.9-407.

Referred to Committee on Agriculture.

SB 6335 by Senator Talmadge

AN ACT Relating to sexually transmissible diseases; amending RCW 9A.36.011; adding new sections to chapter 70.24 RCW; adding a new section to chapter 49.60 RCW; repealing RCW 70.24.010, 70.24.020, 70.24.030, 70.24.040, 70.24.050, 70.24.060, 70.24.070, 70.24.080, 70.24.090, 70.24.100, 70.24.110, and 70.24.120; making appropriations; and prescribing penalties.

Referred to Committee on Health Care and Corrections.

SB 6336 by Senator DeJarnatt

AN ACT Relating to juvenile rehabilitation; creating new sections; and providing an effective date.

Referred to Committee on Health Care and Corrections.

SB 6337 by Senators Deccio, Wojahn, Johnson, Niemi, Smith, West, Kreidler, von Reichbauer and Bauer (by request of Department of Social and Health Services)

AN ACT Relating to reorganization and clarification of the laws governing developmental disabilities; amending RCW 13.34.030, 43.20B.410, 43.20B.420, 43.20B.425, 43.20B.430, 43.20B.440, 43.20B.445, 43.20B.455, 43.51.055, 71.20.110, 71.28.010, 74.15.020, 74.20A.030, 77.32.230, and 82.04.385; adding a new title to the Revised Code of Washington; creating new sections; and repealing RCW 71.20.010, 71.20.016, 71.20.020, 71.20.030, 71.20.040, 71.20.050, 71.20.060, 71.20.070, 71.20.075, 71.20.080, 71.20.090, 71.30.010, 71.30.020, 71.30.030, 72.30.010, 72.30.020, 72.30.030, 72.30.040, 72.30.050, 72.33.010, 72.33.020, 72.33.030, 72.33.040, 72.33.050, 72.33.070, 72.33.080, 72.33.090, 72.33.100, 72.33.110, 72.33.125, 72.33.130, 72.33.140, 72.33.150, 72.33.161, 72.33.165, 72.33.170, 72.33.180, 72.33.190, 72.33.200, 72.33.210, 72.33.220, 72.33.230, 72.33.240, 72.33.260, 72.33.260, 72.33.500, 72.33.510, 72.33.520, 72.33.530, 72.33.540, 72.33.550, 72.33.560, 72.33.570, 72.33.580, 72.33.590, 72.33.800, 72.33.805, 72.33.810, 72.33.815, 72.33.820, 72.33.830, 72.33.840, 72.33.850, 72.33.860, and 72.33.900.

Referred to Committee on Health Care and Corrections.

SB 6338 by Senators Kiskaddon, Stratton, Craswell, Wojahn, Garrett, Kreidler, Bailey and McDonald (by request of Department of Social and Health Services)

AN ACT Relating to case planning and consultation for protective service for children and developmentally disabled persons; and reenacting and amending RCW 26.44.030.

Referred to Committee on Children and Family Services.

SB 6339 by Senators Kiskaddon, Stratton, Craswell, Wojahn, Garrett, Kreidler, Bailey and McDonald (by request of Department of Social and Health Services)

AN ACT Relating to jurisdiction over voluntary Indian child welfare proceedings; amending RCW 13.04.030; and creating a new section.

Referred to Committee on Children and Family Services.

SB 6340 by Senators McDonald, Talmadge and Newhouse

AN ACT Relating to estates and estate tax; amending RCW 83.100.010, 83.100.020, 83.100.030, 83.100.040, 83.100.050, 83.100.060, 83.100.070, 83.100.080, 83.100.090, 83.100.110, 83.100.130, 83.100.140, 83.100.150, 82.32.240, 11.40.080, 11.08.160, 11.62.005, 11.62.010, 83.110.903, 11.108.010, and 11.108.020; adding a new section to chapter 11.108 RCW; adding new sections to chapter 83.100 RCW; creating new sections; repealing RCW 83.100.100; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6341 by Senators Nelson, Rasmussen and Barr

AN ACT Relating to state budget requests; amending RCW 43.88.030; and adding new sections to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SB 6342 by Senators Lee and Talmadge

AN ACT Relating to light and power bills; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Energy and Utilities.

SB 6343 by Senators Bender, Rinehart, Talmadge, Niemi, Smitherman, Fleming and Wojahn

AN ACT Relating to current use valuation of open space land; amending RCW 84.34-.037 and 84.34.108; and adding a new section to chapter 84.34 RCW.

Referred to Committee on Ways and Means.

SB 6344 by Senators Barr, Hansen, Bailey and Anderson (by request of Department of Agriculture)

AN ACT Relating to agriculture; amending RCW 15.49.470, 15.54.480, 15.52.320, 15.53-.9044, 15.30.040, 15.09.030, 69.04.930, and 20.01.030; adding a new section to chapter 43.23 RCW; adding a new section to chapter 69.07 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6345 by Senators Deccio, Kreidler, McDonald, Moore and West (by request of Department of Social and Health Services)

AN ACT Relating to alcoholism and drug addiction treatment; amending RCW 74.50-.010, 74.50.030, 74.50.040, 74.50.050, and 74.50.060; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 6346 by Senators West, Anderson and Saling

AN ACT Relating to the department of labor and industries; amending RCW 43.22-.270; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6347 by Senators Smith, Johnson, Zimmerman, Deccio and Saling

AN ACT Relating to acquired immunodeficiency syndrome education in colleges, universities, and vocational schools; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; and adding a new section to chapter 28C.04 RCW.

Referred to Committee on Higher Education.

SB 6348 by Senators Smith, Zimmerman, Craswell, Halsan and Anderson

AN ACT Relating to the powers of initiative and referendum in cities and towns; amending RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, 35.17.300, 35.24.210, and 39.88.090; adding new sections to chapter 35.21 RCW; recodifying RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, and 35.17.300; and repealing RCW 35.17.230, 35.17.250, 35.17.270, 35.17.280, 35.17.310, 35.17.320, 35.17.330, 35.17.340, 35.17.350, 35.17.360, 35A.11.080, and 35A.11.100.

Referred to Committee on Governmental Operations.

SB 6349 by Senators Smith, Kreidler, Benitz, Metcalf, Barr and Patterson

AN ACT Relating to professional salmon fishing guides; amending RCW 75.28.010; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6350 by Senators Smith, Halsan, Zimmerman, West and Bauer

AN ACT Relating to guide and service dogs; adding a new section to chapter 70.84 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6351 by Senators Rasmussen, Nelson, Barr and Lee (by request of Legislative Budget Committee)

AN ACT Relating to information contained in the governor's budget document; and amending RCW 43.88.030.

Referred to Committee on Ways and Means.

SB 6352 by Senators Patterson, Craswell, Hansen and Conner (by request of Washington State Transportation Commission)

AN ACT Relating to the Washington state ferry system; amending RCW 47.64.011; and adding a new section to chapter 47.64 RCW.

Referred to Committee on Transportation.

SB 6353 by Senators Patterson, Craswell and Hansen (by request of Washington State Transportation Commission)

AN ACT Relating to manning of state ferries; and amending RCW 47.64.120.

Referred to Committee on Transportation.

SB 6354 by Senators Lee, Smitherman and McMullen (by request of Department of Labor and Industries)

AN ACT Relating to the definition of wages for industrial insurance purposes; amending RCW 51.08.178; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6355 by Senators Anderson, Conner and West (by request of Department of Labor and Industries)

AN ACT Relating to injured workers' employment; and amending RCW 51.32.095 and 51.32.250.

Referred to Committee on Economic Development and Labor.

SB 6356 by Senators McMullen and Newhouse (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance dividends and premium refunds; and amending RCW 51.16.035 and 43.88.140.

Referred to Committee on Economic Development and Labor.

SB 6357 by Senators Lee and Smitherman (by request of Department of Labor and Industries)

AN ACT Relating to contractors' bonds; and amending RCW 18.27.040.

Referred to Committee on Economic Development and Labor.

SB 6358 by Senators West and Conner (by request of Department of Labor and Industries)

AN ACT Relating to adjustments to workers' compensation rates; and amending RCW 51.32.075.

Referred to Committee on Economic Development and Labor.

SB 6359 by Senator McCaslin

AN ACT Relating to sexual offenses; amending RCW 9A.44.010, 9.94A.440, 9A.46.060, 9A.88.030, 13.40.020, 13.40.110, and 70.125.030; reenacting and amending RCW 9.94A.320 and 9A.04.080; adding new sections to chapter 9A.44 RCW; creating a new section; repealing RCW 9A.44.070, 9A.44.080, and 9A.44.090; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6360 by Senator Talmadge

AN ACT Relating to human reproductive rights regarding hazardous substances in the workplace; amending RCW 49.70.010, 49.70.130, 49.17.240, and 49.60.030; adding a new section to chapter 18.73 RCW; adding a new section to chapter 49.44 RCW; and adding a new section to chapter 49.70 RCW.

Referred to Committee on Economic Development and Labor.

SB 6361 by Senator Moore

AN ACT Relating to the state investment board; and amending RCW 43.33A.020 and 43.33A.040.

Referred to Committee on Financial Institutions and Insurance.

SB 6362 by Senators Nelson, von Reichbauer, Barr and Patterson

AN ACT Relating to vehicles over forty years old; and amending RCW 46.16.310 and 46.37.500.

Referred to Committee on Transportation.

SB 6363 by Senators Pullen, McCaslin, Rasmussen and Owen

AN ACT Relating to the use of force; and amending RCW 9A.16.020.

Referred to Committee on Children and Family Services.

SB 6364 by Senators Pullen, McCaslin and Madsen

AN ACT Relating to the sentencing of felons; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Law and Justice.

SB 6365 by Senators Pullen, Rasmussen, Anderson, Owen, McCaslin, Talmadge and Vognil

AN ACT Relating to attorneys' fees, costs, and expenses awarded against the state; adding a new section to chapter 4.84 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6366 by Senators Pullen, Hansen, Kreidler, Halsan, Madsen, Smith, Newhouse, Nelson, Hayner, Talmadge, McCaslin, West and Conner

AN ACT Relating to the creation of a law enforcement medal of honor; amending RCW 1.40.020, 1.40.030, and 1.40.040; and adding new sections to chapter 1.40 RCW.

Referred to Committee on Law and Justice.

SB 6367 by Senator Conner

AN ACT Relating to higher education; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

SB 6368 by Senators Conner and Bauer

AN ACT Relating to property taxes imposed for veterans' assistance purposes; and amending RCW 73.08.080.

Referred to Committee on Ways and Means.

SB 6369 by Senators Nelson, Pullen, Vognild and Talmadge

AN ACT Relating to public office funds; and amending RCW 42.17.243.

Referred to Committee on Law and Justice.

SB 6370 by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

AN ACT Relating to obsolete references involving state agencies; amending RCW 35.63.060, 35A.80.010, 43.21.050, 43.21.070, 43.21.080, 43.21.090, 43.21.200, 43.21.220, 43.21.230, 43.21.250, 43.21.260, 43.21.270, 43.21.280, 43.21.290, 43.21.300, 43.21.310, 43.21.320, 43.21.330, 43.21.340, 43.21.360, 43.21.370, 43.21.390, 43.21.410, 43.21A.190, 43.27A.090, 43.27A.130, 43.27A.220, 43.92.010, 70.95.160, 70.95.180, 78.06.030, 78.40.250, 79.08.080, 79.08.100, 80.40.040, 82.34.010, 82.34.100, 85.08.820, 86.24.030, 87.03.020, 87.03.170, 87.03.185, 87.03.195, 87.03.210, 87.03.495, 87.03.555, 87.03.670, 87.03.750, 87.25.010, 87.25.020, 87.25.030, 87.25.050, 87.25.070, 87.25.090, 87.25.100, 87.25.120, 87.25.125, 87.25.130, 87.25.140, 87.48.020, 87.48.040, 87.53.150, 87.56.010, 87.64.040, 87.64.060, 87.80.050, 87.84.010, 87.84.060, 87.84.061, 89.30.055, 89.30.058, 89.30.070, 90.14.041, 90.14.061, 90.14.091, 90.14.101, 90.14.111, 90.16.060, 90.16.090, 90.22.030, 90.24.050, and 90.40.090; reenacting RCW 90.22.010; recodifying RCW 43.21.110, 43.21.130, 43.21.140, 43.21.160, 43.21.190, 43.21.200, 43.21.220, 43.21.230, 43.21.250, 43.21.260, 43.21.270, 43.21.280, 43.21.290, 43.21.300, 43.21.310, 43.21.320, 43.21.330, 43.21.340, 43.21.350, 43.21.360, 43.21.370, 43.21.380, 43.21.390, 43.21.400, 43.21.410, 43.21.050, 43.21.070, 43.21.080, and 43.21.090; decodifying RCW 43.21.141, 43.21A.060, 43.21A.400, 43.27A.080, 43.27A.120, and 43.27A.180; and repealing RCW 43.21.010, 43.21.040, 43.21.060, 43.21.210, 43.21.240, 43.49.010, 43.49.020, 43.49.030, 43.49.040, 43.49.050, 43.49.060, and 43.49.070.

Referred to Committee on Law and Justice.

SB 6371 by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

AN ACT Relating to correcting a double amendment to the motor vehicle excise tax distribution section; and reenacting and amending RCW 82.44.150.

Referred to Committee on Law and Justice.

SB 6372 by Senators Pullen, Talmadge and McCaslin (by request of Department of Natural Resources and Statute Law Committee)

AN ACT Relating to obsolete statutory references involving natural resource agencies; amending RCW 11.08.160, 11.08.220, 11.08.270, 17.04.030, 17.06.030, 28B.30.310, 36.35.080, 37.08.220, 37.08.250, 43.30.150, 70.77.495, 76.01.010, 76.01.040, 76.01.050, 76.06.020, 76.06.030, 76.06.050, 76.06.060, 76.06.070, 76.06.080, 76.06.090, 76.12.020, 76.12.030, 76.12.040, 76.12.045, 76.12.070, 76.12.080, 76.12.090, 76.12.100, 76.12.110, 76.12.120, 76.12.140, 76.12.155, 76.12.160, 76.12.170, 76.14.010, 76.14.030, 76.14.040, 76.14.050, 76.14.060, 76.14.070, 76.14.080, 76.14.090, 76.14.100, 76.14.110, 76.36.130, 76.36.140, 78.52.020, 79.01.048, 79.01.052, 79.01.068, 79.01.072, 79.01.094, 79.01.152, 79.01.500, 79.01.708, 79.01.712, 79.08.104, 79.08.106, 79.08.108, 79.24.030, 79.28.010, 79.28.020, 79.36.290, 79.40.070, 79.60.010, 79.60.020, 79.60.030, 79.60.040, 79.60.050, 79.60.060, 79.60.080, 79.60.090, 89.12.150, and 90.58.170; adding a new section to chapter 76.12 RCW; and decodifying RCW 43.30.070, 43.30.080, 43.30.090, 43.30.110, 43.30.120, 43.30.190, 43.30.220, 43.30.230, 43.30.240, 76.12.085, 79.01.040, and 79.01.900.

Referred to Committee on Law and Justice.

SB 6373 by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

AN ACT Relating to obsolete statutory references; amending RCW 30.04.310, 31.04.160, 31.08.010, 31.08.100, 31.08.230, 31.16.025, 31.16.030, 31.16.230, 31.16.310, and 43.19.010; and decodifying RCW 31.16.330.

Referred to Committee on Law and Justice.

SB 6374 by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

AN ACT Relating to the state boxing commission; and amending RCW 67.08.001, 67.08.060, 67.08.140, and 82.04.340.

Referred to Committee on Law and Justice.

SB 6375 by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

AN ACT Relating to obsolete statutory references; and amending RCW 9.41.070, 9.41.090, 9.41.185, 9.41.310, 10.93.020, 15.85.060, 16.68.190, 17.21.230, 36.61.040, 36.61.050, 38.52.420, 39.04.150, 42.17.2401, 43.19.450, 43.21A.170, 43.51.340, 43.51.943, 43.52.350, 43.81.010, 43.82.010, 43.99.110, 43.99G.020, 43.220.020, 43.220.120, 46.09.170, 46.10.220, 46.16.605, 70.105.020, 72.63.020, 72.63.030, 75.08.020, 75.20.050, 75.20.100, 75.20.103, 75.20.106, 75.20.110, 75.20.130, 75.20.300, 75.20.310, 75.48.120, 72.52.010, 75.52.020, 75.58.010, 75.58.030, 75.58.040, 76.09.040, 76.09.050, 76.09.180, 76.48.040, 77.12.055, 77.16.170, 77.32.380, 79.66.080, 79.70.030, 79.70.070, 79.70.080, 79.72.020, 79.72.070, 79.72.100, 80.50.030, 82.27.070, 84.34.055, 86.26.040, 86.26.050, 90.03.280, 90.03.290, 90.24.030, 90.24.060, 90.48.142, 90.48.170, 90.62.020, 90.70.045, and 91.14.100.

Referred to Committee on Law and Justice.

SB 6376 by Senators Nelson, McMullen, Metcalf and Bender (by request of Governor Gardner)

AN ACT Relating to motor vehicle excise tax; amending RCW 82.44.110; and reenacting and amending RCW 82.44.020.

Referred to Committee on Transportation.

SB 6377 by Senators Talmadge, Rasmussen, Bender, Gaspard, Niemi, Stratton, Williams, Garrett, Rinehart, Moore, Vognild, Conner, Fleming and Bauer (by request of Governor Gardner)

AN ACT Relating to state employees' insurance; and amending RCW 41.05.025.

Referred to Committee on Ways and Means.

SB 6378 by Senators Vognild, Niemi, Nelson and Moore (by request of Governor Gardner)

AN ACT Relating to sales or use tax exemptions on food products sold by vendors required to have a worker's permit under RCW 69.06.010; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Ways and Means.

SB 6379 by Senators Hayner, Halsan, Smith, Rasmussen, Lee, Sellar, Zimmerman, Johnson, Craswell, Barr, Kiskaddon, Bauer, Bender, Hansen, McMullen, Gaspard, Stratton, Garrett and Vognild (by request of Governor Gardner)

AN ACT Relating to excise tax deferrals and credits for manufacturing and research and development activities; and amending RCW 82.61.010, 82.61.040, 82.61.070, and 82.62.040.

Referred to Committee on Economic Development and Labor.

SB 6380 by Senators Barr, Talmadge, Metcalf, Benitz, Moore, Zimmerman, Hansen, Bailey, Gaspard and Kreidler (by request of Governor Gardner)

AN ACT Relating to the water use efficiency study; amending RCW 43.83B.300; adding new sections to chapter 43.83B RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Agriculture.

SB 6381 by Senators Pullen, Halsan, Nelson, Zimmerman, Johnson, Patterson, West, Anderson, McCaslin, Bailey, Saling, Stratton, Niemi, Gaspard, McMullen and von Reichbauer (by request of Governor Gardner)

AN ACT Relating to community placement; amending RCW 9.94A.150, 72.09.020, 9.94A.170, 9.94A.200, 9.94A.360, and 9.94A.330; reenacting and amending RCW 9.94A.030

and 9.94A.120; adding new sections to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6382 by Senators DeJarnatt, West, Gaspard, Hayner, Garrett, Zimmerman, Madsen, Johnson, McMullen, Craswell, Nelson, Bender, Vognlid and Bailey (by request of Governor Gardner)

AN ACT Relating to local sales and use tax distributions; amending RCW 82.14.060; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6383 by Senators Pullen, Johnson, Rasmussen and West (by request of Governor Gardner and Attorney General)

AN ACT Relating to administrative procedure; amending RCW 34.04.025, 34.04.030, 34.04.080, 34.04.090, 34.04.130, 34.12.040, 28B.19.030, 28B.19.040, 28B.19.120, and 28B.19.150; adding new sections to chapter 34.04 RCW; adding new sections to chapter 28B.19 RCW; repealing RCW 28B.19.033, 34.04.022, and 34.04.045; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6384 by Senators Owen, Metcalf, Barr, Williams, Johnson, Gaspard, Kiskaddon, McMullen, Bailey, Kreidler, Benitz and von Reichbauer (by request of Governor Gardner)

AN ACT Relating to wetlands management; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Environment and Natural Resources.

SB 6385 by Senators Bailey, Rinehart, Lee, Talmadge, Kiskaddon, Rasmussen, Johnson, Gaspard, Craswell, Bauer, West, Bender, Saling, Anderson, Benitz, Nelson, Bluechel, Zimmerman, Sellar, Garrett and Smith (by request of Governor Gardner)

AN ACT Relating to changing the application deadline from March 31, 1988, to May 31, 1988, for the schools for the twenty-first century pilot project; amending RCW 28A.100-.038; and declaring an emergency.

Referred to Committee on Education.

SB 6386 by Senators Kiskaddon, Rasmussen, Talmadge, Moore, Bender and Williams (by request of Governor Gardner)

AN ACT Relating to state general obligation bonds; and amending RCW 43.99G.020 and 43.99G.102.

Referred to Committee on Ways and Means.

SB 6387 by Senators Pullen, McCaslin, Craswell, Nelson, Rasmussen, Kreidler, Bailey, Moore, Zimmerman, Sellar, Stratton, Johnson, Saling, Newhouse, Hayner, Cantu, Metcalf, Kiskaddon, Patterson, West, Anderson, Barr, Bender, Gaspard, Garrett, Bauer, Talmadge, Williams and Smith (by request of Governor Gardner)

AN ACT Relating to sexual offenses; amending RCW 9A.44.070, 9A.44.080, 9A.44.090, 9A.44.100, 9.94A.440, 9A.46.060, 9A.88.030, 13.40.020, 13.40.110, and 70.125.030; reenacting and amending RCW 9.94A.030, 9.94A.320, and 9A.04.080; adding new sections to chapter 9A.44 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6388 by Senators DeJarnatt, Smith, Benitz, Halsan, McMullen, Stratton, Bauer, Anderson, Zimmerman and Owen

AN ACT Relating to food fish; and amending RCW 75.25.090.

Referred to Committee on Environment and Natural Resources.

SB 6389 by Senators Craswell, Johnson, Rasmussen, Stratton and Smith

AN ACT Relating to written marriage contracts; amending RCW 26.09.010, 26.09.020, 26.09.030, and 26.09.150; adding a new section to chapter 26.09 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6390 by Senator Moore

AN ACT Relating to animal protection; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6391 by Senator McDonald

AN ACT Relating to exemptions from the insurance premiums tax; and amending RCW 48.14.022.

Referred to Committee on Ways and Means.

SB 6392 by Senators Halsan, Barr and Hansen

AN ACT Relating to livestock; amending RCW 16.04.010, 16.16.020, 16.24.065, 16.24.070, 16.13.020, 16.13.050, 16.24.090, 16.20.010, 16.28.160, 16.20.035, 16.04.025, 16.57.010, 16.57.290, 16.57.300, and 16.57.410; adding a new section to chapter 16.04 RCW; recodifying RCW 16.16.020, 16.13.020, 16.13.050, 16.28.160, 16.20.010, 16.13.030, 16.13.040, 16.13.060, 16.13.070, 16.13.080, 16.20.020, 16.20.030, 16.20.035, and 16.28.165; and repealing RCW 16.28.170, 16.12.010, 16.12.020, 16.12.030, 16.12.070, 16.12.080, 16.12.090, 16.12.100, 16.12.110, 16.13.010, 16.13.090, 16.16.010, 16.16.030, 16.16.040, 16.16.050, 16.16.060, 16.20.040, 16.13.025, and 16.57.295.

Referred to Committee on Agriculture.

SB 6393 by Senators Craswell, Johnson, Talmadge, Rasmussen and Bailey

AN ACT Relating to home incarceration and restitution; and adding a new chapter to Title 9 RCW.

Referred to Committee on Law and Justice.

SB 6394 by Senators Craswell and Bailey

AN ACT Relating to school district boards of directors; and adding new sections to chapter 28A.57 RCW.

Referred to Committee on Education.

SB 6395 by Senators McCaslin, Nelson and Bender (by request of Governor Gardner)

AN ACT Relating to state boards and commissions; amending RCW 19.28.005, 19.28.015, 19.28.060, 19.28.065, 19.28.123, 19.28.125, 19.28.210, 19.28.260, 19.28.300, 19.28.310, 19.28.350, 19.28.530, 19.28.540, 19.28.580, 19.28.620, 38.52.040, 46.48.170, and 76.44.020; repealing RCW 31.30.140, 46.48.190, and 76.44.022; and providing an effective date.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 13 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Rust, Brække, Jacobsen and Nelson)

Regulating smoking in the workplace.

Referred to Committee on Economic Development and Labor.

SHB 22 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Wang, Hine, Heavey, P. King, Wineberry and Belcher)

Revising voter registration periods.

Referred to Committee on Governmental Operations.

SHB 23 by Committee on Transportation (originally sponsored by Representative Sutherland)

Authorizing green lights on private cars of emergency medical personnel.

Referred to Committee on Transportation.

ESHB 115 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Brekke, May, Walker, Nutley and Lux)

Providing for single authority to be responsible for solid waste management and eliminating city comprehensive solid waste management plans.

Referred to Committee on Environment and Natural Resources.

ESHB 243 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Pruitt, P. King and Fisch)

Revising the requirements for statements to describe ballot propositions.

Referred to Committee on Governmental Operations.

EHB 254 by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)

Imposing a penalty fee for the renewal of drivers' licenses that have expired.

Referred to Committee on Transportation.

SHB 264 by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, May, D. Sommers, Ferguson, Valle, Lux, Allen, Rust, Walker, Brekke, Moyer, Brooks, Bumgarner, Dellwo, Brough, and Winsley)

Prohibiting use of tobacco products in health care facilities.

Referred to Committee on Health Care and Corrections.

HB 516 by Representatives Rust, Allen, Unsoeld, May and Todd (by request of Puget Sound Water Quality Authority)

Revising penalties for violation of water pollution statutes.

Referred to Committee on Environment and Natural Resources.

ESHB 567 by Committee on Human Services (originally sponsored by Representatives Nutley, McMullen, Allen, Wang, Cantwell, Scott, Brough, Winsley, Unsoeld, Leonard, Padden, Cooper, Lewis, R. King, Holm, L. Smith, Betrozoff, May, Sprenkle, Todd, Spanel and Miller)

Providing funding sources for county domestic violence prevention programs.

Referred to Committee on Children and Family Services.

MOTION

At 9:39 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:34 a.m. by President Cherberg.

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

REPORTS OF STANDING COMMITTEES

January 18, 1988

SB 6103 Prime Sponsor, Senator Pullen: Revising provisions on the duties of ski operators and users of commercial ski areas. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill 6103 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Nelson, Newhouse, Niemi, Talmadge.

MINORITY recommendation: That it not be substituted. Signed by Senators Halsan and Madsen.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6113 Prime Sponsor, Senator Pullen: Making technical corrections to quasi-community property laws. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6143 Prime Sponsor, Senator Pullen: Revising provisions on real estate contract forfeitures. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6154 Prime Sponsor, Senator Bailey: Changing provisions relating to model curriculum programs and guidelines. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6166 Prime Sponsor, Senator Bailey: Changing provisions relating to the teacher assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Referred to Committee on Ways and Means.

January 18, 1988

SB 6276 Prime Sponsor, Senator Lee: Creating an interagency task force on entrepreneurial development. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6276 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

MOTION

At 11:38 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 20, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 20, 1988

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

The Sergeant at Arms Color Guard, consisting of Pages Mattie Clarke and Brian Ellison, presented the Colors. Reverend Max Lafser, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1988

SB 5112 Prime Sponsor, Senator Benitz: Authorizing green lights on cars of dive rescue personnel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 18, 1988

ESB 5263 Prime Sponsor, Senator Gaspard: Establishing a ratio of vocational education teachers to students. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Referred to Committee on Ways and Means.

January 18, 1988

SB 5840 Prime Sponsor, Senator Bailey: Providing grants to local school districts to enhance education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5840 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6145 Prime Sponsor, Senator Rinehart: Establishing a program to promote collaborative relationships between various educational faculty and staff. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6145 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, Reichbauer.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6156 Prime Sponsor, Senator Bailey: Requiring school districts to report on the self-study process every two years. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6157 Prime Sponsor, Senator Bailey: Providing for the expiration in 1994 of the student learning objectives programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Craswell, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 18, 1988

SB 6209 Prime Sponsor, Senator Bailey: Allowing the state's minimum high school graduation requirements to be taken prior to ninth grade. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6209 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Craswell, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6305 Prime Sponsor, Senator Pullen: Altering the statute of limitations for child sexual abuse. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6366 Prime Sponsor, Senator Pullen: Creating the state law enforcement medal of honor. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 19, 1988

GA 9164 A. J. "BUD" PARDINI, appointed September 8, 1987, for a term ending January 1, 1993, as a member of the Utilities and Transportation Commission, succeeding Robert W. Bratton. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman, Madsen, Nelson, Newhouse, Owen, Pullen, Stratton, Williams.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 18, 1988

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 657,

ENGROSSED HOUSE BILL NO. 668,

SUBSTITUTE HOUSE BILL NO. 692,

SUBSTITUTE HOUSE BILL NO. 832,

SUBSTITUTE HOUSE BILL NO. 873,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 877.

SUBSTITUTE HOUSE BILL NO. 929,
 SUBSTITUTE HOUSE BILL NO. 932,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4210,
 HOUSE CONCURRENT RESOLUTION NO. 4402, and the same are herewith
 transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6396 by Senators West, Conner and Anderson (by request of Department of Labor and Industries)

AN ACT Relating to apprentice industrial insurance; and amending RCW 51.12.130.

Referred to Committee on Economic Development and Labor.

SB 6397 by Senators Barr and Rasmussen

AN ACT Relating to forest fires; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6398 by Senators Barr and Rasmussen

AN ACT Relating to highway maintenance; and adding a new section to chapter 47.28 RCW.

Referred to Committee on Transportation.

SB 6399 by Senators Barr, Patterson, Anderson, Vognild, Rasmussen, Conner, Bauer, Zimmerman and Smith

AN ACT Relating to special fuel record-keeping requirements; and amending RCW 82.38.140.

Referred to Committee on Transportation.

SB 6400 by Senators Barr, Anderson, Hansen, Rasmussen and Patterson

AN ACT Relating to dispensing gasohol at state facilities; and amending RCW 43.41.130.

Referred to Committee on Transportation.

SB 6401 by Senators Pullen, Moore, Bluechel, Bauer, DeJarnatt and Hansen

AN ACT Relating to limitations on actions on contracts and agreements; and amending RCW 4.16.040 and 4.16.080.

Referred to Committee on Law and Justice.

SB 6402 by Senators Pullen, Moore, Bluechel, Newhouse, Bauer, DeJarnatt and Hansen

AN ACT Relating to venue in district court civil actions; and amending RCW 3.66.040.

Referred to Committee on Law and Justice.

SB 6403 by Senators Lee, Halsan and Zimmerman (by request of Department of Community Development)

AN ACT Relating to the denial of fireworks licenses; and amending RCW 70.77.370.

Referred to Committee on Governmental Operations.

SB 6404 by Senators Lee, Halsan, Bailey and Garrett (by request of Department of Community Development)

AN ACT Relating to funding emergency public works projects from the public works assistance account; amending RCW 43.155.060 and 43.155.070; and adding a new section to chapter 43.155 RCW.

Referred to Committee on Governmental Operations.

SB 6405 by Senators Lee, Halsan, Zimmerman and Garrett (by request of Department of Community Development)

AN ACT Relating to bond information; amending RCW 39.44.200, 39.44.210, 39.44.230, 39.44.240, and 43.63A.155; and repealing RCW 39.44.220.

Referred to Committee on Governmental Operations.

SB 6406 by Senators Wojahn, Lee, West, Warnke, Smitherman, McMullen and Anderson

AN ACT Relating to regulatory fairness; amending RCW 19.85.030, 19.85.040, and 34.04.070; adding a new section to chapter 19.85 RCW; adding new sections to chapter 34.04 RCW; adding a new section to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6407 by Senator Talmadge

AN ACT Relating to alcohol and substance abuse; amending RCW 46.61.502, 46.61.504, 88.02.095, 5.62.020, 18.83.110, 70.96A.020, 70.96A.120, 70.96A.140, and 9.73.090; reenacting and amending RCW 5.60.060; adding new sections to chapter 9.73 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.20 RCW; adding new sections to chapter 66.28 RCW; adding a new chapter to Title 69 RCW; creating new sections; repealing RCW 9.73.050; prescribing penalties; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6408 by Senators Benitz, Bender, Newhouse, Vogndild and Garrett

AN ACT Relating to the dates for submission of the recommendations required under RCW 19.27A.040(4) and for expiration of state supersession of local residential energy codes; and amending RCW 19.27A.030 and 19.27A.040.

Referred to Committee on Energy and Utilities.

SB 6409 by Senators Zimmerman, Niemi and Garrett

AN ACT Relating to the collection of costs incurred by public officials to abate a public nuisance; and amending RCW 7.48.280 and 9.66.040.

Referred to Committee on Governmental Operations.

SB 6410 by Senators Smith, Halsan, McCaslin, Patterson, Newhouse, Craswell, Hayner, Nelson, Barr, Zimmerman and Kiskaddon

AN ACT Relating to driving privileges; adding a new section to chapter 13.40 RCW; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6411 by Senators Smith, Smitherman, Anderson, Deccio, Zimmerman, Lee, Craswell, West, Saling, Cantu and Johnson

AN ACT Relating to workers' compensation payments; and amending RCW 51.32.210.

Referred to Committee on Economic Development and Labor.

SB 6412 by Senators von Reichbauer and Moore

AN ACT Relating to the publication of interest rates on retail installment contracts for the purchase of motor vehicles; amending RCW 63.14.135; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 6413 by Senators Rinehart, Patterson, McMullen, Talmadge, Smitherman, Hansen and Fleming

AN ACT Relating to higher education tuition fees; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

SB 6414 by Senators Kreidler, Lee, Smith and Conner

AN ACT Relating to providing limited duty work or leave for pregnant fire fighters and law enforcement officers; adding a new section to chapter 41.04 RCW; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6415 by Senators Warnke, Garrett and Smitherman

AN ACT Relating to the siting of new solid waste incinerators; adding new sections to chapter 70.95 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6416 by Senator McCaslin

AN ACT Relating to financial institutions; adding a new chapter to Title 61 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6417 by Senator McCaslin

AN ACT Relating to financial institutions; adding a new chapter to Title 61 RCW; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6418 by Senators Halsan and Sellar

AN ACT Relating to leadership development; and creating new sections.

Referred to Committee on Governmental Operations.

SB 6419 by Senators Zimmerman and Rasmussen

AN ACT Relating to contracts by port districts; adding a new section to chapter 53.08 RCW; and repealing RCW 53.08.120.

Referred to Committee on Governmental Operations.

SB 6420 by Senators Pullen, Vognild, Rasmussen, Sellar, Nelson and Hansen

AN ACT Relating to cities and towns; and adding a new section to chapter 35.80 RCW.

Referred to Committee on Law and Justice.

SB 6421 by Senators Talmadge, Lee and Garrett

AN ACT Relating to high-voltage electrical transmission lines; adding a new section to chapter 80.04 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6422 by Senators Metcalf, DeJarnatt and Conner

AN ACT Relating to open meetings; and amending RCW 39.34.030.

Referred to Committee on Governmental Operations.

SB 6423 by Senators Metcalf, Vognild, Conner and Smith

AN ACT Relating to fishing vessels; adding a new section to chapter 75.12 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6424 by Senators Metcalf and Conner

AN ACT Relating to long-term salmon harvest allocation goals; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6425 by Senators Conner, Metcalf and DeJarnatt

AN ACT Relating to the Elwha river fish runs; creating a new section; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6426 by Senator Williams

AN ACT Relating to radiation protection and management; amending RCW 70.98-.020, 70.98.030, 70.98.050, 70.98.085, 70.98.095, 70.98.122, 70.121.020, 70.121.030, 70.121.040, 70.121.050, 70.121.060, 70.121.070, 70.121.070, 70.121.080, 70.121.100, 70.121.110, 70.121.140, 70.121.905, and 49.17.270; adding a new section to chapter 43.200 RCW; adding new sections to chapter 43.202 RCW; creating new sections; recodifying RCW 43.200.080, 43.200.170, 43.200.180, 43.200.190, 43.200.200, 43.200.210, 43.200.905, 43.200.906, 70.98.010, 70.98.020, 70.98.030, 70.98.050, 70.98.080, 70.98.085, 70.98.095, 70.98.100, 70.98.110, 70.98.120, 70.98.125, 70.98.130, 70.98.140, 70.98.150, 70.98.160, 70.98.170, 70.98.180, 70.98.190, 70.98.200, 70.98.210,

70.98.900, 70.98.910, 70.98.920, 70.121.010, 70.121.020, 70.121.030, 70.121.040, 70.121.050, 70.121.060, 70.121.070, 70.121.080, 70.121.090, 70.121.100, 70.121.110, 70.121.120, 70.121.130, 70.121.140, 70.121.150, 70.121.900, 70.121.905, and 70.121.910; and repealing RCW 43.200-.090.

Referred to Committee on Energy and Utilities.

SB 6427 by Senator Williams

AN ACT Relating to low-level radioactive waste disposal; amending RCW 70.98.085; adding a new section to chapter 70.98 RCW; adding a new section to chapter 82.04 RCW; making an appropriation; prescribing effective dates; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6428 by Senators Halsan and Bauer

AN ACT Relating to criminal sentencing; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 6429 by Senators Madsen and Barr

AN ACT Relating to alcohol or drug violations by juveniles; amending RCW 46.04.480; reenacting and amending RCW 46.20.311; adding a new section to chapter 13.40 RCW; adding a new section to chapter 66.44 RCW; adding a new section to chapter 69.50 RCW; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Law and Justice.

SB 6430 by Senators McDonald, Gaspard and Patterson

AN ACT Relating to property taxes; and amending RCW 39.67.010, 39.67.020, 84.55-.092, and 84.52.043.

Referred to Committee on Ways and Means.

SB 6431 by Senator West

AN ACT Relating to apprenticeship agreements; and amending RCW 49.04.010.

Referred to Committee on Economic Development and Labor.

SB 6432 by Senators Hansen, Barr, Halsan, Benitz and Bauer

AN ACT Relating to agricultural livestock liens; and amending RCW 60.56.010 and 60.56.050.

Referred to Committee on Agriculture.

SB 6433 by Senators Rinehart, Johnson, Moore, Deccio and von Reichbauer

AN ACT Relating to insurance and health care services; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6434 by Senator Lee

AN ACT Relating to contractors; amending RCW 60.04.020, 60.04.230, 18.27.200, 18.27-.210, 18.27.230, 18.27.310, and 18.27.320; adding a new section to chapter 60.04 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6435 by Senators Lee and Owen

AN ACT Relating to disclosure by contractors; and amending RCW 18.27.114.

Referred to Committee on Economic Development and Labor.

SB 6436 by Senators Lee and Owen

AN ACT Relating to lien foreclosure; and adding a new section to chapter 60.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 6437 by Senators Deccio, Kreidler, Sellar, Fleming and Johnson

AN ACT Relating to the return on investment allowance for nursing homes; and amending RCW 74.46.360.

Referred to Committee on Health Care and Corrections.

SB 6438 by Senators Benitz, Stratton, Newhouse, Bluechel, Owen, Nelson, Pullen, Madsen, Williams and Talmadge

AN ACT Relating to authorization for the utilities and transportation commission to approve tariffs for gas companies and electrical companies that include banded rates; adding new sections to chapter 80.28 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6439 by Senators Pullen and Talmadge

AN ACT Relating to courts; and amending RCW 35.20.100.

Referred to Committee on Law and Justice.

SB 6440 by Senators Kreidler, Newhouse, Gaspard, Owen, Hayner, Vognild and Bauer

AN ACT Relating to the environment; amending RCW 90.48.460, 90.48.190, and 43.21B.310; adding a new section to chapter 9A.36 RCW; adding a new section to chapter 34.04 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding new sections to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; creating a new chapter in Title 70 RCW; creating a new chapter in Title 82 RCW; creating new sections; repealing RCW 70.105A.010, 70.105A.020, 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.080, 70.105A.090, 70.105A.900, and 70.105A.905; repealing section 65, chapter 2, Laws of 1987 3rd ex. sess. (uncodified); prescribing penalties; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Environment and Natural Resources.

SB 6441 by Senator Kiskaddon

AN ACT Relating to day care providers; amending RCW 74.15.020; reenacting and amending RCW 74.15.030; adding new sections to chapter 74.15 RCW; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 6442 by Senators Deccio and Wojahn

AN ACT Relating to cancer research; reenacting and amending RCW 70.38.025.

Referred to Committee on Health Care and Corrections.

SB 6443 by Senators Gaspard, Kreidler, Garrett and Lee

AN ACT Relating to capital improvements and equipment for the use of recovered materials; and adding new sections to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 6444 by Senators Metcalf, von Reichbauer, Barr and Lee

AN ACT Relating to vehicle battery recycling; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6445 by Senators Bluechel, Talmadge, Zimmerman, DeJarnatt, McDonald, Williams, Nelson, Metcalf and Fleming

AN ACT Relating to sewer connection charges imposed by a metropolitan municipal corporation; and adding a new section to chapter 35.58 RCW.

Referred to Committee on Governmental Operations.

SB 6446 by Senators Rinehart, Bluechel, Kreidler, Garrett, Gaspard and Lee

AN ACT Relating to procurement of recovered materials; amending RCW 43.19.537 and 43.19.538; adding a new section to chapter 70.95 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SJM 8020 by Senators Barr, Anderson, Hansen and Rasmussen

Petitioning for the increase of ethanol in motor fuel.

Referred to Committee on Transportation.

SJM 8021 by Senator Madsen

Requesting a federal constitutional amendment providing rights for crime victims.

Referred to Committee on Law and Justice.

SJM 8022 by Senators Metcalf, Bender and Kreidler

Requesting stable federal funding for parks and recreation.

Referred to Committee on Environment and Natural Resources.

SJM 8023 by Senators Metcalf, Kreidler, Garrett, Gaspard, Anderson, Rinehart, Bauer and Lee

Requesting a Western States Recycling Coalition.

Referred to Committee on Environment and Natural Resources.

SCR 8426 by Senators Talmadge, Moore and Conner

Urging the state attorney general to challenge the federal tax reform act of 1986.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 657 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Sanders, H. Sommers, Miller, Lewis, Prince, Jacobsen, Fisch, Taylor, Jesernig, Wang, D. Sommers, Sutherland, Kremen, May, Brough, Ferguson, L. Smith, Cooper, Betzoff, Hankins and Spanel (by request of Public Disclosure Commission))

Prohibiting false political advertising.

Referred to Committee on Law and Justice.

SHB 668 by Representatives Braddock, Brooks and Holm

Authorizing the dental disciplinary board to adopt rules governing the use of anesthesia.

Referred to Committee on Health Care and Corrections.

SHB 692 by Committee on Judiciary (originally sponsored by Representatives Niemi, Locke, Jacobsen, Leonard, Sanders, P. King, May, Brough, L. Smith and Sprenkle)

Changing opium dens to houses where controlled substances are made or used in moral nuisance statute.

Referred to Committee on Law and Justice.

SHB 832 by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Allen, Rust, Grant, Unsoeld and Todd)

Penalizing governmental entities for the unauthorized disposal of solid waste.

Referred to Committee on Environment and Natural Resources.

SHB 873 by Committee on Human Services (originally sponsored by Representatives Valle, Jacobsen and Wineberry)

Authorizing a study on teenage suicide.

Referred to Committee on Children and Family Services.

ReESHB 877 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Hargrove, Crane, Appelwick, Prince, Brough,

Scott, L. Smith, Wang, Heavey, Meyers, Cooper, Wineberry and Jesernig)

Specifying period for which prejudgment interest shall be payable.

Referred to Committee on Law and Justice.

SHB 929 by Committee on Local Government (originally sponsored by Representatives Haugen, L. Smith, Allen and Nutley)

Providing for sewer connections by residents of cities, towns, counties, public utility districts, and sewer districts.

Referred to Committee on Governmental Operations.

SHB 932 by Committee on Housing (originally sponsored by Representatives Nutley, Padden, Leonard, Ebersole, Sanders, J. Williams, Lewis, Doty, Nealey, L. Smith, Brough, Winsley, Wineberry, Silver, Ballard, Betrozoff, Taylor, Miller and D. Sommers)

Relating to rental payments to landlords from public assistance.

Referred to Committee on Ways and Means.

SHJR 4210 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Belcher, May, Hine, Dellwo, Ferguson, Nutley, Bristow, Cooper, Holm, L. Smith and Unsoeld)

Establishing procedures for the adoption of county home rule charters.

Referred to Committee on Governmental Operations.

HCR 4402 by Representatives Basich, Haugen, S. Wilson, Sutherland, Sayan, K. Wilson, Spanel, Meyers, Hargrove, P. King and Jacobsen

Establishing Pacific Fisheries Task Force.

Referred to Committee on Environment and Natural Resources.

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

MOTION

On motion of Senator Gaspard, the following resolution was adopted:

SENATE RESOLUTION 1988-8702

by Senators Gaspard, von Reichbauer, Madsen, Johnson and Rasmussen

WHEREAS, The Puyallup Vikings football team has proven itself to be the best in the state by defeating Gonzaga Prep 27-21 on December 5, 1987, to win Kingbowl XI, the Washington State AAA High School Football Championship; and

WHEREAS, It is the first time in the history of Puyallup High School that the football team has won the state championship; and

WHEREAS, The team's remarkable string of victories over South Puget Sound League rivals, and playoff foes number-one-ranked Renton, previously undefeated Kelso, and Snohomish, brought victory and a strong sense of pride not only to the team, but to the entire school and community of Puyallup; and

WHEREAS, Head Coach Mike Huard has been named the 1987 Washington Coach of the Year for his efforts in molding the talents of the fine young men who wore the Purple and Gold; and

WHEREAS, This great success of winning the state championship was achieved through teamwork, determination, dedication, and the belief that any goal is attainable;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salutes and applauds the triumph of the players, Dan Thurston, Bill Hobert, Mike Beckman, Troy Nikolao, Tim Alden, Ross Simmons, Jason Rogge, Brian Schanz, Ozzie Williams, Kurt DeVries, Lee Campbell, Shawn Gilbert, Jim Ford, Ken Fleisch, Jim Schulz, John Bachner, Brent Ericksen, Matt Ledbetter, Howie Campbell, Tim Hanson, Mike Meggyesy, Jeff Powloski, Carlos Andrade, Dean Pierce, Manuel Soto, Brian Sandstrom, J.R. Sosky, Nick Salesky, Rich Klos, Greg Jones, Ted White, Zak

Prebilsky, Barry Jardine, Chris Weiss, Shawn O'Leary, Steve Wolfe, Tom Gallagher, Mike Six, Joe Kobeski, Nick Olsen, Rob Roscoe, Shawn Brown, Aaron Savage, Scott Dille and Paul Griffin, Team Managers Tim Goodwin and Steve Volland, Assistant Coaches Bob Dore, Bill Griffin, Bruce Ledbetter, Rod Iverson, Chris Jorgensen and George Wilfong, and Head Coach Mike Huard; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the coaches and players of the Puyallup High School football team.

Senator Stratton spoke to Senate Resolution 1988-8702.

INTRODUCTION OF SPECIAL GUESTS

Senator Gaspard introduced Puyallup High School Football coaches, Mike Huard, Bill Griffin, Rod Iverson, Bob Dore and George Wilfong; as well as the team co-captains, Dan Thurston, Dean Pierce, Jim Schultz and Ted White; High School Principal, Dale Mitchell and Dr. Frank Brouillet, Superintendent of Public Schools, and a former member of the Puyallup High School Football team, all of whom were seated on the Senate Rostrum.

Senator Gaspard then introduced the members of the Puyallup Vikings Championship Football team, who were seated in the gallery.

With permission of the Senate, business was suspended to permit Coach Huard, Dr. Brouillet and Principal Mitchell to address the Senate.

POINT OF INQUIRY

Senator DeJarnatt: "Senator Gaspard, there's been some talk here about putting Puyallup on the map. When you mention Buster Brouillet's great career as a Puyallup athlete, I'm not going to ask you how many games he played without a helmet, but I would like to ask you a question about a statement that Dr. Brouillet has made many times, that Puyallup is the largest city in the United States whose name begins with 'P' and ends with 'P.' Could you affirm or deny that assertion?"

Senator Gaspard: "I'm not an authority on that, but I can certainly verify Dr. Brouillet on that and say that must be accurate."

MOTION

On motion of Senator Newhouse, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9114, Norman L. Winn, as a member of the Forest Practices Appeals Board, was confirmed.

APPOINTMENT OF NORMAN L. WINN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bauer, Talmadge - 2.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9120, Ralph E. Mackey, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

Senators von Reichbauer, Vognild, Bailey, Kiskaddon, Nelson, and Deccio spoke to the confirmation of Ralph E. Mackey to the Interagency Committee for Outdoor Recreation.

APPOINTMENT OF RALPH E. MACKEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bauer, Talmadge - 2.

MOTION

On motion of Senator Zimmerman, Senator Craswell was excused.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9123, Nat Washington, as a member of the Wildlife Commission, was confirmed.

Senator Hansen spoke to the confirmation of Nat Washington to the Wildlife Commission.

APPOINTMENT OF NAT WASHINGTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bauer, Craswell, Talmadge - 3.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9165, Brad Owen, as a member of the Pacific Marine Fisheries Commission, was confirmed.

Senators Deccio and Vognlid spoke to the confirmation of Brad Owen to the Pacific Marine Fisheries Commission.

APPOINTMENT OF BRAD OWEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Nelson - 1.

Excused: Senators Bauer, Craswell, Talmadge - 3.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Senate Bill No. 6297.

On motion of Senator Newhouse, Senate Bill No. 6297 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 6336.

On motion of Senator Newhouse, Senate Bill No. 6336 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Children and Family Services was relieved of further consideration of Senate Bill No. 6363.

On motion of Senator Newhouse, Senate Bill No. 6363 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Senate Bill No. 6384.

On motion of Senator Newhouse, Senate Bill No. 6384 was referred to the Committee on Agriculture.

STATEMENT FOR THE JOURNAL

January 20, 1988

Mary Wiley
Senate Journal Clerk
308A Legislative Building

Dear Mary:

Due to an earlier scheduled court appearance, I was unable to be present for today's floor action. Had I been present, I would have voted 'aye' for Gubernatorial Appointments 9114, 9120, 9123 and 9165. Thank you for your assistance in making this part of the Senate records.

Sincerely,
PHIL TALMADGE, State Senator
34th District

MOTION

At 10:50 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 21, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 21, 1988

The Senate was called to order at 12:00 noon by Vice President Pro Tempore Ellen Craswell. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Cheryl Ulrick and Keith Nuttbrock, presented the Colors. Reverend Tom Minnick, pastor of the Shorecrest Baptist Church of Seattle, and a guest of Senator Ellen Craswell, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

January 20, 1988

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 645,

HOUSE BILL NO. 1318, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6447 by Senators Owen, Warnke, Barr, Moore, Nelson and Smith

AN ACT Relating to custodial interference; amending RCW 9A.40.070 and 9A.40.080; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6448 by Senators Talmadge and Wojahn

AN ACT Relating to children and family services; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 6449 by Senators Zimmerman, Bauer, Smith, Wojahn and Deccio

AN ACT Relating to exemption from hospital rate review and approval; adding a new section to chapter 70.39 RCW; and providing an expiration date.

Referred to Committee on Health Care and Corrections.

SB 6450 by Senators McCaslin, Conner, Nelson, Bender, Smitherman, Madsen and Smith

AN ACT Relating to the department of veterans affairs; repealing RCW 43.60A.081, 43.131.227, 43.131.228, 43.131.245, and 43.131.246; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6451 by Senators Pullen and Talmadge (by request of Public Disclosure Commission)

AN ACT Relating to lobbying, political advertising, and public office funds; amending RCW 42.17.020, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.180, 42.17.240, 42.17.530, 42.17.540, 42.17.095, and 42.17.243; and adding new sections to chapter 42.17 RCW.

Referred to Committee on Law and Justice.

SB 6452 by Senators Rinehart, Bailey and Lee

AN ACT Relating to foreign language requirements; and amending RCW 28A.05.060, 28A.05.070, 28A.70.005, and 28B.80.350.

Referred to Committee on Education.

SB 6453 by Senators Barr and Hansen

AN ACT Relating to real property; amending RCW 8.24.010 and 8.24.030; adding a new section to chapter 7.28 RCW; and adding new sections to chapter 8.24 RCW.

Referred to Committee on Agriculture.

SB 6454 by Senators von Reichbauer, Conner, Johnson, Smitherman, Bauer, Kreidler and Talmadge

AN ACT Relating to the Washington state patrol; and amending RCW 43.43.250.

Referred to Committee on Transportation.

SB 6455 by Senators von Reichbauer, Moore, Sellar and Smitherman (by request of General Administration)

AN ACT Relating to financial institutions; amending RCW 30.04.060, 30.04.075, 30.04.410, 32.04.220, and 32.32.228; adding a new section to chapter 32.04 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 6456 by Senators Johnson, Gaspard, McDonald and von Reichbauer (by request of Department of Retirement Systems)

AN ACT Relating to retirement benefits for persons who have attained age seventy and one-half and are still employed; adding a new section to chapter 41.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6457 by Senators Johnson, Gaspard, McDonald and von Reichbauer (by request of Department of Retirement Systems)

AN ACT Relating to actuarially equivalent options for public retirement allowances; amending RCW 41.32.498; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6458 by Senators Johnson, Gaspard, McDonald and von Reichbauer (by request of Department of Retirement Systems)

AN ACT Relating to termination of membership for members of the teachers' retirement system plan II; amending RCW 41.32.820 and 41.32.825; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6459 by Senators Smith, Johnson and Lee

AN ACT Relating to braille instruction for blind students; and amending RCW 28A.13.010.

Referred to Committee on Education.

SB 6460 by Senators Smith, Bailey, Kiskaddon, Benitz, Craswell, Lee and Anderson

AN ACT Relating to school smoking areas; adding a new section to Title 28A RCW; and providing an effective date.

Referred to Committee on Education.

SB 6461 by Senator Nelson (by request of Sentencing Guidelines Commission)

AN ACT Relating to seriousness levels for unranked felonies; reenacting and amending RCW 9.94A.120 and 9.94A.320; and creating a new section.

Referred to Committee on Law and Justice.

SB 6462 by Senator Nelson (by request of Sentencing Guidelines Commission)

AN ACT Relating to technical corrections in the procedures for sentencing adult felons; amending RCW 9.94A.060, 9.94A.360, 9.94A.380, and 9.94A.400; reenacting and amending RCW 9.94A.030; creating a new section; and repealing RCW 9.94A.330.

Referred to Committee on Law and Justice.

SB 6463 by Senators Zimmerman, Garrett and Halsan (by request of Washington State Local Governance Commission)

AN ACT Relating to provision of a process to alter local governments; adding a new chapter to Title 36 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; making an appropriation; and providing a contingent effective date.

Referred to Committee on Governmental Operations.

SB 6464 by Senators Nelson, Bender, Bluechel and Vognild

AN ACT Relating to excise taxation; amending RCW 82.36.025, 46.68.090, 35.77.010, 36.79.110, 36.81.121, 44.40.070, 47.01.031, 47.01.240, 47.26.040, 47.26.080, 47.26.100, 47.26.130, 47.26.140, 47.26.160, 47.26.170, 47.26.180, 47.26.185, 47.26.190, 47.26.220, 47.26.230, 47.26.240, 47.26.260, 47.26.270, 47.26.305, 47.26.310, 47.26.4254, 47.26.430, 47.26.440, 47.26.450, and 47.26.460; reenacting and amending RCW 43.03.028, 47.26.090, and 47.26.150; adding a new section to chapter 46.68 RCW; adding new sections to chapter 47.26 RCW; creating new sections; repealing RCW 47.26.085, 47.26.120, 47.26.183, 47.26.281, and 47.26.290; and providing an effective date.

Referred to Committee on Transportation.

SB 6465 by Senators Johnson and Moore

AN ACT Relating to clarifying the administration of public employment retirement portability benefits; amending RCW 41.54.010, 41.54.030, 41.54.040, 41.54.070, and 41.04.270; adding a new section to chapter 41.54 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6466 by Senator Vognild

AN ACT Relating to the retirement benefit to be granted to certain Snohomish county public works department employees; and creating new sections.

Referred to Committee on Ways and Means.

SB 6467 by Senators Kreidler, Kiskaddon, Bailey and Stratton

AN ACT Relating to child care; amending section 1, chapter 329, Laws of 1987 (uncodified); amending section 2, chapter 329, Laws of 1987 (uncodified); and making an appropriation.

Referred to Committee on Children and Family Services.

SB 6468 by Senators Bender, Kreidler and McDonald

AN ACT Relating to a former prisoner of war recognition day; and amending RCW 1.16.050.

Referred to Committee on Governmental Operations.

SB 6469 by Senators Bender, Warnke, Rasmussen, Bauer, Vognild, Smitherman, Johnson and Kreidler

AN ACT Relating to property taxation; and amending RCW 84.36.381.

Referred to Committee on Ways and Means.

SB 6470 by Senators Deccio, Niemi, Kreidler and Johnson (by request of Department of Licensing)

AN ACT Relating to substance abuse by health care professionals; adding a new section to chapter 18.130 RCW; and making an appropriation.

Referred to Committee on Health Care and Corrections.

SB 6471 by Senators Stratton, Deccio, Craswell, Kreidler and Smith

AN ACT Relating to respite care services; and adding a new section to chapter 74.41 RCW.

Referred to Committee on Health Care and Corrections.

SB 6472 by Senators Newhouse, Warnke, Vognild and McMullen (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance disability benefits; amending RCW 51.32.050, 51.32.090, 51.32.180, and 51.32.080; reenacting and amending RCW 51.32.060; reenacting RCW 51.32.090; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6473 by Senators Lee, Smitherman and Anderson (by request of Department of Labor and Industries)

AN ACT Relating to the reserve fund administered by the department of labor and industries; and amending RCW 51.44.080.

Referred to Committee on Economic Development and Labor.

SB 6474 by Senator McCaslin

AN ACT Relating to real estate brokers and salespersons; and adding a new section to chapter 18.85 RCW.

Referred to Committee on Economic Development and Labor.

SB 6475 by Senators Newhouse, Halsan, Vognild, Hayner, McMullen, Madsen, Sellar and Nelson

AN ACT Relating to corporations; amending RCW 23A.50.010, 23A.50.020, 23A.28.129, 23A.32.200, and 23A.32.010; repealing RCW 23A.50.901; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6476 by Senators McCaslin, Halsan, Zimmerman and Garrett

AN ACT Relating to abandoned property held by local government; and amending RCW 63.29.190.

Referred to Committee on Governmental Operations.

SB 6477 by Senators McCaslin, Bender, Cantu, Fleming and Gaspard (by request of Secretary of State)

AN ACT Relating to sharing the costs of state primary and general elections; amending RCW 29.13.047; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6478 by Senators Patterson, Conner, Rasmussen, DeJarnatt, Owen, Saling, Metcalf, Lee, Smith and Bauer

AN ACT Relating to Viet Nam veterans; adding a new section to chapter 73.04 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 6479 by Senators Bluechel, Lee, Hayner, Newhouse, Nelson, Sellar, Zimmerman and McDonald

AN ACT Relating to private sector services; and amending RCW 28B.16.240, 41.06.380, and 43.19.1921.

Referred to Committee on Governmental Operations.

SB 6480 by Senators DeJarnatt, Metcalf, Owen and Pullen

AN ACT Relating to obstructing the taking of fish or wildlife; amending RCW 9A.46.060; adding a new section to chapter 77.16 RCW; providing an effective date; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6481 by Senators Rasmussen, Pullen, Hansen, Nelson, Metcalf, Johnson, Patterson, Garrett, Benitz, Barr, McDonald and Moore (by request of Lieutenant Governor Cherberg)

AN ACT Relating to residential solid fuel burning devices; and amending RCW 70.94.477.

Referred to Committee on Environment and Natural Resources.

SB 6482 by Senators Nelson, Vognild, Talmadge and Smith

AN ACT Relating to home detention under the sentencing reform act; amending RCW 9.94A.180 and 9A.76.010; and reenacting and amending RCW 9.94A.030 and 9.94A.120.

Referred to Committee on Law and Justice.

SB 6483 by Senators Zimmerman, Garrett and Halsan (by request of Washington State Local Governance Commission)

AN ACT Relating to local government service agreements; adding a new chapter to Title 36 RCW; adding a new section to chapter 36.93 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.44 RCW; making an appropriation; and providing a contingent effective date.

Referred to Committee on Governmental Operations.

SJM 8024 by Senators DeJarnatt, Kreidler, Moore, Niemi, McMullen, Williams, Garrett, Rasmussen, Fleming and Wojahn

Petitioning Congress to consider a new and comprehensive health care program.

Referred to Committee on Health Care and Corrections.

SJR 8224 by Senators Zimmerman, Garrett and Halsan (by request of Washington State Local Governance Commission)

Amending the state Constitution to allow restructuring of local governments.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 645 by Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, May, Miller, Hine, Rust, Unsoeld, Valle and Ferguson (by request of Puget Sound Water Quality Authority)

Requiring disclosures concerning septic systems upon sale of property.

Referred to Committee on Environment and Natural Resources.

HB 1318 by Representatives Holm, Betrozoff, Peery, Walker, Spanel, Pruitt and Unsoeld (by request of Governor Gardner)

Extending the time period for applications for the schools for the twenty-first century pilot project.

Referred to Committee on Education.

MOTIONS

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

On motion of Senator Nelson, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5175.

On motion of Senator Nelson, Senate Bill No. 5175 was referred to the Committee on Agriculture.

On motion of Senator Nelson, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5686.

On motion of Senator Nelson, Senate Bill No. 5686 was referred to the Committee on Agriculture.

On motion of Senator Nelson, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 932.

On motion of Senator Nelson, Substitute House Bill No. 932 was referred to the Committee on Governmental Operations.

There being no objection, the Vice President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 20, 1988

ESB 5307 Prime Sponsor, Senator McCaslin: Prohibiting counties from forcing property owners to sign local improvement petitions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5307 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Metcalf.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6184 Prime Sponsor, Senator Craswell: Authorizing the director of fisheries to extend fishing seasons if storms prevent fishing. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6189 Prime Sponsor, Senator Pullen: Adopting provisions to protect sockeye salmon in the Cedar river area. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6189 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Rinehart.

Referred to Committee on Ways and Means.

January 19, 1988

SB 6190 Prime Sponsor, Senator Metcalf: Providing for the construction of a spawning channel for salmon on the Skagit river. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6192 Prime Sponsor, Senator Patterson: Exempting from sales and use tax fuel purchased for marine use by the state ferry system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6193 Prime Sponsor, Senator von Reichbauer: Providing additional funds for the Puget Sound ferry operations account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Garrett, Hansen, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6223 Prime Sponsor, Senator West: Establishing an international trade and investment information program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Senate Bill No. 6223 do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Referred to Committee on Ways and Means.

January 20, 1988

SB 6236 Prime Sponsor, Senator Metcalf: Changing provisions relating to the state water pollution control agency's authority. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6259 Prime Sponsor, Senator Smith: Providing for a limited steelhead punch-card for five dollars. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6262 Prime Sponsor, Senator Nelson: Extending the length of permits for 1-90 construction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6271 Prime Sponsor, Senator Deccio: Regulating care provided in the home to ill, disabled, or infirm persons. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, West, Wojahn.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6284 Prime Sponsor, Senator Bender: Establishing the office of capital projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Senate Bill No. 6284 do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Smitherman.

Referred to Committee on Ways and Means.

January 19, 1988

SB 6291 Prime Sponsor, Senator von Reichbauer: Expanding state relocation assistance and realty purchase policies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Barr, Conner, Hansen, Kiskaddon, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6293 Prime Sponsor, Senator Deccio: Revising provisions for activities of registered nurses. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, West, Wojahn.

Passed to Committee on Rules for second reading.

January 19, 1988

SB 6299 Prime Sponsor, Senator Metcalf: Revising provisions on forest protection.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

MOTION

At 12:11 p.m., on motion of Senator Nelson, the Senate adjourned until 10:00 a.m., Friday, January 22, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 22, 1988

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

The Sergeant at Arms Color Guard, consisting of Pages Stephanie Roberts and Alan Meier, presented the Colors. Reverend Max Lafser, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6484 by Senators Zimmerman, Smith, DeJarnatt and Bauer

AN ACT Relating to the taxation of sales to nonresidents; and amending RCW 82.08.0273.

Referred to Committee on Ways and Means.

SB 6485 by Senators McCaslin and Zimmerman

AN ACT Relating to vacancies in elective office; amending RCW 36.32.070 and 42.12.040; adding new sections to chapter 42.12 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6486 by Senators Owen, Metcalf and Warnke

AN ACT Relating to the Washington state firearm range committee facility; adding a new section to chapter 77.32 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 6487 by Senators Pullen and Johnson

AN ACT Relating to violent residents at state residential schools; and adding a new section to chapter 72.33 RCW.

Referred to Committee on Health Care and Corrections.

SB 6488 by Senators Pullen and Johnson

AN ACT Relating to hours of labor at state residential schools; and adding a new section to chapter 72.33 RCW.

Referred to Committee on Health Care and Corrections.

SB 6489 by Senators Pullen and Johnson

AN ACT Relating to employees at state residential schools; and adding a new section to chapter 72.33 RCW.

Referred to Committee on Health Care and Corrections.

SB 6490 by Senators Pullen, Halsan, McCaslin, Vognild and Nelson

AN ACT Relating to district court judges' salaries; and amending RCW 3.58.010, 3.58.020, and 3.34.130.

Referred to Committee on Law and Justice.

SB 6491 by Senators McDonald, Warnke, Bailey, Fleming, Lee, Kiskaddon, von Reichbauer, Wojahn, Bender, Johnson, Niemi, Smith, Zimmerman, Smitherman, Conner, Talmadge, Deccio, Stratton and Bauer

AN ACT Relating to the housing trust fund; amending RCW 67.70.040, 67.70.190, and 67.70.240; adding a new section to chapter 43.185 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6492 by Senators McCaslin, Warnke, Zimmerman, Bluechel, Saling, Conner, Lee, Smitherman, Garrett and Madsen

AN ACT Relating to mobile homes, commercial coaches, recreational vehicles, and factory built housing and commercial structures; amending RCW 43.22.480; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6493 by Senators McCaslin, Lee, Conner, Warnke, Smitherman and Garrett

AN ACT Relating to manufactured homes; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Governmental Operations.

SB 6494 by Senators Patterson, Conner, Metcalf, Hansen, Owen, DeJarnatt, Barr, Bender and Sellar

AN ACT Relating to motor vehicle license fees; and amending RCW 46.01.140.

Referred to Committee on Transportation.

SB 6495 by Senators McDonald and Kreidler

AN ACT Relating to tax administration; amending RCW 36.95.080, 82.03.070, 82.03.120, 82.03.140, 82.03.150, 82.03.160, 82.03.170, 84.08.130, 84.08.060, 84.36.385, 84.38.030, 84.38.100, 84.38.120, 84.40.030, 84.40.040, 84.40.060, 84.40.130, 84.40.320, 84.48.010, 84.48.014, 84.48.042, 84.48.075, 84.48.080, 84.52.020, 84.52.070, 84.52.080, 84.56.020, 84.69.050, 84.69.060, and 84.69.140; adding a new section to chapter 84.40 RCW; adding new sections to chapter 84.48 RCW; repealing RCW 84.52.090, 84.56.390, and 84.56.400; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6496 by Senators McDonald and Kreidler

AN ACT Relating to special valuation of historic property; and amending RCW 84.26-.020, 84.26.050, 84.26.070, and 84.26.080.

Referred to Committee on Ways and Means.

SB 6497 by Senators Benitz, Madsen and Stratton

AN ACT Relating to removal or destruction of hazardous vegetation; amending RCW 35.21.310; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Energy and Utilities.

SB 6498 by Senators Nelson, Newhouse, Talmadge, Halsan and Hayner

AN ACT Relating to counsel for indigent persons; adding a new chapter to Title 2 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 6499 by Senators Johnson, Kreidler, Smith, Niemi, Kiskaddon and Bauer

AN ACT Relating to practice rights for chiropractors; amending RCW 18.25.005; and adding a new section to chapter 18.25 RCW.

Referred to Committee on Health Care and Corrections.

SB 6500 by Senators Bailey, Rinehart and Bauer

AN ACT Relating to executive sessions held by school district boards of directors for self-evaluation; and amending RCW 42.30.110.

Referred to Committee on Education.

SB 6501 by Senators Bailey, Rinehart, Gaspard, Lee and Bauer

AN ACT Relating to pooled insurance arrangements for school districts and educational service districts; adding a new section to chapter 28A.58 RCW; and creating a new section.

Referred to Committee on Education.

SB 6502 by Senators Bailey, Rinehart, Gaspard, Lee and Bauer

AN ACT Relating to the beginning of the terms of school directors; and amending RCW 28A.57.322.

Referred to Committee on Education.

SB 6503 by Senators Bailey, Bauer, Lee, Gaspard, Vognild, Saling, Rasmussen, Metcalf, Smith, Hayner and Johnson

AN ACT Relating to persons working at public schools; amending RCW 28A.70.160 and 28A.70.180; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

SB 6504 by Senators West and Moore

AN ACT Relating to mobile home dealer's licenses; and amending RCW 46.70.023.

Referred to Committee on Economic Development and Labor.

SB 6505 by Senators McDonald, Rinehart, Bailey, Bender, Gaspard, Patterson and Hayner

AN ACT Relating to the identification of levy reduction funds in the appropriations act; amending RCW 84.52.0531; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6506 by Senators Metcalf, Pullen, McCaslin, Bailey, Kiskaddon, Owen, Lee, Zimmerman, Stratton, Saling and Johnson

AN ACT Relating to a bill of rights for sexually abused children; amending RCW 26.10.080 and 26.10.160; and adding a new section to chapter 26.10 RCW.

Referred to Committee on Children and Family Services.

SB 6507 by Senators Metcalf, Rinehart, Kreidler, Fleming, Talmadge, Lee and Bailey

AN ACT Relating to disposable polystyrene food packaging; amending RCW 70.132-.020; adding a new section to chapter 70.132 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6508 by Senators Fleming, Bailey, Gaspard, Smitherman, Moore, Bender, Rinehart, Kiskaddon, Niemi, Vognild, Rasmussen, Garrett, Stratton, McMullen, DeJarnatt, Talmadge and Johnson

AN ACT Relating to drug awareness education; adding a new section to chapter 28A.120 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 6509 by Senators Fleming, Rasmussen and Garrett

AN ACT Relating to sentencing alternatives; creating new sections; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 6510 by Senators Barr, Owen and Pullen

AN ACT Relating to law enforcement personnel; and amending RCW 43.101.200.

Referred to Committee on Law and Justice.

SB 6511 by Senators Metcalf, Owen, Smith, Kreidler and Bailey

AN ACT Relating to the containment of garbage or other material; and amending RCW 46.61.655.

Referred to Committee on Environment and Natural Resources.

SB 6512 by Senators Hansen, Barr, Halsan, Bailey and Rinehart

AN ACT Relating to tax exemptions for participants in the federal conservation reserve programs; amending RCW 82.04.330 and 84.34.020; and reenacting and amending RCW 82.04.050.

Referred to Committee on Agriculture.

SB 6513 by Senators Barr, Hansen and Metcalf (by request of Department of Ecology)

AN ACT Relating to emergency drought relief; amending RCW 43.83B.210, 43.83B.300, 43.83B.310, 43.83B.342, and 43.83B.344; amending section 704, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 303, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Agriculture.

SB 6514 by Senators Conner, Nelson, Saling, Garrett and Lee (by request of Department of Licensing)

AN ACT Relating to vehicle licensing and registration; and amending RCW 46.16.220 and 82.44.060.

Referred to Committee on Transportation.

SB 6515 by Senators Benitz, Pullen, Smitherman and Hayner

AN ACT Relating to civil immunity; adding a new section to chapter 4.24 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6516 by Senators Patterson, Kreidler, Zimmerman, Benitz and Conner

AN ACT Relating to replacement of bridges on rural arterials; and amending RCW 36.79.010, 36.79.020, 36.79.050, 36.79.060, 36.79.090, and 36.79.120.

Referred to Committee on Transportation.

SJM 8025 by Senator Pullen

Petitioning Congress to seek Alaska's consent prior to changing its boundary.

Referred to Committee on Governmental Operations.

SJR 8225 by Senators McCaslin and Zimmerman

Revising provisions on vacancies in elective office.

Referred to Committee on Governmental Operations.

SCR 8427 by Senators Lee, Smitherman, Conner, Anderson, Cantu, Warnke, Saling, West and Bailey

Creating a joint select committee on nonprofit competition with the private sector.

Referred to Committee on Economic Development and Labor.

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

REPORTS OF STANDING COMMITTEES

January 21, 1988

SB 5145 Prime Sponsor, Senator Talmadge: Authorizing local governments to impose a special sales and use tax for graffiti removal. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 5145 be referred to the Committee on Ways and Means. Signed by Senators Bauer, Cantu, Craswell, Hayner, Nelson, Newhouse, Rasmussen, Vognild, West, Wojahn, Zimmerman.

Referred to the Committee on Ways and Means.

January 19, 1988

SB 5147 Prime Sponsor, Senator Hansen: Repealing authority for public utility and transportation corridors. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5147 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Hansen, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 21, 1988

ESSB 5704 Prime Sponsor, Committee on Financial Institutions: Requiring information to be filed with insurance rates. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

January 21, 1988

SB 5840 Prime Sponsor, Senator Bailey: Providing grants to local school districts to enhance education. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 5840 be referred to the Committee on Ways and Means. Signed by Senators Bauer, Cantu, Craswell, Hayner, Nelson, Newhouse, Rasmussen, Vognild, West, Wojahn, Zimmerman.

Referred to the Committee on Ways and Means.

January 21, 1988

SSB 6008 Prime Sponsor, Senator Rinehart: Permitting health personnel to be employed by all school districts. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 6008 be referred to the Committee on Ways and Means. Signed by Senators Bauer, Cantu, Craswell, Hayner, Nelson, Newhouse, Rasmussen, Vognild, West, Wojahn, Zimmerman.

Referred to the Committee on Ways and Means.

January 21, 1988

SB 6093 Prime Sponsor, Senator Pullen: Providing for presentence reports on sexual offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to the Committee on Ways and Means. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Referred to the Committee on Ways and Means.

January 21, 1988

SB 6117 Prime Sponsor, Senator Kiskaddon: Creating a pilot program of volunteer support for families with a developmentally disabled child. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass and be referred to the Committee on Ways and Means. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Referred to the Committee on Ways and Means.

January 21, 1988

SB 6192 Prime Sponsor, Senator Patterson: Exempting from sales and use tax fuel purchased for marine use by the state ferry system. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 6192 be referred to the Committee on Ways and Means. Signed by Senators Bauer, Cantu, Craswell, Hayner, Nelson, Newhouse, Rasmussen, Vognild, West, Wojahn, Zimmerman.

Referred to the Committee on Ways and Means.

January 21, 1988

SB 6193 Prime Sponsor, Senator von Reichbauer: Providing additional funds for the Puget Sound ferry operations account. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 6193 be referred to the Committee on Ways and Means. Signed by Senators Bauer, Cantu, Craswell, Hayner, Nelson, Newhouse, Rasmussen, Vognilid, West, Wojahn, Zimmerman.

Referred to the Committee on Ways and Means.

January 20, 1988

SB 6222 Prime Sponsor, Senator Anderson: Changing the powers and duties of the small business export finance assistance center. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6222 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6245 Prime Sponsor, Senator McDonald: Revising provisions relating to investment of bond proceeds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Cantu, Deccio, Gaspard, Hayner, Johnson, Moore, Newhouse, Saling, Smith, Talmadge, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6290 Prime Sponsor, Senator Lee: Broadening and extending the Washington ambassador program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6290 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9122, Simon Martinez, as a member of the Oil and Gas Conservation Committee, was confirmed.

Senator Newhouse spoke to the confirmation of Simon Martinez as a member of the Oil and Gas Conservation Committee.

APPOINTMENT OF SIMON MARTINEZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Cantu, Conner, Craswell, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Barr, Lee, Rinehart - 3.

Excused: Senators Bender, Bluechel, Deccio, DeJarnatt, Halsan - 5.

MOTION

On motion of Senator Zimmerman, Senator Barr was excused.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9136, John C. McGlenn, as a member of the Wildlife Commission, was confirmed.

APPOINTMENT OF JOHN C. MCGLENN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yeas: Senators Anderson, Bailey, Bauer, Benitz, Cantu, Conner, Craswell, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Fleming - 1.

Excused: Senators Barr, Bender, Bluechel, Deccio, DeJarnatt - 5.

PERSONAL PRIVILEGE

Senator Nelson: "Thank you, Mr. President, I have a point of personal privilege. Before this body, there is presently a bill that's been filed—Senate Bill 6095—that deals with a proposed optional method of regulating telecommunications companies in the state of Washington. This measure is presently before a standing committee in which I serve and I also, by my giving you information ahead of time, acknowledge that I work for one of those telephone companies that in this state might wish to come under such legislation if this bill were to become law. I'd like, Mr. President, for your ruling relative to any potential conflict of interest that you envision that would cause me to refrain from voting on such a measure and I would appreciate the President's advise."

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry—an inquiry with respect to conflict of interest. Would that ordinarily be entrusted to the President or would that be something that would be subject to the jurisdiction of the Joint Committee on Ethics?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that his ruling will cover that particular point, Senator."

RULING BY THE PRESIDENT

President Cherberg: "Senator Nelson, and other honored members of the Senate, Senate Rule 22 and Joint Rule 1 requires that a legislator shall only be excused from voting when a personal interest is direct and the legislator has reason to believe or expect that a direct monetary gain or loss will be derived by reason of the legislator's official activity.

"The President believes that the rules contemplate the member must make the decision himself or herself based upon the facts as the member believes them to exist.

"Joint Rule 1 clearly states that a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation or group to a greater extent than any other member of such business, occupation or group.

"The President hopes that this explanation will help the Senator and all members in decisions about potential conflicts of interest."

REMARKS BY SENATOR NELSON

Senator Nelson: "Thank you, Mr. President. I did want to advise the President and members of this body that at any time should there be a vote taken on any

measure dealing with my employment or anything that I would envision on a personal basis would be in conflict that I would honor and respect my ability to abstain from voting. Thank you, Mr. President."

MOTION

On motion of Senator Newhouse, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020, by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Lee, West and Stratton)

Authorizing creation of five-member board of county commissioners.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5020.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5020, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Fleming, Talmadge - 2.

Excused: Senators Bender, Bluechel, DeJarnatt - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5333, by Committee on Education (originally sponsored by Senators Gaspard, Bailey, Smitherman, Johnson, Stratton, Conner, Bauer, Kiskaddon, Hayner, Bottiger and Benitz)

Giving all members on the state board of education the authority to vote.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5333.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5333, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 43.

Voting nay: Senators Rinehart, Williams - 2.

Absent: Senator Smith - 1.

Excused: Senators Bender, Bluechel, DeJarnatt - 3.

SUBSTITUTE SENATE BILL NO. 5333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5334, by Committee on Education (originally sponsored by Senators Bauer, Conner, Stratton, Kiskaddon, Owen, Warnke, McCaslin, Metcalf, Benitz and Nelson)

Authorizing the transportation of private school students on public school buses.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5334.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5334, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Voting nay: Senator Williams - 1.

Excused: Senators Bender, Bluechel - 2.

SUBSTITUTE SENATE BILL NO. 5334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President turned the gavel over to Senator Mike Kreidler who introduced former United States Senator from Tennessee, the Honorable Albert Gore, Sr., who was seated on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Senator Gore to address the Senate.

Senator Kreidler returned the gavel to the President.

THIRD READING

SENATE BILL NO. 5667, by Senators Warnke, von Reichbauer and Lee

Revising procedures for disposition of personal property.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5667.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5667, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Bluechel - 2.

SENATE BILL NO. 5667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE JOINT MEMORIAL NO. 8007, by Senators Wojahn, Deccio, Barr and Moore

Petitioning Congress to authorize hospitals to use excess beds for nursing home care.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8007.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8007, and the memorial passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Sellar - 1.

Excused: Senators Bender, Bluechel - 2.

SENATE JOINT MEMORIAL NO. 8007, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Senator DeJarnatt, the following resolution was adopted:

SENATE RESOLUTION 1988-8707

by Senators DeJarnatt, Conner, Gaspard, Kiskaddon, Rasmussen, Garrett, Talmadge, Bauer, Sellar, Owen, Vognlid, Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Fleming, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rinehart, Saling, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman; Lieutenant Governor John A. Cherberg; Gordon A. Golob, Secretary of the Senate; Sid Snyder, Deputy Secretary of the Senate; W.D. "Nate" Naismith, Assistant Secretary of the Senate; George W. LaPold, Sergeant at Arms

WHEREAS, The members of the Senate were deeply saddened to learn of the death of their former colleague, retired Superior Court Judge Robert L. Charette; and

WHEREAS, A self-styled "country lawyer," Bob Charette was elected to the Senate in 1962, serving in the 1963 and 1965 sessions; and

WHEREAS, Senator Charette entered legislative service after one active term of office as Grays Harbor County Prosecutor, bringing to the Senate a keen legal mind and a sense of compassion for our less fortunate citizens; and

WHEREAS, He then continued his legislative service in the other body, rising to the position of majority floor leader to exercise his skills in debate and persuasion; and

WHEREAS, In remarkable action to meet a local problem, in less than five hours, the 19th District legislator had a bill drafted, introduced, passed by the House of Representatives, sent to the Senate and passed with the aid of Senator Robert C. Bailey, to aid the "hungry horses at Humpulips." These starving animals, abandoned by their owner on an icy, snow-swept oceanside tract, were rescued after the bill had immediately been signed into law by Governor Evans; and

WHEREAS, Throughout his legislative career, Bob Charette worked to improve the judicial system of the state, serving with distinction for twenty-one years as a member and chairman of the Statute Law Committee; and

WHEREAS, Before his recent retirement to return to his first love, the practice of the law, he served a term as Superior Court Judge for Grays Harbor County; and

WHEREAS, In that position, Judge Charette gained an insight into the serious educational and social needs of high-school dropouts, solutions to which he was discussing with Senate and House colleagues for action in this session of the Legislature; and

WHEREAS, Robert L. Charette, served his nation as combat infantryman in the 25th "Tropic Lightening" Division, in the island-hopping battles of the Southwest Pacific in World War II;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate extend our deepest condolences to our colleague's widow, Betty, and to the members of the Charette family; and note this loss to all citizens of the state of Washington of a colleague, who contributed so much to all of us as an attorney, legislator, jurist, husband and father; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Deputy Secretary of the Senate are hereby directed to forward copies of this resolution to Mrs. Charette and members of the Charette family.

Senators Newhouse, Deccio, Sellar, Rasmussen and Wojahn spoke to Senate Resolution 1988-8707.

MOTION

On motion of Senator Lee, the following resolution was adopted:

SENATE RESOLUTION 1988-8708

by Senators Lee, Rasmussen, Vognild, Garrett, Johnson and Hayner

WHEREAS, The first Boeing 727, produced on October 6, 1964, was purchased by United Airlines; and

WHEREAS, This aircraft has been in continuous service since that time and has carried over two and one-half million passengers; and

WHEREAS, On retirement of this first 727, Stephen M. Wolf, Chairman, President and Chief Executive Officer of the Allegis Corporation will graciously donate, on behalf of United Airline Employees, the "Spirit of Seattle" to that exemplary facility known as "The Museum of Flight" on January 23, 1988; and

WHEREAS, After the retirement of this venerable craft, United Airlines will name its first Boeing 747-400 the "Spirit of Seattle"; and

WHEREAS, The new "Spirit of Seattle" will grace the skies of this country and on routes to the Far East and serve as a monument to the great name of the state of Washington, the city of Seattle, and its citizens; and

WHEREAS, United Airlines and its employees have had a long and respected history in association with the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate declare February "The Spirit of Seattle" month; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington commend United Airlines and the Allegis Corporation for all their past endeavors on behalf of our state and for their gracious donation to the Museum of Flight; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to Stephen M. Wolf of the Allegis Corporation; United Airlines and the Boeing Company, on behalf of their employees; the cities of Renton, Everett, Kent and Seattle, the Washington State Congressional Delegation and the Federal Department of Transportation.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Benitz, Gubernatorial Appointment No. 9164, A. J. "Bud" Pardini, as a member of the Utilities and Transportation Commission, was confirmed.

Senators Vognild, Saling, Williams, Rasmussen, Hayner and Moore spoke to the confirmation of A. J. "Bud" Pardini as a member of the Utilities and Transportation Commission.

APPOINTMENT OF A. J. "BUD" PARDINI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Benitz, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Conner - 1.

Excused: Senators Bender, Bluechel - 2.

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

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5176 was moved from the Third Reading Calendar to the Committee on Rules.

On motion of Senator Newhouse, Senate Bill No. 5211 was moved from the Second Reading Calendar to the Committee on Rules.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 5269.

On motion of Senator Newhouse, Senate Bill No. 5269 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 6345.

On motion of Senator Newhouse, Senate Bill No. 6345 was referred to the Committee on Ways and Means.

PERSONAL PRIVILEGE

Senator McDonald: "Mr. President and fellow members, a point of personal privilege. For those who were at the Dental Association reception last night, you may know that a good colleague and friend of ours on both sides, Featherstone Reid, who happens to be on the Ways and Means Committee staff collapsed and went to St. Peter Hospital. He had an aneurysm in his abdomen, which is a fairly serious operation. He is in critical, but stable condition now in intensive care. He did go through some fifteen pints of blood last night, so if any of you would like to donate to the Black Hills Community Hospital—that is where the Puget Sound Blood Bank is, they are open from twelve to six tonight, and if you want to do that and donate it in his name, I think it would be appreciated.

"As you know, he's a valued counselor on both sides of the aisle—a guy who has a lot of respect and I think we all wish him well and I suspect that cards would be appreciated. He cannot receive either calls or visits for the next week, but our thoughts and prayers will be with him."

MOTION

On motion of Senator Madsen, the use of the Senate Chamber by the constituents of the Second District was granted for the evening of February 22, 1988.

MOTION

At 11:27 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 25, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 25, 1988

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

The Sergeant at Arms Color Guard, consisting of Pages Meredith Gibson and Stuart Bennett, presented the Colors. Reverend Hendrick Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 21, 1988

SB 6131 Prime Sponsor, Senator Deccio: Revising provisions relating to county jails. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6131 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, West, Wojahn.

Passed to Committee on Rules for second reading.

January 21, 1988

SB 6139 Prime Sponsor, Senator McCaslin: Eliminating boundary review boards. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6139 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Pullen.

Passed to Committee on Rules for second reading.

January 21, 1988

SB 6176 Prime Sponsor, Senator Barr: Creating a uniform seed law. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Bill No. 6176 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

January 21, 1988

SB 6178 Prime Sponsor, Senator Benitz: Implementing the vinifera grape growers' assessment. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6178 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

January 21, 1988

SB 6191 Prime Sponsor, Senator Craswell: Establishing local citizen substitute care review boards for juveniles. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6191 be substituted therefor, and the substitute bill do pass and be referred to Committee on

Ways and Means. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Garrett, McDonald, Stratton.

Referred to Committee on Ways and Means.

January 21, 1988

SB 6205 Prime Sponsor, Senator Deccio: Specifying eligibility of city and county inmates for medical care under the limited casualty program. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Smith, West, Wojahn.

Referred to Committee on Ways and Means.

January 22, 1988

SB 6243 Prime Sponsor, Senator Smitherman: Revising labor dispute disqualification for unemployment compensation. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6246 Prime Sponsor, Senator McDonald: Revising provisions on the board of tax appeals. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6246 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman, Cantu, Deccio, Gaspard, Johnson, Lee, Moore, Newhouse, Vognil, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 21, 1988

SB 6344 Prime Sponsor, Senator Barr: Revising provisions relating to agriculture. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6344 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 22, 1988

Mr. President:

The House has passed:

HOUSE BILL NO. 64,

ENGROSSED HOUSE BILL NO. 662,

HOUSE BILL NO. 854,

SUBSTITUTE HOUSE BILL NO. 1010,

SUBSTITUTE HOUSE BILL NO. 1291,

HOUSE BILL NO. 1292,

HOUSE BILL NO. 1293,

ENGROSSED HOUSE BILL NO. 1294,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1295,

SUBSTITUTE HOUSE BILL NO. 1296, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6517 by Senator Williams

AN ACT Relating to the energy facility site evaluation council; amending RCW 43.21F.035, 43.21F.045, and 80.50.030; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6518 by Senators Deccio, Fleming, Johnson, Garrett, Niemi and Smith

AN ACT Relating to adult family homes; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health Care and Corrections.

SB 6519 by Senators Anderson, Smitherman, Deccio, Rasmussen, Hayner, Conner, Zimmerman, Craswell, Gaspard, Wojahn, Stratton, Johnson, Kiskaddon, von Reichbauer and Garrett

AN ACT Relating to nursing homes; and amending RCW 74.46.360.

Referred to Committee on Ways and Means.

SB 6520 by Senators Bailey, Rinehart, Warnke, Bender, Bauer, Saling, Smitherman, Kiskaddon, Lee, Garrett and Anderson

AN ACT Relating to gifts, grants, conveyances, devises, and bequests to school districts; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 6521 by Senators Fleming, Bailey, Craswell, Kiskaddon, Garrett and Johnson

AN ACT Relating to consideration of minority race or minority ethnic heritage in adoptions and foster care placements; amending RCW 26.33.240, 13.34.232, and 13.32A-.170; reenacting and amending RCW 74.13.031 and 74.15.030; adding new sections to chapter 26.33 RCW; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6522 by Senator Nelson

AN ACT Relating to defective vehicles; and amending RCW 46.32.060.

Referred to Committee on Transportation.

SB 6523 by Senators Kiskaddon, Kreidler, Williams and Bauer

AN ACT Relating to naturopathic mechanotherapy; and amending RCW 18.36A.040.

Referred to Committee on Health Care and Corrections.

SB 6524 by Senators Craswell, Vognild, Owen, Smitherman, Bailey and Metcalf

AN ACT Relating to population adjustments for naval personnel; and amending RCW 43.62.050.

Referred to Committee on Education.

SB 6525 by Senators Craswell, McCaslin, Smith, West, Lee, Saling, Zimmerman and Bailey

AN ACT Relating to business and occupation tax credits for new businesses; adding new sections to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6526 by Senators Barr, Hansen, Bauer and Zimmerman

AN ACT Relating to conservation district assessment authority; and adding new sections to chapter 89.08 RCW.

Referred to Committee on Agriculture.

SB 6527 by Senators Niemi, Kiskaddon, Stratton, Garrett, Bauer, Kreidler, Anderson, McMullen and Talmadge

AN ACT Relating to school-age child care; amending RCW 28A.34.050 and 74.15.090; adding a new chapter to Title 74 RCW; creating new sections; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 6528 by Senators Fleming, Lee, Bailey, Deccio, Warnke, Smitherman, Gaspard, Stratton, Garrett, Niemi and Moore

AN ACT Relating to excise taxation on the construction of multifamily rental housing; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6529 by Senators Fleming, Conner, Vognild, Smitherman, Talmadge, Rinehart, Niemi and Kreidler

AN ACT Relating to the state minimum wage; amending RCW 49.46.010, 49.46.020, and 49.12.121; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6530 by Senators Pullen, Halsan, Nelson and Garrett (by request of Department of Labor and Industries)

AN ACT Relating to procedures for explosives licensing; amending RCW 70.74.030, 70.74.061, 70.74.110, 70.74.130, 70.74.135, 70.74.137, 70.74.140, and 70.74.142; adding new sections to chapter 70.74 RCW; and repealing RCW 70.74.220 and 70.74.290.

Referred to Committee on Law and Justice.

SB 6531 by Senators Niemi, Kiskaddon, Stratton, Garrett, Bauer, Fleming, McMullen and Talmadge

AN ACT Relating to child care; creating a new section; and making appropriations.

Referred to Committee on Children and Family Services.

SB 6532 by Senators McDonald, Niemi, McCaslin, Owen, Craswell, Moore, Bailey, Stratton, Hayner, Smith, Rasmussen, Conner, Anderson, Hansen, von Reichbauer, West, Kiskaddon, Garrett, Nelson, Lee, Zimmerman, Benitz, Cantu, Barr, McMullen and Johnson

AN ACT Relating to an emergency reserve fund; adding a new chapter to Title 43 RCW; repealing RCW 43.88.520, 43.88.525, 43.88.530, 43.88.535, and 43.88.540; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6533 by Senators Zimmerman and Garrett (by request of Washington State Local Governance Commission)

AN ACT Relating to annexation for municipal purposes; amending RCW 35.13.020, 35.13.060, 35.13.125, 35.13.130, 35A.14.020, 35A.14.050, 35A.14.120, 35A.14.295, 35A.14.299, and 42.17.130; adding a new section to chapter 35.13 RCW; and repealing RCW 35.13.025.

Referred to Committee on Governmental Operations.

SB 6534 by Senator Talmadge

AN ACT Relating to catheterization by public school employees; and adding a new section to chapter 28A.31 RCW.

Referred to Committee on Education.

SB 6535 by Senators Talmadge and Lee

AN ACT Relating to biodegradable solid waste; adding a new section to chapter 70.95 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6536 by Senators Anderson, Lee and Rasmussen (by request of Employment Security Department)

AN ACT Relating to experience rating for unemployment insurance purposes; amending and reenacting RCW 50.29.020; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6537 by Senators West, Smitherman, Lee and Anderson (by request of Employment Security Department)

AN ACT Relating to actions of the employment security department; and adding a new section to chapter 50.32 RCW.

Referred to Committee on Economic Development and Labor.

SB 6538 by Senators Lee, Smitherman, Anderson and Rasmussen (by request of Employment Security Department)

AN ACT Relating to establishing a computerized labor market information system; amending RCW 50.16.070; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6539 by Senator Lee (by request of Employment Security Department)

AN ACT Relating to shared work payments during labor disputes; and adding a new section to chapter 50.60 RCW.

Referred to Committee on Economic Development and Labor.

SB 6540 by Senator Smitherman

AN ACT Relating to the transfer of authority to the pollution control hearings board; amending RCW 34.12.020, 43.21B.005, 43.21B.110, 43.21C.075, 90.58.030, 90.58.140, 90.58.175, 90.58.180, 90.58.190, 90.58.210, and 90.62.080; creating new sections; and repealing RCW 90.58.170.

Referred to Committee on Environment and Natural Resources.

SB 6541 by Senator Smitherman

AN ACT Relating to the exclusive jurisdiction of the department of social and health services over permitting of alternative on-site sewage disposal systems; amending RCW 70.118.030, 70.118.040, and 90.48.160; and adding new sections to chapter 70.118 RCW.

Referred to Committee on Health Care and Corrections.

SB 6542 by Senators Newhouse, Moore, Bluechel, Deccio, Craswell, Stratton, Johnson, Saling, Zimmerman, Garrett, Hayner, Smitherman and Warnke

AN ACT Relating to business and occupation tax rates for processors, disposers, and compactors of low-level radioactive waste; amending RCW 82.04.260; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6543 by Senators Conner and Hansen

AN ACT Relating to bumpers on pickup trucks; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SB 6544 by Senators Anderson, Rasmussen, Smith, McDonald, Stratton, Barr, Nelson, Zimmerman, Craswell, Cantu and Johnson

AN ACT Relating to health; and adding a new section to chapter 70.24 RCW.

Referred to Committee on Health Care and Corrections.

SB 6545 by Senators Anderson, Hansen, Barr, Halsan, McMullen and Bailey

AN ACT Relating to agricultural assistance; amending RCW 62A.9-501 and 61.30.030; adding a new section to chapter 6.04 RCW; adding a new section to chapter 61.12 RCW; and adding a new chapter to Title 7 RCW.

Referred to Committee on Agriculture.

SB 6546 by Senators Benitz, Madsen, Bluechel, Owen, Stratton and Williams

AN ACT Relating to low-level radioactive waste surveillance fees; and amending RCW 70.98.085.

Referred to Committee on Energy and Utilities.

SB 6547 by Senators Sellar, Madsen, Johnson, Nelson, Owen, Craswell, Hayner, von Reichbauer, Stratton, Deccio, Smith, Zimmerman, Benitz, Garrett, Smitherman and Warnke

AN ACT Relating to low-level radioactive waste surcharges; and amending RCW 43.200.170.

Referred to Committee on Energy and Utilities.

SB 6548 by Senators Lee, Warnke, Smitherman, Rasmussen and Fleming (by request of Employment Security Department)

AN ACT Relating to assistance to employers receiving a federal tax credit; amending RCW 50.16.070; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6549 by Senators Lee and Warnke (by request of Employment Security Department)

AN ACT Relating to the Washington youth employment exchange; amending RCW 50.65.020, 43.220.220, 43.220.230, and 50.16.070; adding a new section to chapter 50.65 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6550 by Senators Lee and Smitherman

AN ACT Relating to contractors' bonds; and amending RCW 18.27.040.

Referred to Committee on Economic Development and Labor.

SB 6551 by Senators Pullen, Talmadge and Rasmussen (by request of Attorney General)

AN ACT Relating to crime victims, survivors, and witnesses; amending RCW 7.69.020, 7.69.040, 7.69.050, and 7.69A.030; adding new sections to chapter 7.69 RCW; and repealing RCW 7.69.030.

Referred to Committee on Law and Justice.

SB 6552 by Senators McCaslin, DeJarnatt and Zimmerman (by request of Office of Financial Management)

AN ACT Relating to state employee salary overpayments; and adding a new section to chapter 42.16 RCW.

Referred to Committee on Governmental Operations.

SB 6553 by Senator Lee (by request of Department of Licensing)

AN ACT Relating to debt adjusting; amending RCW 18.28.010, 18.28.020, 18.28.040, 18.28.050, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.140, 18.28.150, 18.28.165, 18.28.170, and 18.28.190; adding new sections to chapter 18.28 RCW; repealing RCW 18.28.030, 18.28.045, 18.28.060, 18.28.070, and 18.28.160; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6554 by Senator Conner

AN ACT Relating to annexation of cities; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Governmental Operations.

SB 6555 by Senators Wojahn, Metcalf, Rasmussen and Johnson

AN ACT Relating to senior citizen state park passes; and amending RCW 43.51.055.

Referred to Committee on Environment and Natural Resources.

SB 6556 by Senators Wojahn, Kiskaddon, Stratton and Johnson

AN ACT Relating to specifying the uses of fees paid for birth certificates suitable for display; and amending RCW 70.58.107.

Referred to Committee on Children and Family Services.

SB 6557 by Senator Anderson

AN ACT Relating to annexation by water districts and sewer districts; and amending RCW 56.24.070 and 57.24.010.

Referred to Committee on Governmental Operations.

SB 6558 by Senators Deccio, Bauer and Johnson

AN ACT Relating to motor vehicle excise tax underpayments; and amending RCW 82.44.120.

Referred to Committee on Transportation.

SB 6559 by Senator Anderson

AN ACT Relating to water districts and sewer districts; and amending RCW 56.08.010, 56.08.090, 57.08.010 and 57.08.016.

Referred to Committee on Governmental Operations.

SB 6560 by Senators Metcalf, McMullen and Owen

AN ACT Relating to trapping of bear; adding a new section to chapter 77.16 RCW; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SJR 8226 by Senators Pullen, Rasmussen, Lee and Zimmerman

Revising the veto power of the governor.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 64 by Representatives Lux, Chandler and P. King

Exempting certain surety bonds from requirements for cancellation or nonrenewal of insurance policies.

Referred to Committee on Financial Institutions and Insurance.

EHB 662 by Representatives Vekich, McMullen, Grant, P. King, Hargrove, Madsen, Haugen, Zellinsky, Baugher, Bristow, Bumgarner, Fuhrman, Holland, Chandler, Nealey, L. Smith, Ferguson, Betrozoff, Moyer, Amondson, D. Sommers, McLean, Cooper, Rasmussen, Kremen, Fisch, Meyers, Todd, Jesernig, K. Wilson, S. Wilson, Sanders, Sutherland, Doty, May, Brough, Cantwell, Padden, Winsley and Holm

Specifying the grounds for bringing a products liability action based on design defects for firearms or ammunition.

Referred to Committee on Law and Justice.

HB 854 by Representative Lux

Requiring insurers to allow conversion of group term insurance.

Referred to Committee on Financial Institutions and Insurance.

SHB 1010 by Committee on State Government (originally sponsored by Representatives Holm, C. Smith, Chandler, Unsoeld, Moyer, Walk, Rasmussen, D. Sommers, Madsen, Belcher, Brooks, Grant and Winsley)

Revising the method of state payments for fire protection services.

Referred to Committee on Governmental Operations.

SHB 1291 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Patrick and Wang) (by request of Liquor Control Board)

Authorizing the sale of liquor collector items.

Referred to Committee on Economic Development and Labor.

HB 1292 by Representatives Jones, Patrick and Wang (by request of Liquor Control Board)

Revising restrictions on minors employed by liquor licensees.

Referred to Committee on Economic Development and Labor.

HB 1293 by Representatives R. King, Walker and Wang (by request of Liquor Control Board)

Providing that all conditions and restrictions be listed on liquor licenses.

Referred to Committee on Economic Development and Labor.

EHB 1294 by Representatives Jones, Patrick and Wang (by request of Liquor Control Board)

Providing for a liquor broker's license.

Referred to Committee on Economic Development and Labor.

ESHB 1295 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Walker and Cole) (by request of Liquor Control Board)

Revising the fees for liquor licenses.

Referred to Committee on Economic Development and Labor.

SHB 1296 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, Cole, Jones and Ferguson) (by request of Liquor Control Board)

Eliminating the delivery requirement for seized liquor.

Referred to Committee on Economic Development and Labor.

MOTION

At 10:07 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:10 a.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 5171, by Senators Hansen, Barr, Gaspard, Bauer, Anderson and Bailey

Removing presumption of negligence in collisions between motor vehicles and livestock.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5171 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5171.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5171, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Garrett, Saling - 2.

Excused: Senator Warnke - 1.

SENATE BILL NO. 5171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5307, by Senator McCaslin

Prohibiting counties from forcing property owners to sign local improvement petitions.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5307 was substituted for Engrossed Senate Bill No. 5307 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5307 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5307, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vogndild, von Reichbauer, West, Williams, Zimmerman - 44.

Voting nay: Senators Kreidler, Talmadge, Wojahn - 3.

Absent: Senator Craswell - 1.

Excused: Senator Warnke - 1.

SUBSTITUTE SENATE BILL NO. 5307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Hayner, the following resolution was adopted:

SENATE RESOLUTION 1988-8705

by Senators Hayner, Wojahn and Bluechel

WHEREAS, The health and future welfare of the citizens of this state are interdependent; and

WHEREAS, January 25, 1988, is designated as the first Legislative Fitness Day in recognition of the importance of physical fitness; and

WHEREAS, To heighten our awareness of the importance of physical fitness the Washington Alliance of Health, Physical Education, Recreation, and Dance has volunteered to perform a variety of fitness screening and assessment services for members of the Legislature and legislative employees; and

WHEREAS, A day of physical fitness recognized as such by the Legislature will serve to promote the public's awareness of the importance of physical fitness and good health practices;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the twenty-fifth of January, 1988, be designated as "Legislative Fitness Day"; and

BE IT FURTHER RESOLVED, That all appropriate state agencies are encouraged to promote public awareness of the importance of physical fitness and good health practices.

Senator Bluechel spoke to Senate Resolution 1988-8705.

POINT OF INQUIRY

Senator Stratton: "Senator Hayner, how much credit are you going to give us for exercising, having to climb those darned steps to the minority caucus room?"

Senator Hayner: "It's making you very healthy, I know Lois."

INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Washington Alliance of Health, Physical Education, Recreation and Dance who were seated in the gallery.

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

SECOND READING

SENATE BILL NO. 6096, by Senators von Reichbauer, Smitherman, Moore, Gaspard, Johnson and Rasmussen

Prohibiting equity skimming.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6096 was substituted for Senate Bill No. 6096 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6096 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6096, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bauer, Warnke - 2.

SUBSTITUTE SENATE BILL NO. 6096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6103, by Senators Pullen, Talmadge, Bluechel, Moore and Sellar

Revising provisions on the duties of ski operators and users of commercial ski areas.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6103 was substituted for Senate Bill No. 6103 and the substitute bill was placed on second reading and read the second time.

Senator Halsan moved that the following amendment by Senators Halsan and Madsen be adopted:

On page 5, line 27, after "skiing" insert ", except in cases where the ski area operator has actual knowledge of a life-threatening but hidden defect or condition on improved trails or improved runs, and then only when shown by clear, cogent and convincing evidence that the failure to eliminate, alter or control the hidden deadly defect or condition amounted to willful and wanton misconduct by the ski area operator"

POINT OF INQUIRY

Senator Moore: "Senator Pullen, did this amendment appear in your committee?"

Senator Pullen: "No, it did not. Senator Halsan did offer an amendment dealing with gross negligence, but that of course is quite different from this particular amendment."

Further debate ensued.

POINT OF INQUIRY

Senator Halsan: "Senator Talmadge, in regard to the statement in this bill that--I believe it's in Section 5--I'm not quite sure, that there's no duty to prevent or protect against the inherent risks of skiing. How do you interpret that?"

Senator Talmadge: "I think that's Section 4, sub (5), Senator Halsan. The way I read that is that it deals solely and exclusively with the inherent risks of skiing which are defined in New Section 2 of the bill. Section 3 of the bill provides certain standards in the law with respect to activities a ski operator must undertake to perform, some relating to signing, some relating to the closure of certain trails and runs, etc.

"Now, those duties that are set forth in Section 3, I think the operator still has a duty to perform as a reasonable person would in undertaking to perform their duty and a duty still exists to deal with those. Further, where an area operator undertakes to do anything with respect to a groomed run or an improved trail by way of the inherent risks of skiing, that is if they have grooming equipment on the slopes, if they purport to sign with respect to stumpage that may be there, if they put signs on towers or equipment, they have an obligation to do that properly. Should they fail to do so, they are and should be liable."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Halsan and Madsen to Substitute Senate Bill No. 6103.

Debate ensued.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Halsan and Madsen and the amendment was not adopted by the following vote: Yeas, 14; nays, 34; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Madsen, McMullen, Rasmussen, Talmadge, Williams, Wojahn - 14.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vogt, von Reichbauer, West, Zimmerman - 34.

Excused: Senator Warnke - 1.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6103 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6103, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, West, Wojahn, Zimmerman - 40.

Voting nay: Senators Fleming, Halsan, Madsen, McMullen, Niemi, Rinehart, Williams - 7.

Absent: Senator Conner - 1.

Excused: Senator Warnke - 1.

SUBSTITUTE SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

January 21, 1988

SB 6106 Prime Sponsor, Senator Metcalf: Changing provisions relating to the interagency committee for outdoor recreation's comprehensive guide of public parks and recreation sites. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6238 Prime Sponsor, Senator Metcalf: Changing provisions relating to the authority of state agencies to administer part C of the federal safe drinking water act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6238 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6264 Prime Sponsor, Senator Metcalf: Requiring a report on the management of infectious wastes. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman, Barr, Benitz, DeJarnatt, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6265 Prime Sponsor, Senator Metcalf: Establishing environmental excellence awards for solid waste reduction and recycling. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

January 20, 1988

SB 6446 Prime Sponsor, Senator Rinehart: Encouraging state purchasing of recovered materials. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6446 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

January 21, 1988

SJM 8022 Prime Sponsor, Senator Metcalf: Requesting stable federal funding for parks and recreation. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler.

Passed to Committee on Rules for second reading.

January 20, 1988

SJM 8023 Prime Sponsor, Senator Metcalf: Requesting a Western States Recycling Coalition. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8023 be substituted therefor, and the substitute memorial do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

MOTION

At 12:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, January 26, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 26, 1988

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages James Thomsen and Chad Tibbets, presented the Colors. Reverend Hendrik Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1988

SB 5076 Prime Sponsor, Senator Bluechel: Establishing a commission on mobile home rental space availability. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5076 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Hayner, Lee, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1988

ESSB 5364 Prime Sponsor, Committee on Committee on Governmental Operations: Redesignating the state boxing commission as the state athletic commission and revising its powers and duties. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 5653 Prime Sponsor, Senator Bender: Providing for free hunting and fishing license for disabled veterans. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5653 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6197 Prime Sponsor, Senator Rasmussen: Creating a Washington state patrol memorial plaque committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6200 Prime Sponsor, Senator Sellar: Extending reduced utility rates to low income disabled citizens. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6200 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6210 Prime Sponsor, Senator McCaslin: Authorizing the state auditor to contract with certified public accountants for municipal audits. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Metcalf.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6211 Prime Sponsor, Senator McCaslin: Authorizing the state auditor to contract with certified public accountants for departmental audits. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Metcalf.

Passed to Committee on Rules for second reading.

January 21, 1988

SB 6235 Prime Sponsor, Senator Metcalf: Creating the water pollution control account and authorizing financial assistance from it. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6235 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Referred to Committee on Ways and Means.

January 25, 1988

SB 6292 Prime Sponsor, Senator Zimmerman: Revising the property tax exemption for public assembly halls and meeting places. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Lee, Saling, Smith, Vognild, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6340 Prime Sponsor, Senator McDonald: Revising transfer tax provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Hayner, Lee, Saling, Talmadge, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6411 Prime Sponsor, Senator Smith: Providing for replacement of lost temporary total disability payments. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6411 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, West, Williams.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6538 Prime Sponsor, Senator Lee: Establishing a computerized labor market information system. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6538 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Saling, West, Williams.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 25, 1988

Mr. President:

The House has passed:

REENGROSSED HOUSE BILL NO. 1093,

HOUSE BILL NO. 1270,

HOUSE BILL NO. 1280,

HOUSE BILL NO. 1288,

HOUSE BILL NO. 1325,

HOUSE BILL NO. 1327,

HOUSE BILL NO. 1330,

SUBSTITUTE HOUSE BILL NO. 1340,

SUBSTITUTE HOUSE BILL NO. 1363,

SUBSTITUTE HOUSE BILL NO. 1436,

SUBSTITUTE HOUSE BILL NO. 1473,

HOUSE BILL NO. 1479,

HOUSE JOINT RESOLUTION NO. 4223, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6561 by Senators Saling, Gaspard, Bailey, Patterson, Deccio, Barr and Garrett

AN ACT Relating to use tax exemptions for educational institutions; and amending RCW 82.12.0284.

Referred to Committee on Higher Education.

SB 6562 by Senators Bailey, Gaspard, Warnke, Patterson, Deccio, Barr and Garrett

AN ACT Relating to the Washington State University agricultural research facility at the Rainier school farm; and amending RCW 28B.30.810.

Referred to Committee on Agriculture.

SB 6563 by Senators Pullen, Madsen and McCaslin

AN ACT Relating to the recording of federal liens; adding new sections to chapter 60.68 RCW; repealing RCW 60.68.010, 60.68.020, 60.68.030, 60.68.040, and 60.68.050; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6564 by Senators Pullen, Madsen and McCaslin

AN ACT Relating to the recovery of support debt; and amending RCW 74.20A.060.

Referred to Committee on Law and Justice.

SB 6565 by Senator Owen

AN ACT Relating to interference with telecommunications; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 6566 by Senators Zimmerman, Cantu and Smith

AN ACT Relating to lifeline telephone service; amending RCW 80.04.010; reenacting and amending RCW 80.04.130; adding new sections to chapter 80.36 RCW; creating a new

section; repealing RCW 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.480; and repealing section 12, chapter 229, Laws of 1987 (uncodified).

Referred to Committee on Energy and Utilities.

SB 6567 by Senators Zimmerman, Smith and Rasmussen

AN ACT Relating to initiatives and referendums; and amending RCW 29.79.020, 29.79.080, 29.79.100, 29.79.120, and 29.79.140.

Referred to Committee on Governmental Operations.

SB 6568 by Senator McCaslin

AN ACT Relating to reporting time pay; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Economic Development and Labor.

SB 6569 by Senators West, Warnke and Anderson

AN ACT Relating to construction lien information; and adding new sections to chapter 30.04 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6570 by Senators Nelson, McDonald, Zimmerman, Fleming and Garrett

AN ACT Relating to funding of local improvements; amending RCW 82.02.020 and 36.73.120; adding new sections to chapter 35.43 RCW; adding new sections to chapter 36.88 RCW; adding a new chapter to Title 39 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6571 by Senators Smith and Zimmerman

AN ACT Relating to a special senior citizen salmon and steelhead bank fishing recreation area; adding a new section to chapter 75.08 RCW; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6572 by Senator Smith

AN ACT Relating to salmon fishing areas; and amending RCW 75.08.080 and 77.04.055.

Referred to Committee on Environment and Natural Resources.

SB 6573 by Senator Madsen

AN ACT Relating to sentencing of juvenile offenders; and amending RCW 13.40.020.

Referred to Committee on Law and Justice.

SB 6574 by Senators Metcalf and Kreidler (by request of Washington State Parks and Recreation Commission)

AN ACT Relating to winter recreation activities of the state parks and recreation commission; and amending RCW 43.51.290.

Referred to Committee on Environment and Natural Resources.

SB 6575 by Senators Metcalf and Kreidler (by request of Washington State Parks and Recreation Commission)

AN ACT Relating to ski lift inspection by the parks and recreation commission; and amending RCW 70.88.080.

Referred to Committee on Environment and Natural Resources.

SB 6576 by Senators Zimmerman, DeJarnatt, Johnson, Halsan, Bailey and Rasmussen (by request of Secretary of State)

AN ACT Relating to the presidential nominating process; creating a presidential preference primary for major political parties; adding a new chapter to Title 29 RCW; providing an effective date; and providing for a referendum.

Referred to Committee on Governmental Operations.

SB 6577 by Senators Pullen, Newhouse and Talmadge (by request of Washington State Bar Association)

AN ACT Relating to prepaid legal service plans; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6578 by Senators Lee, Vognild and Warnke

AN ACT Relating to the sale of nonliquor food products as defined in RCW 82.08.0293 as it exists on July 1, 1987, by licensed wine wholesalers and beer wholesalers; adding a new section to chapter 66.28 RCW; repealing RCW 66.24.125; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6579 by Senators Barr, Hansen, Talmadge, Kreidler and Metcalf

AN ACT Relating to water use plans and data; amending RCW 43.20.050; adding a new section to chapter 19.27 RCW; adding new sections to chapter 43.21A RCW; adding a new section to chapter 43.20 RCW; creating new sections; and making an appropriation.

Referred to Committee on Agriculture.

SB 6580 by Senators Johnson, Gaspard, Lee, Smitherman, Kiskaddon and Madsen

AN ACT Relating to vocational-technical institutes; and amending RCW 28A.04.172 and 28A.70.040.

Referred to Committee on Education.

SB 6581 by Senators Pullen, Gaspard, Johnson and Smitherman

AN ACT Relating to education; and amending RCW 28A.70.005.

Referred to Committee on Education.

SB 6582 by Senators Patterson and McMullen

AN ACT Relating to odometer tampering; amending RCW 46.12.030, 46.12.050, 46.12-.101, 46.12.120, 46.37.010, 46.70.180, 46.70.120, and 46.90.300; reenacting and amending RCW 46.63.020; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.37 RCW; repealing RCW 46.12.125 and 46.37.590; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6583 by Senators McCaslin, Zimmerman, West, Stratton and Anderson

AN ACT Relating to trucking; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 6584 by Senators Nelson, Bender, von Reichbauer, Sellar, Hansen and Garrett

AN ACT Relating to transportation benefit areas; and amending RCW 36.73.120.

Referred to Committee on Transportation.

SB 6585 by Senators Williams, Lee, Rinehart, Anderson, Halsan, Smith, Hansen, Gaspard, Kreidler and McMullen

AN ACT Relating to pledges and transfers of leave among state employees; adding a new section to chapter 41.06 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6586 by Senators Moore and von Reichbauer

AN ACT Relating to liability insurance for child care service providers; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6587 by Senators von Reichbauer and Moore

AN ACT Relating to child care; adding new sections to chapter 43.19 RCW; adding a new section to chapter 48.14 RCW; and making an appropriation.

Referred to Committee on Financial Institutions and Insurance.

SB 6588 by Senators Cantu, Fleming and Bluechel

AN ACT Relating to the state convention and trade center; amending RCW 67.40.020, 67.40.025, 67.40.030, 67.40.040, 67.40.055, and 67.40.090; amending section 1, chapter 8, Laws of 1987 1st ex. sess. (uncodified); amending section 9, chapter 8, Laws of 1987 1st ex. sess. (uncodified); adding a new section to chapter 67.40 RCW; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6589 by Senators Hansen and Barr

AN ACT Relating to trucking regulation; amending RCW 81.80.070 and 81.80.040; adding new sections to chapter 81.80 RCW; and creating a new section.

Referred to Committee on Transportation.

SJR 8227 by Senators Zimmerman, Smith and Rasmussen

Easing constitutional requirements for initiatives and referendums.

Referred to Committee on Governmental Operations.

SJR 8228 by Senators Pullen, Madsen, Zimmerman, Rasmussen and Gaspard
(by request of Attorney General)

Proposing a constitutional amendment creating crime victim's rights.

Referred to Committee on Law and Justice.

SJR 8229 by Senators McDonald, Niemi, McCaslin, Owen, Craswell, Smitherman, Moore, Bailey, Stratton, Johnson, Rasmussen, Conner, Smith, Hansen, Kiskaddon, Anderson, West, von Reichbauer, Hayner, Zimmerman and Barr

Establishing an emergency reserve fund.

Referred to Committee on Ways and Means.

SCR 8428 by Senators DeJarnatt, Patterson, Rasmussen, Zimmerman, Hayner, Garrett, Conner, Bauer, Moore, Smith, Kiskaddon, Rinehart and Lee

Commending Julia Butler Hansen for her career of public service.

Hold.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ReEHB 1093 by Representatives Zellinsky, Lux, Chandler, Schmidt and P. King

Revising deposit, permit, and insurance requirements for public fireworks displays.

Referred to Committee on Financial Institutions and Insurance.

HB 1270 by Representatives Braddock, Brooks, D. Sommers, Kremen, Vekich, Dellwo, Hine, May and P. King (by request of Department of Corrections)

Revising provisions relating to work training release.

Referred to Committee on Health Care and Corrections.

HB 1280 by Representatives Braddock, Brooks, Sprenkle, Crane, May and P. King (by request of Department of Corrections)

Revising the crime of custodial assault.

Referred to Committee on Health Care and Corrections.

HB 1288 by Representatives Haugen, S. Wilson, Rust, Ferguson, Kremen, Baugher, Cole, Vekich, Rayburn and P. King

Modifying hours during which liquor sales are allowed.

Referred to Committee on Economic Development and Labor.

HB 1325 by Representatives Rust, Walker, Unsoeld, Schoon and Winsley (by request of Department of Ecology)

Changing provisions relating to the state water pollution control agency's authority.

Referred to Committee on Environment and Natural Resources.

HB 1327 by Representatives Rust, Walker and Unsoeld (by request of Department of Ecology)

Changing provisions relating to the authority of state agencies to administer part C of the federal safe drinking water act.

Referred to Committee on Environment and Natural Resources.

HB 1330 by Representatives R. King, Patrick, Walker, Wang, Sayan, Cole and Jones

Changing references to employee classes for collective bargaining purposes.

Referred to Committee on Economic Development and Labor.

SHB 1340 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Walker, Valle, Ferguson, Unsoeld, Brekke, Sprenkle, Holland, P. King, May, Pruitt, Lux, Spanel and Todd)

Creating an office of waste reduction.

Referred to Committee on Environment and Natural Resources.

SHB 1363 by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Jacobsen, Barnes and Unsoeld)

Expending the authority of first class cities, public utility districts, and joint operating agencies to enter into agreements for the undivided ownership of electric generating plants and facilities.

Referred to Committee on Energy and Utilities.

SHB 1436 by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Wineberry, Schoon, Cantwell, Winsley, Kremen, Rasmussen, Heavey, Grant, Hargrove, Spanel, Bristow, Crane, Anderson, Meyers, Valle, Sanders, Rayburn, K. Wilson, Basich, Moyer and Cooper)

Requiring investigation of state investment by the state investment board.

Referred to Committee on Economic Development and Labor.

SHB 1473 by Committee on Agriculture and Rural Development (originally sponsored by Representatives McLean, Doty, Rasmussen and Holm) (by request of Department of Agriculture)

Revising provisions relating to food processors.

Referred to Committee on Agriculture.

HB 1479 by Representatives Nelson, Barnes, Jacobsen and Wang (by request of Washington State Energy Office)

Extending the authorization for utilities to lend money for energy conservation.

Referred to Committee on Energy and Utilities.

HJR 4223 by Representatives Nelson, Barnes, Jacobsen and Wang (by request of Washington State Energy Office)

Extending and expanding the authorization for government utilities to lend money for energy conservation.

Referred to Committee on Energy and Utilities.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8428 was advanced to second reading and placed on the second reading calendar.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Education was relieved of the following Gubernatorial Appointments:

- No. 9015, Kaye Mickelson;
- No. 9066, James W. Caley;
- No. 9080, Edith A. Lawrence;
- No. 9119, David L. Crouch;
- No. 9121, Delores E. Teutsch;
- No. 9135, Phyllis G. Kenney;
- No. 9137, Coralee Mattingly;
- No. 9138, Lawrence E. Sanford;
- No. 9139, Earlyse A. Swift;
- No. 9140, Harvey Vernier;
- No. 9141, Vivian Winston;
- No. 9143, Mitchell Bower, Jr.;
- No. 9154, Robert C. Richardson;
- No. 9156, H. Jon Runstad;
- No. 9157, Sally G. Shaefer;
- No. 9158, W. Hunter Simpson;
- No. 9167, Grace L. Lynch;
- No. 9170, Myrna Emerick.

On motion of Senator Newhouse, the following Gubernatorial Appointments were referred to the Committee on Higher Education:

- No. 9015, Kaye Mickelson;
- No. 9066, James W. Caley;
- No. 9080, Edith A. Lawrence;
- No. 9119, David L. Crouch;
- No. 9121, Delores E. Teutsch;
- No. 9135, Phyllis G. Kenney;
- No. 9137, Coralee Mattingly;
- No. 9138, Lawrence E. Sanford;
- No. 9139, Earlyse A. Swift;
- No. 9140, Harvey Vernier;
- No. 9141, Vivian Winston;
- No. 9143, Mitchell Bower Jr.;
- No. 9154, Robert C. Richardson;
- No. 9156, H. Jon Runstad;
- No. 9157, Sally G. Shaefer;
- No. 9158, W. Hunter Simpson;
- No. 9167, Grace L. Lynch;
- No. 9170, Myrna Emerick.

On motion of Senator Newhouse, the Committee on Energy and Utilities was relieved of further consideration of Senate Bill No. 6547.

On motion of Senator Newhouse, Senate Bill No. 6547 was referred to the Committee on Ways and Means.

MOTION

At 12:12 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 27, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 27, 1988

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

The Sergeant at Arms Color Guard, consisting of Pages Amy Woodard and Robert Smith, presented the Colors. Reverend Hendrik Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1988

ESSB 5378 Prime Sponsor, Health Care and Corrections: Licensing laboratories conducting prenatal test. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5378 be substituted therefor, and the second substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 5500 Prime Sponsor, Senator Talmadge: Relating to the fixing of fair value for homestead property for foreclosure. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5500 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6094 Prime Sponsor, Senator Pullen: Providing for imposing crime-related conditions on offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6094 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6115 Prime Sponsor, Senator Kiskaddon: Providing for programs to enhance parenting skills and strengthen families. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6115 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett, Stratton.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6119 Prime Sponsor, Senator Barr: Revising certain procedures for persons applying to be licensed practical nurses. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6147 Prime Sponsor, Senator Pullen: Revising the criminal definition of "substantial bodily harm." Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6147 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6227 Prime Sponsor, Senator Pullen: Revising provisions on acknowledgments. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6320 Prime Sponsor, Senator von Reichbauer: Revising insurance form and rate filing requirements. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6338 Prime Sponsor, Senator Kiskaddon: Revising provisions governing consultation by department of social and health services on reports of abuse. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chair; Craswell, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6339 Prime Sponsor, Senator Kiskaddon: Clarifying certain provisions governing the relinquishment and adoption of children. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6342 Prime Sponsor, Senator Lee: Requiring tax breakdown in customer billings by light and power businesses. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6342 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Newhouse, Owen, Pullen, Williams.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6346 Prime Sponsor, Senator West: Providing for contracting for the services of the industrial statistician. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6346 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6363 Prime Sponsor, Senator Pullen: Permitting parents and guardians to use reasonable and moderate force to discipline a child. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6363 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6370 Prime Sponsor, Senator Pullen: Correcting obsolete statutory references resulting from a devolution of power from the department of conservation. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6371 Prime Sponsor, Senator Pullen: Correcting a double amendment to the motor vehicle excise tax distribution section. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6372 Prime Sponsor, Senator Pullen: Correcting obsolete statutory references involving natural resources. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6373 Prime Sponsor, Senator Pullen: Correcting obsolete statutory references. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6374 Prime Sponsor, Senator Pullen: Correcting references to the state boxing commission. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6375 Prime Sponsor, Senator Pullen: Revising references to the department of wildlife. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6536 Prime Sponsor, Senator Anderson: Limiting employer liability for unemployment benefits paid as a result of a catastrophe. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6536 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6548 Prime Sponsor, Senator Lee: Providing funding for the targeted jobs tax credit program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6548 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 26, 1988

GA 9121 DELORES E. TEUTSCH, reappointed April 6, 1987, for a term ending March 26, 1991, as a member of the Higher Education Facilities Authority.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9138 LAWRENCE E. SANFORD, reappointed June 1, 1987, for a term ending April 3, 1991, as a member of the State Board for Community College Education.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9139 EARLYSE A. SWIFT, reappointed May 13, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9141 VIVIAN WINSTON, reappointed June 15, 1987, for a term ending June 30, 1991, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9176 JEAN H. ADAMS, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Walla Walla Community College District No. 20.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9177 ANNE S. BLAIR, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9181 CHERRY L. JARVIS, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Shoreline Community College District No. 7.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9184 RICHARD K. MURAKAMI, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9186 HOWARD H. PRYOR, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9187 W. DAVID SHAW, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9190 JACK WATKINS, JR., reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Pierce Community College District No. 11.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

January 26, 1988

GA 9199 KATE B. WEBSTER, reappointed November 23, 1987, for a term ending September 30, 1993, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6590 by Senators Nelson, Smitherman, Metcalf and Owen

AN ACT Relating to harbor lines; and amending RCW 79.92.030.

Referred to Committee on Environment and Natural Resources.

SB 6591 by Senators Saling, Smitherman, Johnson, Rinehart, von Reichbauer, McMullen, Anderson, Gaspard, Patterson, Stratton, Cantu, Garrett and Smith.

AN ACT Relating to the creation of the college savings bond program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 6592 by Senator Warnke

AN ACT Relating to allocation of funds for certificated administrative staff for districts with fewer than two hundred fifty students; and amending RCW 28A.41.140.

Referred to Committee on Ways and Means.

SB 6593 by Senators Saling, Anderson and McDonald

AN ACT Relating to community colleges; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 6594 by Senators von Reichbauer, Moore, Sellar and Garrett (by request of Department of Licensing)

AN ACT Relating to investments; amending RCW 21.20.005, 21.20.040, 21.20.050, 21.20.060, 21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120, 21.20.130, 21.20.210, 21.20.270, 21.20.310, 21.20.330, 21.20.340, 21.30.350, 21.20.380, 21.20.390, 21.20.430, 21.20.450, and 21.20.530; reenacting and amending RCW 21.20.320; and adding new sections to chapter 21.20 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6595 by Senators Talmadge, Rinehart, Fleming, Bender and Bauer

AN ACT Relating to early childhood education and assistance; amending section 217, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and making an appropriation.

Referred to Committee on Ways and Means.

SB 6596 by Senators Stratton and West

AN ACT Relating to regulation of telecommunications companies; amending RCW 80.04.010; reenacting and amending RCW 80.36.380; adding a new section to chapter 80.36 RCW; creating a new section; and repealing RCW 80.36.300, 80.36.310, 80.36.320, 80.36.330, 80.36.360, and 80.36.370.

Referred to Committee on Energy and Utilities.

SB 6597 by Senators Bailey, Gaspard, Smitherman, Zimmerman, Johnson, Warnke, Rinehart and Kiskaddon

AN ACT Relating to the appropriate use of disciplinary authority and the protection of classified school employees; and amending RCW 28A.87.230, 28A.87.231, and 28A.87.232.

Referred to Committee on Education.

SB 6598 by Senators Talmadge, Fleming and Bauer

AN ACT Relating to foster care; creating new sections; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6599 by Senators Anderson, Rasmussen, West, Owen, Craswell and Deccio

AN ACT Relating to legislative activities of state agencies and employees; and amending RCW 42.17.190.

Referred to Committee on Law and Justice.

SB 6600 by Senators Pullen, Talmadge, Rinehart and Saling

AN ACT Relating to abuse of children and adult dependent or developmentally disabled persons; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Law and Justice.

SB 6601 by Senators McDonald, Talmadge, Kiskaddon, Stratton and Deccio

AN ACT Relating to fiscal matters; amending RCW 82.01.125, 82.01.130, 82.01.135, 41.06.087, 43.88.030, and 43.88.120; and reenacting and amending RCW 82.01.120.

Referred to Committee on Ways and Means.

SB 6602 by Senators Saling, Gaspard, Zimmerman, McMullen, Bailey, Rinehart, Patterson, Kiskaddon, Bender, Smith, Anderson, Smitherman, Cantu, DeJarnatt and Garrett

AN ACT Relating to donated equipment for institutions of higher education; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 6603 by Senators Barr and Stratton

AN ACT Relating to air quality opacity limitations; and reenacting and amending RCW 70.94.331.

Referred to Committee on Environment and Natural Resources.

SB 6604 by Senators Benitz, Kreidler, Patterson and Garrett

AN ACT Relating to the revision of comprehensive county solid waste management plans and city solid waste management plans; and amending RCW 70.95.110.

Referred to Committee on Environment and Natural Resources.

SB 6605 by Senators Hayner, Rasmussen, Nelson, Moore, Saling, Smitherman, Newhouse, Vognild, von Reichbauer, Craswell and Bailey

AN ACT Relating to the portability of public employment retirement benefits; amending RCW 41.54.010, 41.54.030, 41.54.040, 41.54.070, 41.04.270, 41.40.120, and 41.32.010; adding a new section to chapter 41.54 RCW; adding a new section to chapter 41.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6606 by Senators Warnke, Bender and Wojahn

AN ACT Relating to asbestos projects; amending RCW 49.26.100, 49.26.110, 49.26.120, and 49.26.130; adding new sections to chapter 49.26 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6607 by Senator McCaslin

AN ACT Relating to partnerships; and adding a new section to chapter 25.04 RCW.

Referred to Committee on Law and Justice.

SB 6608 by Senators Hayner, Hansen, Sellar, DeJarnatt, Bailey, Halsan, Madsen, Barr and Benitz

AN ACT Relating to sentencing for theft of livestock; amending RCW 9.94A.310; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Agriculture.

SB 6609 by Senators Newhouse and McMullen

AN ACT Relating to vehicular crimes; amending RCW 46.20.285, 46.61.520, 46.61.522, and 46.61.525; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6610 by Senators Bluechel and Benitz

AN ACT Relating to telephone exchanges; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6611 by Senators Bluechel and Benitz

AN ACT Relating to telephone exchanges; and amending RCW 80.36.230.

Referred to Committee on Energy and Utilities.

SB 6612 by Senators von Reichbauer and Madsen

AN ACT Relating to business entertainment practices of liquor manufacturers and wholesalers; and amending RCW 66.28.010.

Referred to Committee on Economic Development and Labor.

SB 6613 by Senators Nelson, Vognild, Metcalf, Bender, Patterson, Kiskaddon, Bailey and Garrett

AN ACT Relating to the state air fair; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Transportation.

SB 6614 by Senators Warnke and Lee

AN ACT Relating to vessel dealer registration; and amending RCW 88.02.060.

Referred to Committee on Economic Development and Labor.

SB 6615 by Senator Lee

AN ACT Relating to the establishment of a program to improve labor-management cooperation; adding a new chapter to Title 49 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6616 by Senator McCaslin

AN ACT Relating to the water quality account; and reenacting and amending RCW 70.146.030.

Referred to Committee on Environment and Natural Resources.

SB 6617 by Senator Talmadge

AN ACT Relating to escrow; adding new sections to chapter 18.44 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6618 by Senators Lee and Smith

AN ACT Relating to mobile homes; adding new sections to chapter 43.63A RCW; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6619 by Senators Talmadge and Moore

AN ACT Relating to excise taxation; amending RCW 48.14.020, 54.28.020, 54.28.025, 54.28.040, 66.24.210, 66.24.290, 66.08.170, 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.280, 82.04.290, 82.08.020, 82.12.020, 82.08.150, 82.08.160, 82.16.020, 82.29A-.030, 82.45.060, and 82.45.180; reenacting and amending RCW 82.02.030; adding a new section to chapter 43.79 RCW; adding a new section to chapter 82.04 RCW; repealing RCW 82.04.2901 and 82.04.2904; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6620 by Senator Talmadge

AN ACT Relating to controlled substances; reenacting and amending RCW 42.17.310; adding new sections to chapter 69.50 RCW; creating a new section; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Health Care and Corrections.

SB 6621 by Senators Rasmussen, Pullen, Hansen and Barr

AN ACT Relating to real property; amending RCW 4.16.020, 7.28.010, 7.28.050, 7.28-.070, and 7.28.080; and creating a new section.

Referred to Committee on Law and Justice.

SCR 8429 by Senators Saling, Smitherman, Patterson, Hansen, McMullen, Anderson and von Reichbauer

Approving the master plan for higher education and establishing a study group.

Referred to Committee on Higher Education.

SCR 8430 by Senators Talmadge, Owen, Conner and Bender

Urging the display of the prisoner-of-war and missing-in-action flag.

Referred to Committee on Governmental Operations.

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

SECOND READING

SENATE BILL NO. 6108, by Senators Pullen, Talmadge and Rasmussen

Revising provisions relating to defense of persons or property.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Law and Justice amendment was adopted:

On page 1, line 19, after "defense" strike ", and the court shall enter an order directing the payment. However, failure of the court to enter such an order does not preclude the defendant from submitting a claim to the state"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 6108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6108.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6108, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, Wojahn, Zimmerman - 47.

Excused: Senators West, Williams - 2.

ENGROSSED SENATE BILL NO. 6108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6113, by Senator Pullen

Making technical corrections to quasi-community property laws.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6113.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6113, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator West - 1.

SENATE BILL NO. 6113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced Representative Kelley Shockman, a three term member of the North Dakota Legislature, who was seated with him on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Representative Shockman to address the Senate.

Senator Zimmerman gave a special welcome to Representative Shockman.

SECOND READING

SENATE BILL NO. 6136, by Senators Smith, DeJarnatt, Kreidler, Metcalf and Zimmerman (by request of Washington State Parks and Recreation Commission)

Repealing authority for surcharges on nonresidents camping at state parks.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6136.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6136, and the bill passed the Senate by the following vote: Yeas, 43; absent, 5; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsam, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 43.

Absent: Senators Conner, McDonald, McMullen, Warnke, Zimmerman - 5.

Excused: Senator West - 1.

SENATE BILL NO. 6136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6157, by Senator Bailey

Providing for the expiration in 1994 of the student learning objectives programs.

MOTIONS

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6157 was substituted for Senate Bill No. 6157 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Smitherman: "Senator Bailey, I'm a little concerned about eliminating the student learning objectives. I understood you to say that they're considered to be an onerous burden, I guess, by some of the districts. Was it something that the districts came to you about or the Superintendent of Public Instruction's office or was this just something that sort of emanated from the committee on its own?"

Senator Bailey: "What this program will do, will be to change it from a mandatory program to a voluntary program. The school districts may still use the program, but it puts it on a voluntary basis."

Senator Smitherman: "I understand that, but I was just wondering if this is something that emanated as a result of the request from the Superintendent of Public Instruction or from pressure from various school districts asking that these things be removed or what? The reason I ask that is that while it's laudable to try to get rid of onerous paper work and things like that, the state is asked more and more to be responsible for funding education and with that type of responsibility and the increasing amount we have to put into education, it occurs to me that one of the things we talk about in terms of our dollar expenditure is accountability, and if we begin removing things like mandatory student learning objectives, where we get some feeling for where the various school districts are going with their programs, and we remove things like the measurements that they have to make--measurements of objectives--then we really have no idea what's going on in those districts. That does concern me and that's why I wanted to know where this emanated. What was it origin? Was it a matter of pressure from communities or what? I'm trying to--I'm very sincere about that."

Senator Bailey: "Well, thank you again. Again, it places, rather than mandatory, it places voluntary regulations. I think as we move into a new phase in education--remember last year we passed the schools for the 21st Century--we

passed other measures that will allow for the people in the local districts to make some policy matters and we still will allow, on a voluntary basis, the student learning objectives."

POINT OF INQUIRY

Senator Fleming: "Senator Bailey, I didn't quite understand your answer and I'm not sure, because we remodeled the Chamber and maybe changed some of the acoustics in here, whether you were hard of hearing. I think Senator Smitherman asked the question as to where this emanated from. Did it fall out of the sky, did someone request this of you such as the Superintendent of Public Instruction or the Washington Association of School Directors or the Washington Education Association? Did some organization affiliated with education come and ask, 'Senator Bailey, it's not necessary, but we'd like to know, would you please introduce this measure, because we'd like to get rid of these learning objectives; we don't really want this accountability?' Where did it emanate from? Is this your idea?"

Senator Bailey: "Thank you, Senator Fleming, for the question. It was various groups and I don't know if I've heard not from groups that say, 'Yes, we want to remove student learning objectives,' but I've heard from various people—teachers, people on school boards, various association members—that would like to have this removed, because we do have this new phase in education."

Senator Fleming: "So, what you are saying, is that none of the organized groups in education have come to you and said, 'We need to do away with this,' but you had heard from some constituents and people of that nature that said, 'Hey, I think it would be a good idea to get rid of this accountability aspect of reporting and that kind of thing there.' Then, you as a legislator decided to introduce a measure, as it is your prerogative, and being the Chairman of Education, you felt as though it was a good idea?"

Senator Bailey: "And I think I also should comment on the thought that when we heard this measure before Education, there were no organized groups in the education community that objected to this bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6157.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6157, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, von Reichbauer, Warnke, Wojahn, Zimmerman - 36.

Voting nay: Senators Bauer, DeJarnatt, Fleming, Garrett, Halsan, Kreidler, Madsen, Moore, Smitherman, Talmadge, Vognild, Williams - 12.

Excused: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Senate Bill No. 6491.

On motion of Senator Newhouse, Senate Bill No. 6491 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6599.

On motion of Senator Newhouse, Senate Bill No. 6599 was referred to the Committee on Law and Justice.

MOTION

On motion of Senator Rasmussen, the use of the Senate Chamber by the constituents of the Twenty-ninth District was granted for the evening of February 1, 1988.

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

REPORTS OF STANDING COMMITTEES

January 26, 1988

SB 6142 Prime Sponsor, Senator McCaslin: Authorizing two-year excess property tax levies for certain taxing districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6142 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6392 Prime Sponsor, Senator Halsan: Revising provisions regarding livestock. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6432 Prime Sponsor, Senator Hansen: Amending provisions for agricultural livestock liens. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6432 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6545 Prime Sponsor, Senator Anderson: Providing for mediation in farm foreclosure actions through the community college system. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6545 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen.

Passed to Committee on Rules for second reading.

January 26, 1988

SJR 8218 Prime Sponsor, Senator McCaslin: Granting authority to the legislature to authorize two-year excess property tax levies for taxing districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett.

Passed to Committee on Rules for second reading.

MOTION

At 11:21 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 28, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 28, 1988

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Michelle Nelson and David Hein, presented the Colors. Reverend Hendrik Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 1988

SB 5095 Prime Sponsor, Senator Saling: Planning for removal of the toll on Spokane's Maple Street Bridge. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5095 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 5586 Prime Sponsor, Senator Lee: Eliminating provisions relating to hours of labor. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5586 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 27, 1988

SB 6162 Prime Sponsor, Senator Pullen: Changing provisions relating to home-stead exemptions. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6174 Prime Sponsor, Senator Kiskaddon: Requiring abuse and neglect to be reported both to law enforcement agencies and to the department of social and health services. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6174 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6195 Prime Sponsor, Senator Vognild: Establishing civil and criminal liability for hindering logging activities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6195 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 27, 1988

SB 6201 Prime Sponsor, Senator Rasmussen: Expanding eligibility for special license plates for surviving spouses of deceased prisoners of war. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6206 Prime Sponsor, Senator Deccio: Requiring cardiopulmonary resuscitation instructions to be posted at multifamily swimming pools. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6206 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6215 Prime Sponsor, Senator Pullen: Revising provisions relating to the state crime laboratory. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6215 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6218 Prime Sponsor, Senator McCaslin: Revising certain provisions regulating the practice of physical therapy. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6218 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6229 Prime Sponsor, Senator Kiskaddon: Providing programs for the personal development and self-esteem of students. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6229 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6244 Prime Sponsor, Senator Bailey: Providing additional capital construction assistance to certain small school districts. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 27, 1988

SB 6252 Prime Sponsor, Senator Halsan: Revising enforcement provisions for failure to comply with traffic infraction laws. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6252 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6295 Prime Sponsor, Senator Garrett: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6316 Prime Sponsor, Senator Pullen: Providing for the seizure of assets in drug cases. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6316 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6318 Prime Sponsor, Senator von Reichbauer: Revising provisions on the cancellation and renewal of insurance policies. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6318 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6319 Prime Sponsor, Senator von Reichbauer: Requiring notice to certain life insurance policyowners of the nonforfeiture benefits available. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6319 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6345 Prime Sponsor, Senator Deccio: Revising provisions on alcoholism and drug addiction treatment. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Vognilid, Zimmerman.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6349 Prime Sponsor, Senator Smith: Requiring licenses for professional salmon fishing guides. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6438 Prime Sponsor, Senator Benitz: Permitting banded rate tariffs for natural gas and electric services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6438 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Newhouse, Owen, Pullen, Williams.

Passed to Committee on Rules for second reading.

January 27, 1988

SB 6440 Prime Sponsor, Senator Kreidler: Providing for the clean-up of hazardous wastes. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6452 Prime Sponsor, Senator Rinehart: Providing for the study of American sign language to meet foreign language graduation requirements. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6452 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6470 Prime Sponsor, Senator Deccio: Providing a voluntary substance abuse program for health care licensees. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6470 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6480 Prime Sponsor, Senator DeJarnatt: Establishing the crime of obstructing the taking of fish or wildlife. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6537 Prime Sponsor, Senator West: Limiting applicability of administrative rulings relating to individual unemployment claims to other legal actions. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

January 26, 1988

SJM 8018 Prime Sponsor, Senator Metcalf: Requesting protection for steelhead and salmon from marine mammals. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8018 be substituted therefor, and the substitute memorial do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 26, 1988

SJM 8019 Prime Sponsor, Senator Metcalf: Requesting curtailment of the foreign catch of Washington-produced salmon. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8019 be substituted therefor, and the substitute memorial do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 27, 1988

Mr. President:

The House has passed:

HOUSE JOINT MEMORIAL NO. 4041, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6622 by Senator Fleming

AN ACT Relating to aquifers; and reenacting and amending RCW 70.146.060.

Referred to Committee on Environment and Natural Resources.

SB 6623 by Senators Barr, Owen, Bailey and Smith

AN ACT Relating to school plant facilities; amending RCW 28A.47.803 and 28A.56.200; and adding a new section to chapter 28A.47 RCW.

Referred to Committee on Education.

SB 6624 by Senators Halsan, Anderson, DeJarnatt, Lee, McMullen, West, Vogmild, Gaspard, Warnke, Owen, Moore, Conner, Hansen, Madsen, Smitherman, Rasmussen, Talmadge, Bender, Garrett, Wojahn, Fleming and Rinehart

AN ACT Relating to unemployment; amending RCW 50.62.020, 50.20.043, 50.24.014, 50.16.010, 50.29.025, and 50.16.070; reenacting and amending RCW 50.62.010, 50.62.030, and 42.17.310; adding a new chapter to Title 43 RCW; adding a new chapter to Title 50 RCW; adding a new section to chapter 42.17 RCW; adding a new section to chapter 50.20 RCW; creating new sections; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6625 by Senators Smith, Anderson, Brauer and Zimmerman

AN ACT Relating to medical examinations of workers' compensation claimants; and amending RCW 51.32.110.

Referred to Committee on Economic Development and Labor.

SB 6626 by Senator Smith

AN ACT Relating to vocational rehabilitation costs; and amending RCW 51.32.095 and 51.32.250.

Referred to Committee on Economic Development and Labor.

SB 6627 by Senators Smith and West

AN ACT Relating to deferred prosecution; creating a new section; and repealing RCW 10.05.010, 10.05.015, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.070, 10.05.080, 10.05.090, 10.05.100, 10.05.110, 10.05.120, 10.05.130, 10.05.140, 10.05.150, 10.05.160, and 10.05.170.

Referred to Committee on Law and Justice.

SB 6628 by Senator Smith

AN ACT Relating to recreational fishing licenses; amending RCW 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, 75.25.160, and 75.25.170; and repealing RCW 75.25.090 and 75.25.125.

Referred to Committee on Environment and Natural Resources.

SB 6629 by Senator Pullen

AN ACT Relating to local government building codes; and amending RCW 19.27.040, 19.27.060, and 19.27.074.

Referred to Committee on Governmental Operations.

SB 6630 by Senator Pullen

AN ACT Relating to the building code council; and repealing RCW 19.27.070, 19.27.074, 19.27.078, and 19.27.085.

Referred to Committee on Governmental Operations.

SB 6631 by Senators McCaslin and Smitherman

AN ACT Relating to employee dental care assistance plans; and adding a new section to chapter 49.64 RCW.

Referred to Committee on Economic Development and Labor.

SB 6632 by Senator Smith

AN ACT Relating to certain substances that may be used to produce controlled substances; adding a new chapter to Title 69 RCW; providing penalties; and declaring an emergency.

Referred to Committee on Health Care and Corrections.

SB 6633 by Senators Johnson and Nelson

AN ACT Relating to payment of health care providers by health care service contractors as directed by subscribers; amending RCW 48.44.026; and creating a new section.

Referred to Committee on Health Care and Corrections.

SB 6634 by Senator McCaslin

AN ACT Relating to real property; amending RCW 61.12.050, 61.12.070, and 61.24.100; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SB 6635 by Senator Lee

AN ACT Relating to export development; reenacting and amending RCW 42.17.310; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development and Labor.

SB 6636 by Senator West

AN ACT Relating to standards for apprenticeship agreements; and amending RCW 49.04.010.

Referred to Committee on Economic Development and Labor.

SB 6637 by Senators Pullen, Niemi and Nelson

AN ACT Relating to adverse possession; and adding a new section to chapter 7.28 RCW.

Referred to Committee on Law and Justice.

SB 6638 by Senators Niemi, Johnson, Deccio, Wojahn, Smith and Kreidler

AN ACT Relating to educational assistance for nurses; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Health Care and Corrections.

SB 6639 by Senators Johnson and Smitherman

AN ACT Relating to solid waste management; and amending RCW 70.95.180 and 70.95.185.

Referred to Committee on Environment and Natural Resources.

SB 6640 by Senators Sellar and Vognild (by request of Office of State Auditor and Attorney General)

AN ACT Relating to court costs; and amending RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220.

Referred to Committee on Ways and Means.

SB 6641 by Senators Craswell, Vognild, Bailey, Owen, Smitherman and Metcalf

AN ACT Relating to population adjustments for naval personnel; and amending RCW 43.62.030.

Referred to Committee on Governmental Operations.

SB 6642 by Senators Craswell and Smitherman

AN ACT Relating to floating aquaculture; amending RCW 34.04.150, 90.58.030, and 90.58.180; adding a new section to chapter 90.58 RCW; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6643 by Senators Lee and Moore

AN ACT Relating to business and occupation tax; and amending RCW 82.04.4282.

Referred to Committee on Ways and Means.

SB 6644 by Senators Madsen, Gaspard, Rinehart and Bauer

AN ACT Relating to salary allocations for certificated instructional staff; amending section 503, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. as amended by section 2, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); creating a new section; and making appropriations.

Referred to Committee on Ways and Means.

SB 6645 by Senators Hansen, Halsan and Rasmussen

AN ACT Relating to occupational drivers' licenses; and amending RCW 46.20.308 and 46.20.391.

Referred to Committee on Law and Justice.

SB 6646 by Senators West, Wojahn, Smith, Kreidler, Vognild, Warnke, Deccio, Talmadge and Halsan

AN ACT Relating to the portability of public employment retirement benefits; amending RCW 41.54.010; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6647 by Senators Metcalf, Rasmussen, Conner, Barr, Owen, Nelson, Zimmerman, von Reichbauer, Vognild, Anderson, DeJarnatt, McMullen, Craswell, Kreidler and Bauer

AN ACT Relating to salmon production; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 6648 by Senators McCaslin, Stratton, Deccio, Pullen, Smith and Craswell

AN ACT Relating to prohibiting causes of action for wrongful life and wrongful birth; prohibiting a defense, or an award of damages or imposition of a penalty based on the failure or refusal to prevent a live birth; adding new sections to chapter 4.24 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6649 by Senator McCaslin

AN ACT Relating to partnerships; and adding a new section to chapter 25.04 RCW.

Referred to Committee on Law and Justice.

SB 6650 by Senators Metcalf, Patterson, Kreidler and Hansen

AN ACT Relating to production of fuel from recyclable materials; and amending RCW 82.36.225.

Referred to Committee on Environment and Natural Resources.

SB 6651 by Senators Gaspard and Madsen

AN ACT Relating to salary allocations for certificated instructional employees; amending section 503, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. as amended by section 2, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); amending section 507, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 508, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 509, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 510, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 511, chapter 7, Laws of 1987 1st ex. sess. (uncodified); and amending section 513, chapter 7, Laws of 1987 1st ex. sess. (uncodified).

Referred to Committee on Ways and Means.

SB 6652 by Senators Kreidler, Deccio, Wojahn, Lee, Niemi and Sellar

AN ACT Relating to life-sustaining treatment; amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.050, 70.122.060, 70.122.070, 70.122.080, and 70.122.090; adding new sections to chapter 11.94 RCW; adding new sections to chapter 70.122 RCW; and creating a new section.

Referred to Committee on Health Care and Corrections.

SB 6653 by Senators Deccio and Newhouse

AN ACT Relating to the local excise tax on lodgings for purposes of stadium, convention, performing arts, and visual arts facilities in counties currently imposing the county-option tax upon transactions simultaneously subject to the lodgings tax of a city or cities; and amending RCW 67.28.180.

Referred to Committee on Ways and Means.

SJM 8026 by Senators Rinehart, Saling and von Reichbauer

Requesting that Congress exempt tuition waivers from federal income tax.

Referred to Committee on Higher Education.

SJM 8027 by Senators Metcalf, Owen, Smith and Bailey

Urging the reduction of plastic wastes in the Pacific Ocean.

Referred to Committee on Environment and Natural Resources.

SJR 8230 by Senators West and Moore

Reducing the liability for that portion of debt covered by the Washington life and disability insurance guarantee association.

Referred to Committee on Financial Institutions and Insurance.

SJR 8231 by Senators McDonald, Owen, McCaslin, Stratton, Craswell, Rasmussen, Bailey, Smitherman, Johnson, Conner, Smith, Anderson, Kiskaddon, von Reichbauer and Zimmerman

Requiring a two-thirds vote of the legislature to enact tax legislation.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4041 by Representatives Taylor, Jacobsen, Patrick, Sutherland, Barnes, Belcher, Walker, Anderson, Beck, Fisher, Moyer, Grant, Padden, Armstrong, D. Sommers, Crane, Brooks, Leonard, Butterfield, Sayan, Chandler, Winsley, Ballard, S. Wilson, Hargrove, Baugher,

Basich, Ebersole, P. King, Peery, Dellwo, Brough, Ferguson, Nealey, Silver, Lewis, Doty, Betrozoff, J. Williams, Schmidt, Holland, Prince, Sanders, B. Williams, Miller, Fuhrman, Hankins, McLean, May, Cole, Unsoeld, Schoon, Day, Zellinsky, Walk and Hine

Requesting live television coverage of Apple Cup.

Referred to Committee on Higher Education.

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

MOTIONS

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6445.

On motion of Senator Newhouse, Senate Bill No. 6445 was referred to the Committee on Environment and Natural Resources.

MOTION

At 12:11 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 29, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 29, 1988

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, Barr, McDonald, Moore and West. On motion of Senator Bender, Senator Moore was excused. On motion of Senator Zimmerman, Senators Anderson and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kendra Dunson and Jason Pfaff, presented the Colors. Reverend Hendrik Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1988

SB 5686 Prime Sponsor, Senator Hansen: Changing the tax payment schedule for agricultural property. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass and refer to Committee on Ways and Means. Signed by Senators Barr, Chairman; Bailey, Halsan, Hansen.

Referred to Committee on Ways and Means.

January 26, 1988

SB 5718 Prime Sponsor, Senator Cantu: Protecting drivers' license information. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 28, 1988

ESB 5953 Prime Sponsor, Senator Gaspard: Providing reduced work load options for certain tenured community college faculty members. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6153 Prime Sponsor, Senator Halsan: Revising provisions relating to police dogs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6155 Prime Sponsor, Senator Bailey: Authorizing revenues from the state lottery to be deposited in the common school construction fund. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass and the bill be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Referred to Committee on Ways and Means.

January 26, 1988

SB 6181 Prime Sponsor, Senator Rinehart: Revising the early childhood education and assistance program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6186 Prime Sponsor, Senator Bailey: Requiring school districts to provide AIDS education in the schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6186 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee.

Passed to Committee on Rules for second reading.

January 27, 1988

SB 6194 Prime Sponsor, Senator Vognild: Authorizing residential confinement of an offender. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6194 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6212 Prime Sponsor, Senator Pullen: Revising membership eligibility of retirement boards for fire fighters and law enforcement officers. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6212 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Halsan, Madsen, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6226 Prime Sponsor, Senator Talmadge: Establishing the risk management liability account and the risk management property account. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6226 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6232 Prime Sponsor, Senator Anderson: Seeking federal waivers for self-employed persons receiving aid to families with dependent children. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6234 Prime Sponsor, Senator Bailey: Approving projects recommended by the public works board. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1988

SB 6239 Prime Sponsor, Senator Zimmerman: Establishing a hotline for fishery user groups. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6239 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6297 Prime Sponsor, Senator von Reichbauer: Revising investment policies for funds of the department of labor and industries. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6309 Prime Sponsor, Senator Kiskaddon: Revising rules for dependency proceedings. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6309 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

January 27, 1988

SB 6313 Prime Sponsor, Senator McDonald: Providing for retirement of loans from the resource management cost account to the forest development account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Hayner, Johnson, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6348 Prime Sponsor, Senator Smith: Changing requirements relating to the powers of initiative and referendum in cities and towns. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Halsan, Pullen.

Passed to Committee on Rules for second reading.

January 27, 1988

SB 6406 Prime Sponsor, Senator Wojahn: Enforcing the regulatory fairness act. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6406 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, Williams.

Referred to Committee on Ways and Means.

January 28, 1988

SB 6449 Prime Sponsor, Senator Zimmerman: Providing a temporary rate-review exemption for certain hospitals. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Smith, Wojahn.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6459 Prime Sponsor, Senator Smith: Authorizing the instruction of blind students on braille. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6460 Prime Sponsor, Senator Smith: Prohibiting the use of tobacco on school property. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Benitz, Craswell, Lee.

Passed to Committee on Rules for second reading.

January 26, 1988

SB 6486 Prime Sponsor, Senator Owen: Creating the Washington state firearm range committee. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6486 be substitute therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 25, 1988

SCR 8424 Prime Sponsor, Senator Metcalf: Participating in the Pacific Fisheries Legislative Task Force. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt.

Passed to Committee on Rules for second reading.

January 28, 1988

HB 1479 Prime Sponsor, Senator Nelson: Extending the authorization for utilities to lend money for energy conservation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Nelson, Stratton, Williams.

Passed to Committee on Rules for second reading.

January 28, 1988

HJR 4223 Prime Sponsor, Representative Nelson: Extending and expanding the authorization for government utilities to lend money for energy conservation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Nelson, Stratton, Williams.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 28, 1988

GA 9117 JOHN REYNOLDS, appointed March 19, 1987, for a term ending at the pleasure of the Governor, as Director of the Department of Veterans Affairs, succeeding Randy Fisher.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman, DeJarnatt, Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules.

January 28, 1988

GA 9131 CHARLES C. CLARKE, appointed June 12, 1987, for a term ending at the pleasure of the Governor, as Director of the Department of Community Development, succeeding Richard J. Thompson.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman, DeJarnatt, Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules.

January 28, 1988

GA 9158 W. HUNTER SIMPSON, reappointed July 27, 1987, for a term ending September 30, 1992, as a member of the Board of Regents for the University of Washington.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6654 by Senators Talmadge and von Reichbauer

AN ACT Relating to peace officers; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law and Justice.

SB 6655 by Senators Pullen and Talmadge

AN ACT Relating to records retention; and creating a new chapter in Title 40 RCW.

Referred to Committee on Law and Justice.

SB 6656 by Senator Pullen

AN ACT Relating to motor vehicle crimes; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6657 by Senator Pullen

AN ACT Relating to the crime of driving while affected by intoxicating liquor; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6658 by Senator Talmadge

AN ACT Relating to child protective services; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6659 by Senator Conner

AN ACT Relating to the hotel-motel tax imposed by cities and counties; amending RCW 67.28.210, 67.28.190, and 67.28.200; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways and Means.

SB 6660 by Senators Conner, Patterson, Warnke, Hansen, von Reichbauer, McMullen, Bender, DeJarnatt, Owen, Zimmerman and Smith

AN ACT Relating to railroad track motor car equipment; adding a new section to chapter 81.44 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6661 by Senators Smith, Zimmerman and Kiskaddon

AN ACT Relating to motor vehicle records; and amending RCW 46.12.380.

Referred to Committee on Law and Justice.

SB 6662 by Senator Bailey

AN ACT Relating to local government taxes; adding a new chapter to Title 36 RCW; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 6663 by Senators Lee, Bender and Anderson

AN ACT Relating to a county tax for housing assistance for alcoholics; amending RCW 66.08.120 and 82.02.020; adding a new section to chapter 70.96 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Ways and Means.

SB 6664 by Senators Smith, Craswell, Johnson, Cantu and Stratton

AN ACT Relating to parental and judicial consent for abortions; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6665 by Senators McMullen, Warnke, Metcalf and Bailey

AN ACT Relating to purchase of certain state trust lands for park and outdoor recreation purposes; amending RCW 43.51.270; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6666 by Senator Moore

AN ACT Relating to the taxation of dog and cat food; and adding a new chapter to Title 82 RCW.

Referred to Committee on Ways and Means.

SB 6667 by Senator Nelson (by request of Department of Licensing)

AN ACT Relating to special fuel tax reporting; amending RCW 82.38.150; and providing an effective date.

Referred to Committee on Transportation.

SB 6668 by Senator Nelson (by request of Department of Licensing)

AN ACT Relating to special fuel bonds; and amending RCW 82.38.020 and 82.38.110.

Referred to Committee on Transportation.

SB 6669 by Senators Sellar, Smitherman, von Reichbauer, Kiskaddon, McMullen, Fleming, Vogndild, Rasmussen, Talmadge and Rinehart

AN ACT Relating to community action agencies; and adding new sections to chapter 43.63A RCW.

Referred to Committee on Governmental Operations.

SB 6670 by Senators Lee, Owen, Warnke and Smith

AN ACT Relating to public works; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 6671 by Senator Lee

AN ACT Relating to housing trust fund administration; amending RCW 43.185.070; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6672 by Senators Lee, Conner, Warnke, Smitherman, McMullen, Deccio and Zimmerman

AN ACT Relating to international trade; and creating a new section.

Referred to Committee on Economic Development and Labor.

SB 6673 by Senator Metcalf

AN ACT Relating to wildlife management; and amending RCW 77.12.240.

Referred to Committee on Environment and Natural Resources.

SB 6674 by Senators Lee, Bailey, Anderson, Benitz, Johnson, Zimmerman and Metcalf

AN ACT Relating to establishment of the state minimum wage at three dollars and thirty-five cents per hour; and amending RCW 49.46.020.

Referred to Committee on Economic Development and Labor.

SB 6675 by Senators Kiskaddon, Stratton, Bailey and Wojahn (by request of Governor Gardner)

AN ACT Relating to authorizing and modifying the evaluation plan of the family independence program with modifications to the family opportunity councils; amending RCW 74.21.020, 74.21.060, 74.21.140, and 74.21.904; adding a new section to chapter 74.21 RCW; and declaring an emergency.

Referred to Committee on Children and Family Services.

SCR 8431 by Senators Lee, Conner, Warnke, Smitherman, McMullen, Deccio and Fleming

Creating a joint select committee on workforce training and retraining.

Referred to Committee on Economic Development and Labor.

SCR 8432 by Senators Lee, Conner, Warnke, Smitherman, McMullen, Deccio, Fleming and Zimmerman.

Directing a joint legislative study of state programs for development of international trade, tourism, and investment.

Referred to Committee on Economic Development and Labor.

SCR 8433 by Senators Williams, Niemi, Rinehart and Kreidler

Seeking Congressional opposition to aid to the Contras and a normalization of trade relations with Nicaragua.

Referred to Committee on Law and Justice.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6184, by Senators Craswell, Conner, Metcalf, Smith, Rasmussen and Pullen

Authorizing the director of fisheries to extend fishing seasons if storms prevent fishing.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Stratton: "Senator Metcalf, are we opening an opportunity here for lawsuits if someone does go out and something happens to them and the Department of Fisheries has said, 'Yah, it's a storm, but you can go out.' Are we opening this to lawsuits?"

Senator Metcalf: "I'm not an attorney, but I can't see whether this would be a lawsuit or not. I think we're probably more liable the way we are. We're saying there's one day you either fish, regardless of weather or else. What we're proposing to say is if the weather conditions are too bad, then an alternative day would be provided and thus giving them a chance to avoid the kind of hazards that they now face. That would be my opinion, but I'm not an attorney."

POINT OF INQUIRY

Senator Smitherman: "Senator Metcalf, I was wondering, during the testimony on this, what type of reaction did you get from say--the sports groups--because one of the things I understood was that they were very concerned about commercial fishermen and the number of days that they have, particularly fishing within the enclosed areas of the Sound? Now, does this affect the sports fishermen in an adverse manner and if they reacted?"

Senator Metcalf: "I don't believe it has any adverse effect on the sports fishermen, because all these fisheries are regulated relative to the number of fish they can take and if they have a stormy day that cuts down their chance to take the fish that they have been allotted, so an alternative day would allow them to catch fish up to their allotment, but they are already under a specific number allotment, so I've heard no complaint, and in the testimony we heard around the state we didn't hear any sports fishermen in any way objecting to this. This is basically a safety measure."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6184.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6184, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 2; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Stratton - 1.

Absent: Senators Barr, McDonald - 2.

Excused: Senators Anderson, Moore, West - 3.

SENATE BILL NO. 6184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6190, by Senators Metcalf, McMullen, Anderson and Rasmussen

Providing for the construction of a spawning channel for salmon on the Skagit river.

MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 6190 was substituted for Senate Bill No. 6190 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment by Senators Owen and Metcalf be adopted:

On page 1, beginning on line 7, after "by" strike all of the material down to and including "channel," on line 15 and insert "the salmon enhancement advisory council provided in RCW 75.48.120."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Owen and Metcalf to Substitute Senate Bill No. 6190.

The motion by Senator Owen carried and the amendment was adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 6190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator Metcalf, it says that the Legislature appropriated funds for this channel in 1979, but the Department failed to construct it. I guess I'd like to know whether that money reverted back to the general fund or whether it was used for something else or just what went on and whether the forty-eight thousand that we're appropriating today in this bill is going to cover the construction? I understand that it's going to cover the study. I think we have some questions that we do need to clarify on this bill."

Senator Metcalf: "Thank you, Mr. President. I would like the opportunity to answer that. I can answer one part of it; I can't the other. The original appropriation in 1979 was made, I believe it was a line item. It is my opinion and has been my opinion that it reverted back when the money was not spent. I do not know that and I will get the answer and I'll provide it to you on that, because I think that's a question we really need to answer. On the other part, the forty-eight thousand dollars will pay for the study. They'll have to take an in-depth study and that's what it pays for. It does not pay for construction, but the construction will come later."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6190.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6190, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator McDonald - 1.

Excused: Senators Anderson, West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 6271, by Senators Deccio, Wojahn, Smith, Kreidler, Nelson and Johnson

Regulating care provided in the home to ill, disabled, or infirm persons.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 6271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6271.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6271, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Anderson, McDonald, West - 3.

SENATE BILL NO. 6271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8428, by Senators DeJarnatt, Patterson, Rasmussen, Zimmerman, Hayner, Garrett, Conner, Bauer, Moore, Smith, Kiskaddon, Rinehart and Lee

Commending Julia Butler Hansen for her career of public service.

The resolution was read the second time.

MOTION

On motion of Senator DeJarnatt, the rules were suspended, Senate Concurrent Resolution No. 8428 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8428.

Senate Concurrent Resolution No. 8428 was adopted.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the seventh order of business.

On motion of Senator Newhouse, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 5886.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5886, by Committee on Human Services and Corrections (originally sponsored by Senators Wojahn, Anderson, Vognild, Stratton, Moore, Patterson and Barr)

Revising provisions on certificate of need program for hospitals.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5886.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5886, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Vognild, von Reichbauer, Wojahn - 33.

Voting nay: Senators Bender, Garrett, Halsan, Kreidler, Niemi, Owen, Rinehart, Smitherman, Talmadge, Warnke, Williams, Zimmerman - 12.

Absent: Senator Hansen - 1.

Excused: Senators Anderson, McDonald, West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Madsen: "Mr. President, a point of personal privilege. Senator Vogndil announced the other day that I need to, for the privilege of speaking on the floor, provide some small gratuity to each member of the Senate. On your desk is a chocolate heart. I know it's traditional to hand out cigars, but I didn't do that for two reasons. Firstly, Senator McCaslin asked that I get something for him to eat, and I understand that's not an uncommon request of his. Second reason is, I was afraid Senator Niemi would smoke the cigar, so to acquiesce to Senator McCaslin's need for something to eat, and to protect the health of Senator Niemi, I got you a chocolate heart. Thank you."

MOTION

At 11:01 a.m. on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:54 a.m. by President Pro Tempore Bluechel.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 6226.

On motion of Senator Newhouse, Senate Bill No. 6226 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Financial Institutions and Insurance was relieved of further consideration of Senate Bill No. 6416.

On motion of Senator Newhouse, Senate Bill No. 6416 was referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, the Committee on Energy and Utilities was relieved of further consideration of Senate Bill No. 6662. (Introduced and referred earlier today)

On motion of Senator Newhouse, Senate Bill No. 6662 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

January 28, 1988

SB 6024 Prime Sponsor, Senator Halsan: Prohibiting restriction or denial of certain agriculturally related hydraulic project permits. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6024 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Halsan, Hansen.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6260 Prime Sponsor, Senator Warnke: Changing requirements relating to sales of poisons. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Cantu, Conner, Deccio, McMullen, Sailing, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6296 Prime Sponsor, Senator Nelson: Authorizing the state patrol to operate ports of entry jointly with other states. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6379 Prime Sponsor, Senator Hayner: Extending the excise tax deferral and credit programs for manufacturing and research and development activities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 28, 1988

SB 6391 Prime Sponsor, Senator McDonald: Exempting state employees' health insurance from the insurance premiums tax. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6391 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Referred to Committee on Rules for second reading.

January 28, 1988

SB 6455 Prime Sponsor, Senator von Reichbauer: Revising provisions on banks and trust companies. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6455 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6549 Prime Sponsor, Senator Lee: Changing provisions relating to the Washington youth employment exchange. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6549 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 28, 1988

SB 6601 Prime Sponsor, Senator McDonald: Providing for caseload forecasts. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6601 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge.

Passed to Committee on Rules for second reading.

January 28, 1988

SJM 8027 Prime Sponsor, Senator Metcalf: Urging the reduction of plastic wastes in the Pacific Ocean. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8027 be substituted therefor, and the substitute memorial do pass. Signed by Senators Jack Metcalf, Chairman; Smith, Vice Chairman; Barr, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 1, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 1, 1988

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Emily Heath and Kelly Brost, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1988

SB 5186 Prime Sponsor, Senator Williams: Requiring public disclosure by politically active nonprofit organizations. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Nelson, Niemi.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 5595 Prime Sponsor, Senator Kreidler: Establishing liens for owners of self-storage facilities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5595 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

January 28, 1988

ESSB 5720 Prime Sponsor, Senator Gaspard: Revising the authority for cooperative agreements between or among school districts. Reported by Committee on Education

MAJORITY recommendation: That Second Substitute Senate Bill No. 5720 be substituted therefor, and the second substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Craswell, Gaspard.

Passed to Committee on Rules for second reading.

January 27, 1988

SB 6124 Prime Sponsor, Senator Deccio: Providing technical and financial assistance to assist in the delivery of rural health care systems. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6124 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6217 Prime Sponsor, Senator Benitz: Requiring the department of ecology to sell its interest in the Prosser well at the Washington State University research center. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6294 Prime Sponsor, Senator Newhouse: Establishing the special employer services account. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6294 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 29, 1988

SB 6497 Prime Sponsor, Senator Benitz: Authorizing municipalities and utilities to direct removal or destruction of hazardous vegetation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6497 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Madsen, Nelson, Owen, Stratton.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6530 Prime Sponsor, Senator Pullen: Revising procedures for explosives licensing. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6530 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6532 Prime Sponsor, Senator McDonald: Establishing an emergency reserve fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6532 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Moore, Talmadge, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1988

SB 6546 Prime Sponsor, Senator Benitz: Specifying restriction on use of low-level radioactive waste surveillance fees. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6546 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Nelson, Stratton, Williams.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6578 Prime Sponsor, Senator Lee: Permitting certain sales of nonliquor food products by licensed wine and beer wholesalers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

January 28, 1988

SJR 8229 Prime Sponsor, Senator McDonald: Establishing an emergency reserve fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8229 be substituted therefor, and the substitute resolution do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Moore, Talmadge, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1988

SJR 8231 Prime Sponsor, Senator McDonald: Requiring a two-thirds vote of the legislature to enact tax legislation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8231 be substituted therefor, and the substitute resolution do pass. Signed by McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Moore, Talmadge, Vognild, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 29, 1988

Mr. President:

The House has passed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 240,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175,

SUBSTITUTE HOUSE BILL NO. 1269,

ENGROSSED HOUSE BILL NO. 1272,

SUBSTITUTE HOUSE BILL NO. 1279,

SUBSTITUTE HOUSE BILL NO. 1297,

ENGROSSED HOUSE BILL NO. 1304,

SUBSTITUTE HOUSE BILL NO. 1320,

HOUSE BILL NO. 1322,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1324,

HOUSE BILL NO. 1332,

HOUSE BILL NO. 1351, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

INTRODUCTION AND FIRST READING

SB 6676 by Senators Smith, Zimmerman, West and McCaslin

AN ACT Relating to information delivery telephone services; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6677 by Senators Smith, Kiskaddon, Lee, Zimmerman, Metcalf, Bailey, Nelson and Barr

AN ACT Relating to campaign financing; amending RCW 41.04.230, 41.06.250, 42.17-.020, and 42.17.105; adding new sections to chapter 42.17 RCW; adding a new section to chapter 49.52 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6678 by Senators Deccio, Newhouse and Talmadge

AN ACT Relating to optometry; amending RCW 18.53.010, 18.53.140, and 69.41.010; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care and Corrections.

SB 6679 by Senators Deccio and Kreidler (by request of Attorney General)

AN ACT Relating to inmate personal property; and amending RCW 72.13.080.

Referred to Committee on Health Care and Corrections.

SB 6680 by Senator McCaslin

AN ACT Relating to the transfer of land in a preliminarily approved short plat; and amending RCW 58.17.205.

Referred to Committee on Governmental Operations.

SB 6681 by Senator McCaslin

AN ACT Relating to the subdivision of land; and reenacting and amending RCW 58.17.060.

Referred to Committee on Governmental Operations.

SB 6682 by Senator McCaslin

AN ACT Relating to competency testing of real estate brokers and salespersons; and adding a new section to chapter 18.85 RCW.

Referred to Committee on Economic Development and Labor.

SB 6683 by Senators DeJarnatt and Lee

AN ACT Relating to local government taxes; amending RCW 82.14.200; reenacting and amending RCW 82.44.150; and adding a new chapter to Title 36 RCW.

Referred to Committee on Ways and Means.

SB 6684 by Senators Zimmerman, Smitherman, Anderson and Johnson

AN ACT Relating to an early outreach program for students; and creating a new section.

Referred to Committee on Higher Education.

SB 6685 by Senator Bender

AN ACT Relating to tax exemptions for nonprofit hospitals; amending RCW 84.36.040 and 82.04.4289; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6686 by Senators Metcalf, Owen, Conner, Nelson and Rasmussen

AN ACT Relating to the commercial harvesting of shellfish; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6687 by Senator Metcalf

AN ACT Relating to food fish and shellfish; amending RCW 75.25.090, 75.25.125, 75.25-.130, 75.25.140, and 75.25.170; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6688 by Senators Halsan, Deccio, McMullen and Bauer

AN ACT Relating to tax credits for eligible business projects; amending RCW 82.62-.010 and 82.62.030; and creating a new section.

Referred to Committee on Ways and Means.

SB 6689 by Senators Halsan, Lee and McMullen

AN ACT Relating to dislocated workers; adding a new section to chapter 50.20 RCW; adding a new section to chapter 82.60 RCW; and adding a new section to chapter 82.61 RCW.

Referred to Committee on Economic Development and Labor.

SB 6690 by Senator Madsen

AN ACT Relating to hazardous materials; and amending RCW 4.24.314.

Referred to Committee on Environment and Natural Resources.

SB 6691 by Senator Hayner

AN ACT Relating to local government authority over streets and roads; and adding a new chapter to Title 47 RCW.

Referred to Committee on Governmental Operations.

SB 6692 by Senators Lee, Warnke, Smitherman, McMullen, Deccio, Saling, Conner and Halsan

AN ACT Relating to the development loan fund program; creating a new section; and making an appropriation.

Referred to Committee on Economic Development and Labor.

SB 6693 by Senators Pullen and Rinehart

AN ACT Relating to providing for special programs for academically highly capable students in the common school system; amending RCW 28A.58.217; and creating a new section.

Referred to Committee on Higher Education.

SB 6694 by Senators Newhouse and Owen

AN ACT Relating to the disclosure of tax consequences in personal injury actions; and adding a new section to chapter 5.40 RCW.

Referred to Committee on Law and Justice.

SB 6695 by Senators Craswell, Smith, Bailey, Owen, Pullen, Rasmussen, Conner, Benitz, Stratton, Patterson, Metcalf, Lee and Johnson

AN ACT Relating to private schools; reenacting and amending RCW 28A.02.201; and adding a new section to chapter 28A.01 RCW.

Referred to Committee on Education.

SB 6696 by Senator Fleming

AN ACT Relating to the sale of capitol souvenirs; and adding a new section to chapter 43.82 RCW.

Referred to Committee on Governmental Operations.

SB 6697 by Senators Fleming, Garrett and Talmadge

AN ACT Relating to an educational achievement program; creating new sections; and providing an expiration date.

Referred to Committee on Education.

SB 6698 by Senators Fleming and Talmadge

AN ACT Relating to school programs in observance of the anniversary of the birth of Martin Luther King, Jr.; and adding new sections to chapter 28A.02 RCW.

Referred to Committee on Education.

SB 6699 by Senators Johnson, Owen and Deccio

AN ACT Relating to dentists, osteopathic physicians, and podiatric physicians; and amending RCW 70.41.020, 70.41.200, and 70.41.230.

Referred to Committee on Health Care and Corrections.

SB 6700 by Senator Smitherman

AN ACT Relating to eminent domain by libraries; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Governmental Operations.

SB 6701 by Senator Gaspard

AN ACT Relating to materialmen's liens; and amending RCW 60.04.020.

Referred to Committee on Economic Development and Labor.

SB 6702 by Senators Wojahn, Deccio, Niemi and Stratton

AN ACT Relating to fees for professional licensing; and amending RCW 43.24.086.

Referred to Committee on Health Care and Corrections.

SB 6703 by Senators Benitz and Madsen

AN ACT Relating to underground facilities; amending RCW 19.122.030; and adding a new section to chapter 19.122 RCW.

Referred to Committee on Energy and Utilities.

SB 6704 by Senators Benitz and Madsen

AN ACT Relating to installation of underground facilities; adding new sections to chapter 47.44 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Energy and Utilities.

SB 6705 by Senators Craswell, Rasmussen, Nelson and Johnson

AN ACT Relating to dependent children; and amending RCW 13.34.130 and 26.44.063.

Referred to Committee on Children and Family Services.

SJM 8028 by Senators Zimmerman and Bauer

Petitioning Congress and the Army Corps of Engineers to designate sites in the Columbia River Gorge National Scenic Area to receive spoil material to improve the recreational value of those sites.

Referred to Committee on Governmental Operations.

SJR 8232 by Senators Smith, Kiskaddon, Lee, Metcalf, Bailey and DeJarnatt

Requiring state senate districts to contain two representative districts.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ReESHB 240 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Crane, Winsley and Unsoeld)

Requiring vehicle insurance policies covering comprehensive and collision to also cover liability.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1175 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Baugher, Lux, Rayburn, Wineberry, Meyers, Dellwo, Sprenkle, Cooper, Walk, Madsen, Heavey, Pruitt, Nutley, Todd and Grant)

Penalizing operation of a motor vehicle without insurance.

Referred to Committee on Financial Institutions and Insurance.

SHB 1269 by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks, D. Sommers, Kremen, Vekich, Grant, Dellwo, Hine, May and P. King) (by request of Department of Corrections)

Revising provisions relating to community supervision.

Referred to Committee on Health Care and Corrections.

EHB 1272 by Representatives H. Sommers, Hankins and Crane (by request of Department of Corrections)

Revising department of corrections employee assault benefits.

Referred to Committee on Health Care and Corrections.

SHB 1279 by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks and May) (by request of Department of Corrections)

Revising provisions relating to financial and legal obligations of offenders.

Referred to Committee on Health Care and Corrections.

SHB 1297 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, Kremen and McLean)

Establishing procedures to foreclose on properties with delinquent payments of assessments.

Referred to Committee on Agriculture.

EHB 1304 by Representatives Kremen, Rayburn, Vekich, Grimm, Braddock and Walk

Providing for marketing agreements to allow members to participate in regulatory proceedings.

Referred to Committee on Agriculture.

SHB 1320 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Chandler, Nutley, Betzoff, Peery and Meyers) (by request of Office of Insurance Commissioner)

Revising provisions on the cancellation and renewal of insurance policies.

Referred to Committee on Financial Institutions and Insurance.

HB 1322 by Representatives Lux, Chandler, Nutley, Peery and Meyers (by request of Office of Insurance Commissioner)

Revising insurance form and rate filing requirements.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1324 by Committee on State Government (originally sponsored by Representatives Hankins and H. Sommers)

Providing for sunset review and termination dates.

Referred to Committee on Governmental Operations.

HB 1332 by Representatives Silver and H. Sommers

Removing requirement that state bond certificates be printed by the public printer.

Referred to Committee on Governmental Operations.

HB 1351 by Representatives H. Sommers, Silver, Haugen, Taylor, Doty and Miller (by request of Office of State Auditor)

Authorizing the state auditor to contract with certified public accountants.

Referred to Committee on Governmental Operations.

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

SECOND READING

SENATE BILL NO. 6305, by Senators Pullen, Talmadge, Bailey, McCaslin, Lee, Garrett, Rasmussen, Nelson and Smith

Altering the statute of limitations for child sexual abuse.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6305 was substituted for Senate Bill No. 6305 and the substitute bill was placed on second reading and read the second time.

Senator Bailey moved that the following amendment be adopted:

On page 3, beginning on line 21, strike all material through "section." on line 24, and insert "This section does not apply to a civil action based on intentional conduct brought against those individuals or entities specified in this section by a person for recovery of damages for injury occurring as a result of childhood sexual abuse as defined in section 1(5) of this act."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bailey.

ROLL CALL

The Secretary called the roll and the amendment by Senator Bailey was adopted by the following vote: Yeas, 27; nays, 21; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognlid, Warnke, Williams, Wojahn - 21.

Absent: Senator Garrett - 1.

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 6305 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6305.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Miss Washington, and appointed Senators Cantu, Bauer, Smith and Zimmerman to escort the honored guest to the rostrum.

The President introduced Miss Washington, Sharon Dean, and her chaperone, the Executive Director of the Miss Washington Scholarship Pageant, Ms. Phyllis Goldhammer.

With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

The committee escorted the honored guests from the rostrum and the committee was discharged.

The President introduced competing Miss Washington Scholarship Pageant candidates who were seated in the gallery.

SECOND READING

SENATE BILL NO. 6293, by Senators Deccio, Kreidler, Newhouse, Vognild, Johnson, Wojahn, Smith, Niemi, Nelson, Halsan, Kiskaddon, Fleming, Sellar, Rinehart, Stratton, Garrett and von Reichbauer

Revising provisions for activities of registered nurses.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 6293 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6293.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6293 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6243, by Senators Smitherman, Lee, Warnke, Bender, Talmadge, Vognild, Metcalf, Hansen, Stratton, West and Fleming (by request of Joint Select Committee on Labor-Management Relations)

Revising labor dispute disqualification for unemployment compensation.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 6243 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6243.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6243 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 47.

Absent: Senators Bender, Wojahn - 2.

SENATE BILL NO. 6243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6272, by Senators Anderson, Smitherman, Lee, Warnke, Cantu, Deccio, McMullen, Saling, Williams, Conner, West, Fleming and Smith

Establishing the Washington investment opportunities office.

The bill was read the second time.

MOTION

On motion of Senator Lee, the following Committee on Economic Development and Labor amendments were considered simultaneously and adopted:

On page 2, line 9, strike "department of community development" and insert "business assistance center of the department of trade and economic development"

On page 2, beginning on line 11, strike all material through "pleasure." on line 14.

On page 3, line 32, after "The" strike "managing director" and insert "director of the business assistance center"

On page 4, line 7, after "director" strike all material through "director." on line 8 and insert "of the business assistance center may"

MOTION

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

On page 4, line 22, after "of" strike "community development" and insert "trade and economic development"

MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Senate Bill No. 6272 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Lee, I note there is no fiscal note on this and I noted in your presentation that you indicated that it would not cost us any money. Did the Department testify that they could pay the necessary, I think, rather heavy expenses of this bill out of their present budget?"

Senator Lee: "The Department did testify that they could cover the cost of this particular new enterprise within the present budget. The reason they can is because we appropriated funds for the Small Business Finance Assistance Center for the full two-year period, and they've really only been in existence for about a month, and so they say they figured it would cost about ninety thousand and that they do have that money. It will mean that when we look at the budget a year and a half from now and that if this is working, that there may need to be an additional appropriation."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, are we going to subsidize the businesses in any way—that are being helped with getting the investors and the entrepreneurs together?"

Senator Lee: "The answer to your question is 'no,' we are not paying anybody to put their name on a list, nor are we necessarily considering spending money to send out such a list, but we are trying to provide a focal point within state government for the kind of information that somebody who has never been in business for themselves before, can come to the state government and find that information, as well as those who want to invest within our state can put them together with a person that needs a little capital."

Senator Rasmussen: "Senator Lee, that sounds like a worthwhile purpose. Another question, do you think we can get some investors interested in the Convention Center in Seattle and possibly could we get some investors interested in Barry Ackery's Sonics where they are going to ask for a million dollars a year subsidy and could we possibly get some investors interested in the Mariners, so that they could be on their own feet rather than on the backs of the general taxpaying public? It bothers me that with all of these good small enterprises that the taxpayer ends up paying for them—subsidizing them heavily. This bill would not do that, then?"

Senator Lee: "This bill does not subsidize anyone, and I really can't answer your questions as to who will invest in what."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6272.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6272 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 6272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6222, by Senators Anderson, Fleming, Conner and Smitherman

Changing the powers and duties of the small business export finance assistance center.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6222 was substituted for Senate Bill No. 6222 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6222 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, since this law has been in effect, how is it working? It says on page one, 'Loans by the Small Business Export Finance Assistance Center under this chapter shall not compete with nor be a substitute for available loans by a bank or other financial institutions and shall only be considered upon a financial institution's assurance that such loan is not available.' My question now that the law has been in effect, what kind of statement do we get from the banks that they won't make a loan and then they say, 'Well, we just don't want to.' Do we get the guarantees on all the bad loans that the banks don't want to handle? It's in the bill; it's not in the digest."

Senator Lee: "Senator Rasmussen, I think the main reason that we can be assured that they're not making loans is because we haven't given any money to make loans with, but the particular program that they have developed—in the Export Assistance Center—is a program where they have developed their own software—their own computer program—so that the input on where the assistance is available and the kind of instruments that you need when you're going into international finance is readily available for the small businesses that come into them."

"One of the things they've discovered, even with this databank that they have developed, is that there has to be some individual tailoring. In fact, one of their success stories is—a couple of their success stories are in distressed counties—where they've helped individuals, where they didn't have a local market, get into a foreign market. Grays Harbor is one of the ones that they often bring to our attention as one of their success stories."

"I don't have copies of those particular success stories, but I would be pleased to have them provided to you, Senator Rasmussen, so that you could look over them carefully and see how they did handle the advice as far as obtaining either financial assistance or being able to work with financial institutions overseas, because that's one of the problems that people who are exporting have to understand—how to get their money from that other country."

Senator Rasmussen: "Senator Lee, you didn't really answer the question. The law, as it passed in '87, said, 'Make loans to Washington businesses with annual sales of twenty-five million dollars or less for the purpose of financing the export of

goods or services by those businesses to buyers in foreign countries. Loans by the Small Business Export Finance Assistance Center under this chapter--' and this is the one we are amending now, 'shall not compete with nor be a substitute for available loans by a bank or other financial institution and shall only be considered upon a financial institution's assurance that such loan is not available.' This, in effect, is saying that the bank says we won't make the loan and this Export Center will guarantee it, apparently. I'm asking you, how is it working, when the bank sends a letter and says, 'We won't participate in this loan or letter of credit?' Then, does the state come in? It isn't clear to me where we'd have enough money to finance all of the exports that possibly would need assistance."

Senator Lee: "Senator Rasmussen, even though we put that language in the bill to allow such a thing, we did not provide funds to make such loans, so there is no state money being loaned to any of these particular kinds of businesses. One of the things that it does apply to, however, relates to the size of the business which you also read which are those with twenty-five million dollars or less as far as their annual sales are concerned. That is a significant inclusion, because it does say that they are only to assist the smaller businesses and not the billion dollars businesses that can quite easily do things on their own. That's why it is the Small Business Export Finance Center and that's the major reason for having that figure in there. The loan guarantees have a slightly higher figure, but those are only loans that are made by financial institutions."

Senator Rasmussen: "Senator Lee, it goes on and you referred to it, 'Provides loan guarantees on loans made by financial institutions to businesses with annual sales of one hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries.' The words that I'm reading there, in effect, say that the state, through this small business center and export office, will make the guarantees. I will remind you that we had some guarantees from Westside Savings and Loan on the Convention Center. It failed and we had the indemnity company which also came in with a thirty million dollar guarantee and it would have failed if they would have been required to pay it right now."

"I'm concerned with the wording that's in this bill, which says that the state will guarantee. Many of these exports loans, of course, go bad and particularly in some of the countries where we only have to refer to the big banks—Chase Manhattan and City Corp—and the rest of them are writing off billions of dollars in these loans, but here this says, in effect, that the state will guarantee. We don't have the capacity that City Corp has or Chase Manhattan or any of the rest of the big ones. Aren't you concerned with that, Senator Lee? But if you would just say there is no intent by the state to guarantee any of these loans with state taxpayer's money, that would relieve my mind."

Senator Lee: "Yes, that is true, Senator Rasmussen. There is no intent for the state to guarantee loans with state taxpayer's money, particularly in the export field. Customer and seller do have to execute instruments that say, 'Yes, the money behind each of these transactions is sound,' and that is the only function that this particular agency performs."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6222.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6222 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Taimadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Metcalf, Moore, Niemi, Rasmussen - 4.

Absent: Senator Decchio - 1.

SUBSTITUTE SENATE BILL NO. 6222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

Senator Talmadge moved that the following resolution be adopted:

SENATE RESOLUTION 1988-8704

by Senator Talmadge

BE IT RESOLVED, That Senate Resolution No. 1987-8602, the Senate Rules of the 50th Legislature, be amended to read as follows:

On page 5, line 190, after "journal," insert:

"6. No senator shall accept any gift, favor, service or gratuity, in excess of twenty-five dollars in value, under circumstances in which it could be reasonably inferred that such acceptance might influence the senator in the discharge of legislative duties, or was a reward."

On page 6, after line 211, insert the following:

"SENATE SPONSORED MEETINGS

RULE 10. There shall be no admission fee or charge of any kind whatsoever to the public for any meeting sponsored by the Senate."

Renumber the remaining rules consecutively

On page 6, after line 211, insert the following:

"OPEN MEETINGS

RULE 10. Subject to the executive sessions provisions of the Open Public Meetings Act (RCW 42.30.110), all meetings in which members of the Senate are required to participate, with the exception of caucuses, shall be open to the public."

Renumber the remaining rules consecutively

MOTION

On motion of Senator Talmadge, the question was divided, the first part to be the proposed rule change on page 5, line 190; the second part to be the rule change on page 6, after line 211 - Senate Sponsored Meetings and the third part to be the rule change on page 6, line 211 - Open Meetings.

Senator Talmadge spoke to part one of the resolution.

Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Talmadge, your rule has a condition that says, 'This item must be presented under circumstances in which it could be reasonably inferred that such acceptance might influence the Senator in discharge of legislative duties or was a reward.' Now your rule limits that to gifts over twenty-five dollars. Does that mean that a Senator on this floor could accept a gift for twenty-four dollars in exchange for a vote or in exchange for a favor, or take a reward of twenty-four dollars?"

Senator Talmadge: "Senator, under the criminal statute, 'no.' Under this rule change however, it's calculated to deal with those circumstances in which members of the Senate are in conversation, for example, with a lobbyist over the dinner table or over the luncheon table, whatever, and there might be some concern on the part of some members of the Senate that any implication that they were sitting down to dinner or sitting down to lunch with a lobbyist would be in violation of this rule or in violation of anything else."

Further debate ensued.

The President declared the question before the Senate to be the adoption of part one of Senate Resolution 1988-8704.

Part one of Senate Resolution 1988-8704 was not adopted.

The President declared the question before the Senate to be the adoption of part two of Senate Resolution 1988-8704.

Senator Talmadge spoke to part two of the resolution.

POINT OF INQUIRY

Senator Vognild: "Senator Talmadge, in the event of an all-day meeting, and a lunch was being offered and there was a charge for that lunch and if the lunch was not mandatory to attend, would your amendment, in any way, affect the charging of a fee for lunch?"

Senator Talmadge: "The answer is 'no,' Senator Vognild, so long as the payment of the fee was not a condition upon which somebody could participate in the meeting of the regularly sponsored activity."

Further debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of part two of Senate Resolution 1988-8704.

ROLL CALL

The Secretary called the roll and part two of Senate Resolution 1988-8704 was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Williams, Zimmerman - 26.

The President declared the question before the Senate to be the adoption of part three of Senate Resolution 1988-8704.

Senator Talmadge spoke to part three of the resolution.

Debate ensued.

The President declared the question before the Senate to be the adoption of part three of Senate Resolution 1988-8704.

Part three of Senate Resolution 1988-8704 was not adopted on a rising vote.

Senate Resolution 1988-8704 was not adopted.

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

REPORTS OF STANDING COMMITTEES

January 29, 1988

SB 6107 Prime Sponsor, Senator Newhouse: Changing provisions relating to promotional contests of chance. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6107 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Conner, McMullen, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6274 Prime Sponsor, Senator Fleming: Providing for the set aside of funds for small business incubator projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6275 Prime Sponsor, Senator Smitherman: Providing for small business loans. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6275 be substituted therefor, and the substitute bill do pass and be referred to Ways and Means. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 29, 1988

SB 6277 Prime Sponsor, Senator Warnke: Establishing the business and job retention program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6277 be substituted therefor, and the substitute bill do pass and be referred to Ways and Means. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 29, 1988

SB 6528 Prime Sponsor, Senator Fleming: Revising the excise taxation of low-income housing projects. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6528 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

January 29, 1988

SB 6618 Prime Sponsor, Senator Lee: Creating an office of mobile home affairs. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6618 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

Referred to Committee on Ways and Means.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Senate Bill No. 6416 and Senate Bill No. 6631.

On motion of Senator Newhouse, Senate Bill No. 6416 and Senate Bill No. 6631 were referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6478.

On motion of Senator Newhouse Senate Bill No. 6478 was referred to the Committee on Ways and Means.

MOTION

At 12:20 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 2, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 2, 1988

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Karen Russell and Mathew Wanamaker, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1988

SB 5229 Prime Sponsor, Senator Kreidler: Revising the membership and duties of the state advisory committee to the department of social and health services. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett, Stratton.

Passed to Committee on Rules for second reading.

February 1, 1988

ESSB 5378 Prime Sponsor, Senator Wojahn: Licensing laboratories conducting prenatal tests. Reported by Committee on Rules

MAJORITY recommendation: That Engrossed Substitute Senate Bill No. 5378 be referred to the Committee on Ways and Means. Signed by Senators Bluechel, Vice Chairman; Bruer, Bender, Cantu, Craswell, Fleming, Hayner, Nelson, Newhouse, Rasmussen, Sellar, Vognild, West, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 1, 1988

SB 5429 Prime Sponsor, Senator Rinehart: Establishing the Washington community college instructional improvement program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5429 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 1, 1988

ESB 5475 Prime Sponsor, Senator Gaspard: Establishing the Washington fund for excellence in higher education program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

January 29, 1988

ESB 5943 Prime Sponsor, Senator Nelson: Revising provisions on the small claims department of district court. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5943 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6093 Prime Sponsor, Senator Pullen: Providing for presentence reports on sexual offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6171 Prime Sponsor, Senator Pullen: Revising sexual offenses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6172 Prime Sponsor, Senator Kiskaddon: Changing reporting requirements for witnesses of violent crimes and child abuse and assault. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6215 Prime Sponsor, Senator Pullen: Revising provisions relating to the state crime laboratory. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 6215 be referred to the Committee on Ways and Means. Signed by Senators Bluechel, Vice Chairman; Bauer, Bender, Cantu, Craswell, Fleming, Hayner, Nelson, Newhouse, Rasmussen, Sellar, Vognild, West, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 1, 1988

SB 6240 Prime Sponsor, Senator Warnke: Establishing a wild mushroom harvesting program. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6240 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6332 Prime Sponsor, Senator Newhouse: Providing for unclaimed property in museums and historical societies. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6332 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Metcalf.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6350 Prime Sponsor, Senator Smith: Establishing a civil penalty for killing or injuring a guide or service dog. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6350 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6369 Prime Sponsor, Senator Nelson: Requiring quarterly reports on public office funds. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6395 Prime Sponsor, Senator McCaslin: Revising various boards and commissions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6395 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Metcalf.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6397 Prime Sponsor, Senator Barr: Revising provisions relating to forest fires. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6402 Prime Sponsor, Senator Pullen: Revising venue requirements in civil actions in district court. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6404 Prime Sponsor, Senator Lee: Authorizing loans for emergency public works projects. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6404 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6405 Prime Sponsor, Senator Lee: Revising provisions on state and local government bond issuance information. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Metcalf.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6423 Prime Sponsor, Senator Metcalf: Requiring the display of fishing vessel names and registration numbers. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6423 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6425 Prime Sponsor, Senator Conner: Appropriating money to evaluate and report on the feasibility of removing two dams on the Elwha river that block anadromous fish from the upper regions of the Elwha river basin. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6425 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6430 Prime Sponsor, Senator McDonald: Revising provisions concerning property tax levy rates. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6430 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6439 Prime Sponsor, Senator Pullen: Adding municipal court departments in cities over four hundred thousand. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6439 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

January 29, 1988

SB 6475 Prime Sponsor, Senator Newhouse: Changing provisions relating to corporate takeovers. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse.

MINORITY recommendation: Do not pass. Signed by Senator Niemi.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6477 Prime Sponsor, Senator McCaslin: Clarifying procedures for sharing costs of state primaries and general elections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Metcalf.

Referred to Committee on Ways and Means.

February 1, 1988

- SB 6531 Prime Sponsor, Senator Niemi: Making appropriations to department of social and health services for payment rate increases for day care services and a day care subsidy program. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett, Stratton.

Referred to Committee on Ways and Means.

February 1, 1988

- SB 6545 Prime Sponsor, Senator Anderson: Providing for mediation to farm foreclosure actions through the community college system. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 6545 be referred to the Committee on Ways and Means. Signed by Senators Bluechel, Vice Chairman; Bauer, Bender, Cantu, Craswell, Fleming, Hayner, Nelson, Newhouse, Rasmussen, Sellar, Vognild, West, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 1, 1988

- SB 6551 Prime Sponsor, Senator Pullen: Changing the rights of victims, survivors, and witnesses of crimes. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6551 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1988

- SB 6553 Prime Sponsor, Senator Lee: Revising the regulation of debt adjusting. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6553 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 1, 1988

- SB 6556 Prime Sponsor, Senator Wojahn: Specifying that fees for birth certificates suitable for display be used for the children's trust fund. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Garrett, Stratton.

Passed to Committee on Rules for second reading.

February 1, 1988

- SB 6591 Prime Sponsor, Senator Saling: Establishing a college savings bond program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6591 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 1, 1988

- SB 6600 Prime Sponsor, Senator Pullen: Revising provisions relating to child abuse reporting by public employees. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman, McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6615 Prime Sponsor, Senator Lee: Establishing the labor-management cooperation program. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West.

Referred to Committee on Ways and Means.

February 1, 1988

SCR 8429 Prime Sponsor, Senator Saling: Approving the master plan for higher education and establishing a study group. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8429 be substituted therefor and the substitute concurrent resolution do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 1, 1988

HJM 4041 Prime Sponsor, Representative Taylor: Requesting live television coverage of Apple Cup. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 18, 1988

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

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

Mildred Johnson, reappointed January 18, 1988, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

MESSAGE FROM THE HOUSE

February 1, 1988

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 836,

SUBSTITUTE HOUSE BILL NO. 1368,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382,

ENGROSSED HOUSE BILL NO. 1401,

HOUSE BILL NO. 1447,

HOUSE BILL NO. 1463, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6706 by Senators Zimmerman and Deccio

AN ACT Relating to government competition in commercial activity; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6707 by Senators Zimmerman and Smith

AN ACT Relating to exemption from sales and use taxes; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 6708 by Senators Zimmerman and Deccio

AN ACT Relating to the state purchasing services by contract; amending RCW 41.06-.380 and 28B.16.240; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6709 by Senators Zimmerman and Deccio

AN ACT Relating to government competition with private business; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6710 by Senators Johnson, Vognild and Hayner

AN ACT Relating to the distribution of child support collected by the office of support enforcement; amending RCW 26.23.010, 26.23.030, 74.20.330, and 74.20A.030; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 6711 by Senators McCaslin, Owen, Smith, Stratton, Lee, Craswell, Cantu and Nelson

AN ACT Relating to public display and distribution of material harmful to minors; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, and 9.68.130; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6712 by Senators McCaslin, Owen, Smith, Stratton, Lee, Craswell, Cantu and Nelson

AN ACT Relating to sexual exploitation of children; amending RCW 9.68A.011, 9.68A.040, 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.080, 9.68A.090, 9.68A.100, and 9.68A.110; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6713 by Senators McCaslin and Smith

AN ACT Relating to group health insurance; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6714 by Senators Zimmerman, Moore, Johnson and Bauer

AN ACT Relating to requirements for acquiring control of a domestic insurer; amending RCW 48.31A.020; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 6715 by Senator McCaslin

AN ACT Relating to real estate schools; and amending RCW 18.85.040 and 28C.10.030.

Referred to Committee on Economic Development and Labor.

SB 6716 by Senator McCaslin

AN ACT Relating to the subdivision of land; and amending RCW 58.17.095.

Referred to Committee on Governmental Operations.

SB 6717 by Senator Lee

AN ACT Relating to the housing trust fund; amending RCW 18.85.310 and 18.85.510; and recodifying RCW 18.85.505 and 18.85.510.

Referred to Committee on Economic Development and Labor.

SB 6718 by Senator Moore

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.120, 35.58.130, 35.58.140, and 35.58.150; adding a new section to chapter 35.58 RCW; adding a new section to chapter 56.08 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6719 by Senators Nelson and Talmadge

AN ACT Relating to condominiums; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Committee on Law and Justice.

ESB 6720 by Senators Metcalf and Madsen

AN ACT Relating to the disposal of waste tires; amending RCW 70.95.530; adding new sections to chapter 70.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6721 by Senator Metcalf

AN ACT Relating to daylight gill net fishing; and amending RCW 75.12.010.

Referred to Committee on Environment and Natural Resources.

SB 6722 by Senators McCaslin and Rasmussen

AN ACT Relating to local government; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 836 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Sprengle, Dellwo, Grant, Scott and Todd)

Changing provisions relating to excise taxation of amounts derived from bazaars and rummage sales.

Referred to Committee on Ways and Means.

SHB 1368 by Committee on Judiciary (originally sponsored by Representative Armstrong)

Revising provisions on enforcement of judgments.

Referred to Committee on Law and Justice.

ESHB 1382 by Committee on State Government (originally sponsored by Representatives Hankins, H. Sommers and Silver)

Providing for sunset review and termination dates.

Referred to Committee on Governmental Operations.

EHB 1401 by Representatives Spanel, Holland, Belcher, Cole, Ferguson, Grant, Grimm, Winsley, Rayburn, Nutley, Leonard, Doty, Sanders, Lewis, Silver, Wang, Sayan, Appelwick, Bristow, Patrick, Taylor, Heavey, Kremen, Holm, May, Brough, Jesernig, Schoon, Moyer, Rasmussen, Unsoeld, Brekke and Day

Expanding the business and occupation tax exemption for sheltered workshops.

Referred to Committee on Ways and Means.

HB 1447 by Representatives H. Sommers and Hankins (by request of Department of Community Development)

Providing for an administrative hearing on the denial of fireworks licenses.

Referred to Committee on Governmental Operations.

HB 1463 by Representatives Belcher, Locke, Hargrove, Crane, Wang and Todd

Providing for orders requiring parents to comply with residential provisions for a child.

Referred to Committee on Law and Justice.

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

MOTIONS

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 6541.

On motion of Senator Newhouse, Senate Bill No. 6541 was referred to the Committee on Environment and Natural Resources.

On motion of Senator Newhouse, the Committee on Financial Institutions and Insurance was relieved of further consideration of Senate Bill No. 6569.

On motion of Senator Newhouse, Senate Bill No. 6569 was referred to the Committee on Economic Development and Labor.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Senate Bill No. 6633.

On motion of Senator Newhouse, Senate Bill No. 6633 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6661.

On motion of Senator Newhouse, Senate Bill No. 6661 was referred to the Committee on Transportation.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6664.

On motion of Senator Newhouse, Senate Bill No. 6664 was referred to the Committee on Health Care and Corrections.

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of Senate Bill No. 6692.

On motion of Senator Newhouse, Senate Bill No. 6692 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Children and Family Services was relieved of further consideration of Senate Bill No. 6705.

On motion of Senator Newhouse, Senate Bill No. 6705 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Substitute House Bill No. 1269.

On motion of Senator Newhouse, Substitute House Bill No. 1269 was referred to the Committee on Law and Justice.

MOTION

At 12:13 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 3, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 3, 1988

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

The Sergeant at Arms Color Guard, consisting of Pages Adreu Tritch and Henrik Bustrup, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 1988

SB 6100 Prime Sponsor, Senator Conner: Reestablishing tribal jurisdiction over crimes committed by members of the tribe within the tribal reservation. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6102 Prime Sponsor, Senator Conner: Authorizing state jurisdiction over certain lands previously under federal jurisdiction. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6151 Prime Sponsor, Senator Pullen: Revising campaign finance reporting law. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6321 Prime Sponsor, Senator Zimmerman: Increasing the threshold for requiring a building permit. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6365 Prime Sponsor, Senator Pullen: Imposing attorney fees and costs on state when another party prevails. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6365 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6394 Prime Sponsor, Senator Craswell: Providing for the option to elect school district directors by director district. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6394 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6418 Prime Sponsor, Senator Halsan: Requiring a proposal for a senior development program for local government managers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6441 Prime Sponsor, Senator Kiskaddon: Requiring day care providers and workers to have training in recognizing and reporting child abuse and prohibiting corporal punishment by day care providers. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6441 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett.

Referred to Committee on Ways and Means.

February 2, 1988

SB 6485 Prime Sponsor, Senator McCaslin: Revising provisions on vacancies in elective office. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6508 Prime Sponsor, Senator Fleming: Establishing a mobile drug awareness clinic. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6508 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6512 Prime Sponsor, Senator Hansen: Exempting land enrolled in the federal conservation reserve program from state property and excise taxes. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6512 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6526 Prime Sponsor, Senator Barr: Authorizing conservation district assessments. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6526 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6561 Prime Sponsor, Senator Saling: Exempting from use tax certain property acquired by institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Referred to Committee on Ways and Means.

February 2, 1988

SB 6562 Prime Sponsor, Senator Bailey: Changing the custodian of the revolving fund for the agricultural research facility at the Rainier school farm at Washington State University. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6602 Prime Sponsor, Senator Saling: Encouraging the donation of modern equipment to institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6602 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Referred to Committee on Ways and Means.

February 2, 1988

SB 6608 Prime Sponsor, Senator Hayner: Increasing penalties for theft of livestock. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6676 Prime Sponsor, Senator Smith: Allowing consumers to elect not to receive information delivery telephone services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6676 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Nelson, Newhouse, Owen, Pullen, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 2, 1988

SJR 8225 Prime Sponsor, Senator McCaslin: Revising provisions on vacancies in elective office. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 1, 1988

HB 1318 Prime Sponsor, Representative Holm: Extending the time period for applications for the schools for the twenty-first century pilot project. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6723 by Senators Patterson and Garrett

AN ACT Relating to specialized license plates; and creating a new section.

Referred to Committee on Transportation.

SB 6724 by Senators Barr and Hansen

AN ACT Relating to water resources; amending RCW 90.54.010, 90.54.030, and 90.54.040; reenacting and amending RCW 90.22.010; and adding a new section to chapter 90.54 RCW.

Referred to Committee on Agriculture.

SB 6725 by Senators Newhouse, McCaslin and Nelson

AN ACT Relating to authorizing interception and recording of conversations concerning illegal controlled substances; amending RCW 9.73.080; reenacting and amending RCW 9.73.030; adding new sections to chapter 9.73 RCW; creating new sections; and repealing RCW 9.73.050.

Referred to Committee on Law and Justice.

SB 6726 by Senator Warnke

AN ACT Relating to manufactured housing; amending RCW 19.52.160, 46.12.290, 82.45.032, and 84.04.090; adding a new chapter to Title 65 RCW; adding a new section to chapter 46.12 RCW; and prescribing penalties.

Referred to Committee on Economic Development and Labor.

SB 6727 by Senator Rasmussen

AN ACT Relating to state parks; adding new sections to chapter 43.51 RCW; and repealing RCW 43.51.055.

Referred to Committee on Environment and Natural Resources.

SB 6728 by Senator Anderson

AN ACT Relating to determination of monthly wages for workers' compensation purposes; and amending RCW 51.08.178.

Referred to Committee on Economic Development and Labor.

SB 6729 by Senator Lee

AN ACT Relating to port district park and recreation facilities; and amending RCW 53.08.260.

Referred to Committee on Governmental Operations.

SB 6730 by Senators Lee and Fleming (by request of Employment Security Department)

AN ACT Relating to information supplied to the employment security department; and adding a new section to chapter 50.13 RCW.

Referred to Committee on Economic Development and Labor.

SB 6731 by Senators Barr, Hansen and Bailey

AN ACT Relating to financial reporting requirements in small political subdivisions; and amending RCW 42.17.405.

Referred to Committee on Law and Justice.

SCR 8434 by Senator Patterson

Commemorating Elmer Huntley.

Hold.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8434 was advanced to second reading and placed on the Second Reading Calendar.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the sixth order of business.

On motion of Senator Newhouse, the Senate commenced consideration of Gubernatorial Appointment No. 9121.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9121, Delores E. Teutsch, as a member of the Higher Education Facilities Authority, was confirmed.

Senator Bluechel spoke to the confirmation of Delores E. Teutsch as a member of the Higher Education Facilities Authority.

APPOINTMENT OF DELORES E. TEUTSCH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Vogtild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 43.

Absent: Senators Smith, Talmadge - 2.

Excused: Senators Conner, Kreidler, Patterson, Williams - 4.

MOTION

On motion of Senator Bender, Senator Talmadge was excused.

SECOND READING

SENATE BILL NO. 6276, by Senators Lee, Warnke, Fleming, Smitherman, Conner, Deccio, McMullen and Johnson

Creating an interagency task force on entrepreneurial development.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6276 was substituted for Senate Bill No. 6276 and the substitute bill was placed on second reading and read the second time.

Senator Lee moved that the following amendment be adopted:

On page 1, line 17, after "department;" add "the department of labor and industries; the department of social and health services;"

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, I'm wondering if you don't need a little addition to the amendment. Adding these departments is fine, but when you come down to line 21, below your amendment, it says, 'The chair of the task force shall be the director or an assistant director of the Department of Trade and Economic Development.' Then further down it says, 'Clearly define the problems.' My question is where you say, 'shall be the director or an assistant director,' it leaves it rather vague. Usually we say, 'The director or his designee,' so that you have some person that's at the head of responsibility."

Senator Lee: "Senator Rasmussen, it is true, we sometimes do use the director or designee when we're looking at persons who are serving on a particular task

force. In this case, it was decided, with the agreement of the department, that it shouldn't be just any designee, but it should be someone who is an assistant director. Now, the person that they have in mind, in fact, is the person who is the assistant director for the Business Assistance Center that has newly been created. It seems very logical that that person, if not the director himself, who is interested in this interagency procedure, then would probably be someone that was in the hierarchy and not just somebody's person way down the line."

The President declared the question before the Senate to be the adoption of the amendment by Senator Lee to Substitute Senate Bill No. 6276.

The motion by Senator Lee carried and the amendment was adopted.

MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Substitute Senate Bill No. 6276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6276.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6276, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Niemi - 1.

Excused: Senators Conner, Patterson, Talmadge - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6290, by Senators Lee, Warnke, Bluechel, Anderson, Fleming, Conner, Smitherman, West, Johnson, Gaspard and von Reichbauer (by request of Department of Trade and Economic Development)

Broadening and extending the Washington ambassador program.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6290 was substituted for Senate Bill No. 6290 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Lee, I notice we have a fiscal note on this bill at forty-three thousand with the eighty-six thousand dollar biennial 'bow wave' on it. There's no appropriation in the bill. Is this money going to be appearing in the budget or are we going to pass the bill without any money?"

Senator Lee: "What does the source of fund indicate on your fiscal note? I'm sorry I don't have a copy of the fiscal note. What does the source of funds indicate on your fiscal note?"

Senator Vognild: "State general fund."

Senator Lee: "It's my understanding, that this, since it's already authorized through this next year, that it is already in the budget, but if we pass this, we've got to continue to put it in the budget. If we don't pass this, it goes out of existence and, therefore, there would be no need for funds in the ensuing years. It's not a new program nor a new cost."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6290.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6290, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Conner, Patterson, Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 6290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 3, 1988

Mary Wiley
Clerk of the Senate
308A Legislative Building

Dear Mary:

Due to an earlier scheduled court appearance, I was unable to be present for the final passage of Engrossed Substitute Senate Bill No. 6276, Substitute Senate Bill No. 6290 and Gubernatorial Appointment No. 9121. Had I been present, I would have voted 'aye' on each.

Thank you for your assistance in making this part of the Senate Journal.

Sincerely,

PHIL TALMADGE, Senator, 34th District

MOTION

At 10:38 a.m., on motion of Senator Newhouse, the Senate recessed until 11:30 a.m.

The Senate was called to order at 11:35 a.m. by President Cherberg.

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

THIRD READING

SENATE BILL NO. 5016, by Senators Newhouse, Talmadge, Halsan and West (by request of Statute Law Committee)

Revising terminology resulting from the Rules of Appellate Procedure.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5016.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5016, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Deccio, Warnke, Zimmerman - 3.

Excused: Senators Conner, Patterson - 2.

SENATE BILL NO. 5016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5103, by Senators Bottiger, Johnson, Wojahn and Gaspard

Authorizing superior court commissioners to solemnize marriages.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5103.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5103, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Conner, Patterson - 2.

SENATE BILL NO. 5103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 6366, by Senators Pullen, Hansen, Kreidler, Halsan, Madsen, Smith, Newhouse, Nelson, Hayner, Talmadge, McCaslin, West and Conner

Creating the state law enforcement medal of honor.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 6366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6366.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6366, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Stratton - 1.

Excused: Senators Conner, Patterson - 2.

SENATE BILL NO. 6366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5076, by Senators Bluechel and Warnke

Establishing a commission on mobile home rental space availability.

MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 5076 was substituted for Senate Bill No. 5076 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bluechel, the rules were suspended, Substitute Senate Bill No. 5076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5076.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5076, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Conner, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 5076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 2, 1988

SB 5036 Prime Sponsor, Senator Rasmussen: Restricting sale of surplus salmon eggs by the department of fisheries. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Owen.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 5708 Prime Sponsor, Senator Lee: Establishing a fair competition review commission. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5708 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman, Cantu, Conner, Deccio, McMullen, Saling, Smitherman.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6225 Prime Sponsor, Senator Fleming: Regulating athlete agents. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6225 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, West.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6247 Prime Sponsor, Senator Metcalf: Prohibiting the taking of herring spawn in any commercial fishery. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6247 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6263 Prime Sponsor, Senator McCaslin: Changing procedures in first class cities for municipal utility hookup by private contractors. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6263 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6362 Prime Sponsor, Senator Nelson: Regulating license plates and fenders on antique vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6388 Prime Sponsor, Senator DeJarnatt: Providing that a personal use license is not required for smelt. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6495 Prime Sponsor, Senator McDonald: Revising administrative provisions on taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6495 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6502 Prime Sponsor, Senator Bailey: Specifying when school directors officially start their terms of office. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6502 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6503 Prime Sponsor, Senator Bailey: Prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6503 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6581 Prime Sponsor, Senator Pullen: Exempting employees and prospective employees of vocational-technical institutes from background checks undertaken by the Washington state patrol criminal identification system. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6581 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Craswell, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6587 Prime Sponsor, Senator von Reichbauer: Creating a risk management pool for claims against child care providers. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, Moore, Smitherman.

Referred to Committee on Ways and Means.

February 2, 1988

SB 6613 Prime Sponsor, Senator Nelson: Recognizing the official Washington state air fair. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6628 Prime Sponsor, Senator Smith: Eliminating personal use fishing licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do Pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Owen.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6647 Prime Sponsor, Senator Metcalf: Requiring a plan to increase salmon production one hundred percent by the year 2000. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6650 Prime Sponsor, Senator Metcalf: Increasing the gasohol tax credit to encourage use of recyclable materials. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6686 Prime Sponsor, Senator Metcalf: Prohibiting the commercial harvesting of shellfish from state park lands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6687 Prime Sponsor, Senator Metcalf: Revising provisions on personal use licenses and punchcards for recreational fishing and creating a recreational fishing enhancement account. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Rinehart.

Referred to Committee on Ways and Means.

February 2, 1988

SCR 8403 Prime Sponsor, Senator Garrett: Requiring the Legislature to include persons of disability as a minority group for affirmative action purposes. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8403 be substituted therefor, and the substitute resolution do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Deccio, McMullen, Saling, Smitherman, West.

Passed to Committee on Rules for second reading.

February 2, 1988

SCR 8427 Prime Sponsor, Senator Lee: Creating a joint select committee on non-profit competition with the private sector. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8427 be substituted therefor, and the substitute resolution do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 2, 1988

GA 9159 JOHN A. STEFFENS, appointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission, succeeding Del Long.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman, DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules.

February 2, 1988

GA 9160 ANNE H. ROSE, reappointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules.

February 2, 1988

GA 9161 CHARLES RICHMOND, reappointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules.

February 2, 1988

GA 9163 NANJI C. PRIMLEY, reappointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules.

February 2, 1988

GA 9173 DAVID BALLAINE, reappointed August 6, 1987, for a term ending June 30, 1991, as a member of the Housing Finance Commission.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules.

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 26, 1988

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

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

D. E. Chilberg, appointed January 26, 1988, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 22, 1988

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

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

M. R. Flavel, reappointed January 22, 1988, for a term ending December 26, 1991, as a member of the Board of Pilotage Commissioners.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

January 26, 1988

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

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

Larry Kowbel, appointed January 26, 1988, for a term ending June 30, 1991, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 22, 1988

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

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

Paula C. O'Conner, appointed January 22, 1988, for a term ending January 15, 1993, as a member of the Liquor Control Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

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

MOTIONS

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 6693.

On motion of Senator Newhouse, Senate Bill No. 6693 was referred to the Committee on Education.

MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 4, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 4, 1988

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Traci Meyer and Nathan Conrad, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 1988

ESB 5480 Prime Sponsor, Senator Patterson: Permitting second-class school districts to hire officers' spouses on a half-time basis. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5480 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6128 Prime Sponsor, Senator Bluechel: Revising provisions for park and recreation service areas. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6128 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, DeJarnatt, Kreidler, Rinehart.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6146 Prime Sponsor, Senator Pullen: Authorizing the interception and recording of certain conversations to protect law enforcement officers. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Nelson, Talmadge.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6167 Prime Sponsor, Senator Nelson: Revising provisions relating to public disclosure. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6167 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6216 Prime Sponsor, Senator Gaspard: Providing compensated leave for Olympic athletes and officials. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Gaspard, Hayner, Johnson, Lee, Moore, Saling, Talmadge, Vognild, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6220 Prime Sponsor, Senator Anderson: Changing provisions relating to business industrial development corporations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6220 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6221 Prime Sponsor, Senator Deccio: Modifying provisions relating to sexually transmissible diseases. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6221 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, West, Wojahn.

Referred to Committee on Ways and Means.

February 2, 1988

SB 6228 Prime Sponsor, Senator Kiskaddon: Requiring the development and implementation of a positive discipline policy for schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6228 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Gaspard, Rinehart.

MINORITY recommendation: Do not pass as substituted. Signed by Senators Benitz, Craswell, Lee.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6235 Prime Sponsor, Senator Metcalf: Creating the water pollution control account and authorizing financial assistance from it. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6235 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Gaspard, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6268 Prime Sponsor, Senator Owen: Establishing procedures for certain school districts to decide to elect their directors at large. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6287 Prime Sponsor, Senator Barr: Prohibiting bicyclists from wearing headphones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Owen.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6308 Prime Sponsor, Senator Bailey: Requiring the development of a juvenile court training curriculum. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6308 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6364 Prime Sponsor, Senator Pullen: Adding requirement for sentencing of certain felons. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6364 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6384 Prime Sponsor, Senator Owen: Creating a wetlands management committee. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Referred to Committee on Ways and Means.

February 2, 1988

SB 6399 Prime Sponsor, Senator Barr: Exempting farmers and loggers from certain special fuel reporting requirements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6410 Prime Sponsor, Senator Smith: Denying driving privileges to teenagers convicted of alcohol or drug offenses. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6410 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6412 Prime Sponsor, Senator von Reichbauer: Providing for the publication of the maximum interest rate that may be charged on retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6419 Prime Sponsor, Senator Zimmerman: Revising provisions relating to contracts by port districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6419 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6433 Prime Sponsor, Senator Rinehart: Requiring health care insurance coverage for the food supplements necessary for the treatment of phenylketonuria. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6433 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, Moore, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6447 Prime Sponsor, Senator Owen: Strengthening the custodial interference law. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6467 Prime Sponsor, Senator Kreidler: Revising provisions for the office of the child care resources coordinator. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6493 Prime Sponsor, Senator McCaslin: Requiring cities to review need for manufactured homes. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6493 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6494 Prime Sponsor, Senator Patterson: Revising provisions for motor vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6501 Prime Sponsor, Senator Bailey: Authorizing pooled insurance agreements for school and educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Benitz, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6516 Prime Sponsor, Senator Patterson: Funding bridge replacement on rural arterials. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6520 Prime Sponsor, Senator Bailey: Specifying that grants should include funding the incidental costs of support services in the schools. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6520 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6523 Prime Sponsor, Senator Kiskaddon: Permitting naturopaths to continue manual manipulation. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Smith.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6583 Prime Sponsor, Senator McCaslin: Revising truck length restriction. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6583 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, Hansen, Kiskaddon, Owen, Sellar.

MINORITY recommendation: That it not be substituted. Signed by Senator Bender.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6597 Prime Sponsor, Senator Bailey: Specifying the disciplinary authority and protecting classified school employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6656 Prime Sponsor, Senator Pullen: Making criminal possession of a motor vehicle a class C felony. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6656 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6695 Prime Sponsor, Senator Craswell: Bringing unapproved church schools within the approval process. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Benitz, Craswell, Lee.

Passed to Committee on Rules for second reading.

SJR 8203 Prime Sponsor, Senator Halsan: Modifying constitutional provisions for alteration of county boundaries. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Second Substitute Senate Joint Resolution No. 8203 be substituted therefor, and the second substitute resolution do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 22, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Burt A. Shearer, reappointed January 22, 1988, for a term ending December 26, 1991, as a member of the Board of Pilotage Commissioners.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

MESSAGE FROM THE HOUSE

February 3, 1988

Mr. President:

The House has passed:

HOUSE BILL NO. 802,

HOUSE BILL NO. 1464,

HOUSE BILL NO. 1470,

HOUSE BILL NO. 1471,

SUBSTITUTE HOUSE BILL NO. 1472,

ENGROSSED HOUSE BILL NO. 1543,

ENGROSSED HOUSE BILL NO. 1626,

HOUSE JOINT MEMORIAL NO. 4030, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6732 by Senator Zimmerman

AN ACT Relating to emergency response charges; amending RCW 18.73.030; and adding a new section to chapter 18.73 RCW.

Referred to Committee on Governmental Operations.

SB 6733 by Senator Warnke

AN ACT Relating to fire and life safety; adding new sections to chapter 48.48 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Economic Development and Labor.

SB 6734 by Senators Stratton, Benitz and Williams

AN ACT Relating to duties and funding of the state radiation control agency; amending RCW 70.98.050 and 43.200.170; and creating new sections.

Referred to Committee on Energy and Utilities.

SB 6735 by Senators Stratton, Benitz and Owen

AN ACT Relating to radioactive materials and waste transportation; adding a new chapter to Title 43 RCW; creating a new section; prescribing penalties; providing an effective date; and making appropriations.

Referred to Committee on Energy and Utilities.

SB 6736 by Senators Pullen, Talmadge, Nelson, Halsan and McMullen

AN ACT Relating to jurisdiction over tribal lands; and amending RCW 37.12.100, 37.12.110, 37.12.120, and 37.12.140.

Referred to Committee on Law and Justice.

SB 6737 by Senators Niemi and McDonald

AN ACT Relating to health care cost control; amending RCW 28A.58.420, 41.04.205, 41.05.025, and 41.05.050; adding a new section to chapter 41.05 RCW; adding a new section to chapter 43.41 RCW; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6738 by Senators McMullen, Bailey, Anderson, Metcalf, Owen and Lee

AN ACT Relating to industrial insurance coverage for distressed traditional industries; adding a new section to chapter 51.16 RCW; and declaring an emergency.

Referred to Committee on Economic Development and Labor.

SB 6739 by Senators McDonald, Vognild and Stratton (by request of Department of Social and Health Services)

AN ACT Relating to costs in juvenile proceedings; adding a new section to chapter 43.135 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6740 by Senator Benitz

AN ACT Relating to electric suppliers; and adding a new chapter to Title 54 RCW.

Referred to Committee on Energy and Utilities.

SB 6741 by Senators Metcalf, Kreidler and Sellar

AN ACT Relating to storage tanks.

Referred to Committee on Environment and Natural Resources.

SB 6742 by Senators Newhouse and Deccio

AN ACT Relating to superior court judges; amending RCW 2.08.063; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6743 by Senators von Reichbauer and McMullen

AN ACT Relating to preference for promotions for qualified employees of the ferry system; and adding a new section to chapter 47.64 RCW.

Referred to Committee on Transportation.

SB 6744 by Senators Moore, Sellar and McMullen

AN ACT Relating to professional wrestling; amending RCW 67.08.001, 67.08.010, 67.08.015, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.140, and 82.04.340; adding a new chapter to Title 67 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6745 by Senators Williams and Benitz

AN ACT Relating to alternate operator services; and adding new sections to chapter 80.36 RCW.

Referred to Committee on Energy and Utilities.

SB 6746 by Senator McDonald

AN ACT Relating to the citizens' commission on salaries for elected officials; and amending RCW 43.03.310.

Referred to Committee on Ways and Means.

SB 6747 by Senators Bailey and Vognild

AN ACT Relating to economic development considerations in state highway construction programs; and amending RCW 47.04.010, 47.05.030, and 47.05.051.

Referred to Committee on Transportation.

SJM 8029 by Senator Benitz

Requesting enactment of a Hanford Federal and State Plant Closing Disaster Program.

Referred to Committee on Energy and Utilities.

SCR 8435 by Senator Zimmerman

Studying a third Columbia River bridge in Clark County.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 802 by Representatives Unsoeld, Nutley, Brough, May and Schoon

Revising provisions governing tax deferred annuities for educational employees.

Referred to Committee on Financial Institutions and Insurance.

HB 1464 by Representatives Armstrong, Belcher, Brough, Crane, Hargrove, Locke, Zellinsky, Wang, Holland, Schmidt, Doty, B. Williams and Todd

Strengthening contempt orders for the failure to pay child support.

Referred to Committee on Law and Justice.

HB 1470 by Representatives Baugher, Schmidt and Walk (by request of Department of Transportation)

Regulating tandem-axle vehicles.

Referred to Committee on Transportation.

HB 1471 by Representatives Baugher, Schmidt and Walk (by request of Department of Transportation)

Updating tonnage purchase laws.

Referred to Committee on Transportation.

SHB 1472 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Baugher, McLean, Nealey, Rayburn, Doty, Grant, Rasmussen, Holm and Todd) (by request of Department of Agriculture)

Revising provisions relating to apiaries.

Referred to Committee on Agriculture.

EHB 1543 by Representatives Cantwell, Brooks, Day, Vekich, D. Sommers, Braddock, Bristow, Lux, P. King, Sprenkle, Meyers and Lewis

Eliminating the requirement of a practical examination for recertification of emergency medical technicians if other requirements are met.

Referred to Committee on Health Care and Corrections.

EHB 1626 by Representatives Braddock, Ballard, Brooks, Moyer and Kremen

Amending emergency medical service provisions.

Referred to Committee on Health Care and Corrections.

HJM 4030 by Representatives Wineberry, Vekich, Holm, Heavey, Cantwell, Hargrove, Kremen, Braddock, Rasmussen, Appelwick, Anderson, P. King, Leonard, K. Wilson, Lux, Spanel and Basich

Requesting Congress to establish a state economic development block grant program.

Referred to Committee on Economic Development and Labor.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Gubernatorial Appointment No. 9213, Paula C. O'Conner, as a member of the Liquor Control Board.

On motion of Senator Newhouse, Gubernatorial Appointment No. 9213 was referred to the Committee on Economic Development and Labor.

PERSONAL PRIVILEGE

Senator Sellar: "Thank you, Mr. President, a point of personal privilege. This is a very important day in the life of one of our members on the floor and I would like to announce that this is Senator McDonald's birthday. I'm sorry that Senator Hurley is no longer with us to lead us in a song, but perhaps I could try. If you would all join me, we would like to sing 'Happy Birthday.'"

The members of the Senate sang 'Happy Birthday' to Senator McDonald.

MOTION

At 12:09 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 5, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 5, 1988

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Barr, Conner, Moore, Nelson and Wojahn. On motion of Zimmerman, Senator Nelson was excused. On motion of Senator Bender, Senator Wojahn was excused.

The Sergeant at Arms Color Guard, consisting of Pages Elizabeth Volkers and Jonathan Varnes, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 1988

SB 6098 Prime Sponsor, Senator Kiskaddon: Establishing a department of children and family services. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6098 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Garrett, McDonald, Stratton.

Referred to Committee on Ways and Means.

February 1, 1988

SB 6118 Prime Sponsor, Senator Wojahn: Providing for the establishment of state child care policy. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6118 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett, Stratton.

Referred to Committee on Ways and Means.

February 3, 1988

SB 6179 Prime Sponsor, Senator Kiskaddon: Limiting further the visitation rights of parents, guardians, and custodians who have a history of child abuse. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6179 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett, Stratton.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6182 Prime Sponsor, Senator McCaslin: Denying registration if contractor has previous unsatisfied judgment. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6188 Prime Sponsor, Senator Rasmussen: Authorizing the use of barbed hooks in fishing for salmon. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Patterson.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6219 Prime Sponsor, Senator Kreidler: Changing the review standard for consent to adoption. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6219 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Garrett, Stratton.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6310 Prime Sponsor, Senator Kiskaddon: Revising certain procedures governing dependency proceedings. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6310 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6408 Prime Sponsor, Senator Benitz: Revising provisions on the state energy code. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Nelson, Owen, Stratton.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6435 Prime Sponsor, Senator Lee: Changing provisions relating to disclosure by contractors. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6435 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6436 Prime Sponsor, Senator Lee: Establishing a defense on lien foreclosure proceedings on residences. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6437 Prime Sponsor, Senator Deccio: Changing provisions relating to the investment allowance for nursing homes. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Smith, West, Wojahn.

Referred to Committee on Ways and Means.

February 3, 1988

SB 6448 Prime Sponsor, Senator Talmadge: Expanding the homebuilders program for children and families. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6448 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Referred to Committee on Ways and Means.

February 4, 1988

SB 6515 Prime Sponsor, Senator Benitz: Granting civil immunity to members of hazardous materials planning committees. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Madsen, Nelson, Owen, Pullen, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6521 Prime Sponsor, Senator Fleming: Requiring consideration of minority race or minority ethnic heritage in adoptions and foster care placements. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6521 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, Stratton.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6571 Prime Sponsor, Senator Smith: Providing for a special senior citizen salmon and steelhead bank fishing recreation area. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Jack Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Patterson.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6572 Prime Sponsor, Senator Smith: Clarifying the designation of certain salmon fishing areas. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Patterson.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6625 Prime Sponsor, Senator Smith: Allowing workers' compensation claimants to have a representative at the workers' medical examinations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6625 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6638 Prime Sponsor, Senator Niemi: Providing conditional scholarships for nursing students. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Smith, West, Wojahn.

Referred to Committee on Ways and Means.

February 3, 1988

SB 6661 Prime Sponsor, Senator Smith: Changing provisions relating to disclosure of information in motor vehicle records. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6661 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Sellar.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6672 Prime Sponsor, Senator Lee: Requiring the development of comprehensive international trade strategies. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6672 be substituted therefor, and the substitute do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6673 Prime Sponsor, Senator Metcalf: Revising the director of wildlife's authority to dispose of certain wildlife. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6675 Prime Sponsor, Senator Kiskaddon: Modifying provisions relating to the family independence program. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6684 Prime Sponsor, Senator Zimmerman: Establishing a pilot project of early outreach programs for middle school or high school students. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6698 Prime Sponsor, Senator Fleming: Providing for school programs for observing the anniversary of the birth of Martin Luther King, Jr. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6698 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6745 Prime Sponsor, Senator Williams: Requiring disclosure of services provided by alternate operator services companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Madsen, Owen, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 3, 1988

SJM 8015 Prime Sponsor, Senator Bottiger: Requesting the opening of the Arctic National Wildlife Refuge Coastal Plain to oil and gas exploration. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Madsen, Nelson, Owen, Stratton.

Passed to Committee on Rules for second reading.

February 3, 1988

SCR 8431 Prime Sponsor, Senator Lee: Creating a joint select committee on workforce training and retraining. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 3, 1988

SCR 8432 Prime Sponsor, Senator Lee: Directing a joint legislative study of state programs for development of international trade, tourism, and investment. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8432 be substituted therefor, and the substitute resolution do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 4, 1988

GA 9135 PHYLLIS G. KENNEY, appointed May 28, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees of Seattle Community College District No. 6.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 4, 1988

GA 9143 MITCHELL BOWER, JR., appointed July 17, 1987, for a term ending April 30, 1991, as a member of the State Board for Community College Education.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 4, 1988

GA 9154 ROBERT RICHARDSON, appointed July 2, 1987, for a term ending July 1, 1993, as a member of the Higher Education Personnel Board.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 4, 1988

GA 9180 DONALD HALE, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Everett Community College District No. 5.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 4, 1988

GA 9194 JAMES L. KIRSCHBAUM, appointed October 30, 1987, for a term ending September 30, 1993, as a member of the Board of Trustees for Eastern Washington University.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 4, 1988

GA 9196 DAVID P. YANG, appointed October 26, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Clark Community College District No. 14.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 4, 1988

GA 9197 ANNA-GRETA BOICE, appointed November 19, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman, Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6748 by Senator Metcalf

AN ACT Relating to computer software; and adding a new chapter to Title 19 RCW.

Referred to Committee on Economic Development and Labor.

SB 6749 by Senators DeJarnatt and Metcalf

AN ACT Relating to commercial crab fishing in coastal waters; adding new sections to chapter 75.30 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6750 by Senator Niemi

AN ACT Relating to tax preferences; amending RCW 84.36.805; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 48.36A RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 84.56 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the sixth order of business.

On motion of Senator Newhouse, the Senate commenced consideration of Senate Bill No. 6370.

SECOND READING

SENATE BILL NO. 6370, by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

Correcting obsolete statutory references resulting from a devolution of power from the department of conservation.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6370.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6370, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 44.

Absent: Senators Barr, Conner, Moore - 3.

Excused: Senators Nelson, Wojahn - 2.

SENATE BILL NO. 6370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOMENT OF SILENCE

At the request of the President Pro Tempore, members of the Senate stood in silence in memory of Annie Hagerty, sister of President John A. Cherberg, who passed away earlier today.

MOTIONS

On motion of Senator Bender, Senator Moore was excused.

On motion of Senator Zimmerman, Senator Barr was excused.

SECOND READING

SENATE BILL NO. 6371, by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

Correcting a double amendment to the motor vehicle excise tax distribution section.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6371.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6371, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting ye: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Barr, Moore, Nelson - 3.

SENATE BILL NO. 6371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Cantu was excused.

SECOND READING

SENATE BILL NO. 6372, by Senators Pullen, Talmadge and McCaslin (by request of Department of Natural Resources and Statute Law Committee)

Correcting obsolete statutory references involving natural resources.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6372.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6372, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting ye: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Barr, Cantu, Moore, Nelson - 4.

SENATE BILL NO. 6372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5147, by Senators Hansen, Rasmussen, Bauer, Barr, Patterson, Johnson and Pullen

Repealing authority for public utility and transportation corridors.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5147 was substituted for Senate Bill No. 5147 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Kreidler: "Senator Hansen, because this bill is, in a sense, responding to a court decision, does this measure, in any way, go beyond the strict interpretation of compliance with that court decision?"

Senator Hansen: "No, it doesn't. When we passed the bill originally, we had no thought that the railroad had an easement across a lot of private land and that wasn't even given consideration. We were taken to court and a determination was made by the State Supreme Court that if you don't have reversionary rights to the land that was taken for the rail line, then it reverts back to the land owner. If it has to be taken for public use, then they do that by condemnation or private treaty to pay for the reversionary rights."

Senator Kreidler: "So, this, in no way, takes away the authority that may have been possible previously to maintain those rights of keeping that property from reverting to the private property owners?"

Senator Hansen: "There's no way that you can supersede private property rights. Being that it was brought to our attention that we were--in the legislation we passed--taking away private property rights, the Supreme Court said that you're responsible on reversionary rights, you'd have to make compensation for those."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5147.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5147, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Fleming - 1.

Excused: Senators Barr, Cantu, Nelson - 3.

SUBSTITUTE SENATE BILL NO. 5147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6139, by Senators McCaslin and Garrett

Eliminating boundary review boards.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6139 was substituted for Senate Bill No. 6139 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator McCaslin, for a little information, are the counties asking for the reduction in the Boundary Review Boards or is it the cities that are trying to throw the Boundary Review Boards out?"

Senator McCaslin: "Senator Hansen, the counties represented by Jim Williams did not support the bill; the cities represented by Stan Finkelstein did support the bill. The problem seems to arise with cities that the BRBs are delaying implementation of agreed to annexations and that they're a stumbling block more than an assistance. In fact, in Senator Pullen's district, where a city wanted to dissolve and had the votes to do it on a petition, the BRB denied them the right to dissolve."

"So, what we've got is, on the one hand, they are denying the right of the people to vote on incorporation and the other hand when a city has been incorporated, they are denying them the right to dissolve. The peoples wishes are not being recognized here, Senator Hansen."

POINT OF INQUIRY

Senator Smitherman: "Senator McCaslin, it is my understanding that the local governments study committee—House and Senate folks got together with local government people, actually recommended the elimination of the Boundary Review Boards. Is that correct?"

Senator McCaslin: "That's correct. Eventually, when some of their desires are implemented, they want to dissolve it and feel that it can be handled in other respects."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6139.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6139, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; excused, 3.

Voting yea: Senators Anderson, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, Metcalf, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Stratton, Warnke, West, Williams, Zimmerman - 31.

Voting nay: Senators Bailey, Benitz, DeJarnatt, Fleming, Hansen, Hayner, Kreidler, McMullen, Moore, Rinehart, Smith, Talmadge, Vognlid, von Reichbauer, Wojahn - 15.

Excused: Senators Barr, Cantu, Nelson - 3.

SUBSTITUTE SENATE BILL NO. 6139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6156, by Senators Bailey and Craswell

Requiring school districts to report on the self-study process every two years.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6156.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6156, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Vognlid, von Reichbauer, Warnke, West, Zimmerman - 40.

Voting nay: Senators Bauer, Fleming, Moore, Smitherman, Talmadge, Williams, Wojahn - 7.

Excused: Senators Cantu, Nelson - 2.

SENATE BILL NO. 6156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6262, by Senators Nelson, Bender and von Reichbauer (by request of Department of Transportation)

Extending the length of permits for I-90 construction.

The bill was read the second time.

MOTION

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

On page 6, line 5, after "disapproval," add a new section to read as follows:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF INQUIRY

Senator Fleming: "Senator Patterson, did I overhear you? Did I hear right, as to when I-90 would be closed?"

Senator Patterson: "Senator, the I-90 project, which is under construction and I'm sure you're well aware of the other problems that they have in the I-90 corridor. The purpose, of course, of this bill and the emergency clause, was that in the event that we, in passing the bill, if we didn't have an emergency clause, the project construction would be closed down as of April of this year. Now, if that is what you are looking for, a good way would be not to adopt the emergency clause."

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Transportation amendment.

The motion by Senator Patterson carried and the Committee on Transportation amendment was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "Washington;" strike "and" and on line 2, after "RCW 90.58.140" insert "; and declaring an emergency"

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 6262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6262.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6262, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bruer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Fleming - 1.

Excused: Senators Cantu, Nelson - 2.

ENGROSSED SENATE BILL NO. 6262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6197, by Senators Rasmussen and Halsan

Creating a Washington state patrol memorial plaque committee.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6197.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6197, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Barr, McMullen - 2.

Excused: Senators Cantu, Nelson - 2.

SENATE BILL NO. 6197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6200, by Senators Sellar, Bauer, Zimmerman, Bender, Bailey, Garrett and von Reichbauer

Extending reduced utility rates to low income disabled citizens.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6200 was substituted for Senate Bill No. 6200 and the substitute bill was placed on second reading and read the second time.

Senator Sellar moved that the following amendments be considered simultaneously and adopted:

On page 1, line 27, after "46.16.381" insert "(1)(a) through (f)"

One page 2, line 1, strike everything through "amended" and insert "70.164.020(4)"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Sellar to Substitute Senate Bill No. 6200.

The motion by Senator Sellar carried and the amendments were adopted.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 6200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6200.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6200, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Cantu, Nelson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6209, by Senators Bailey, Rinehart, Lee and Benitz

Allowing the state's minimum high school graduation requirements to be taken prior to ninth grade.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6209 was substituted for Senate Bill No. 6209 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 7, after "curriculum", strike all material through "middle school," on line 18, and insert "

(5) It is the intent of the legislature that parent and student interest in seeking optional educational opportunities pursuant to subsection (4) of this section shall be balanced against district interests, policies, programmatic constraints and facility limitations. Subsection (4) of this section shall not abridge districts' authority to establish policies relating to requests for students in grades seven or eight or both to take courses meeting high school graduation requirements. It shall not be the intent of the legislature under subsection (4) of this section to promote the displacement of junior high/middle school curriculum programs by high school level curriculum programs.

(6) Districts are encouraged to consider various arrangements by which students in grades seven or eight or both can take courses to satisfy high school graduation requirements."

Renumber the remaining subsections accordingly.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 6209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6209.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6209, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Cantu, Nelson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6292, by Senators Zimmerman, Bauer, Smith, Conner and DeJarnatt

Revising the property tax exemption for public assembly halls and meeting places.

The bill was read the second time.

MOTION

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 6292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6292.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6292, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator West - 1.

Excused: Senator Nelson - 1.

SENATE BILL NO. 6292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6538, by Senators Lee, Smitherman, Anderson and Rasmussen (by request of Employment Security Department)

Establishing a computerized labor market information system.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6538 was substituted for Senate Bill No. 6538 and the substitute bill was placed on second reading and read the second time.

Senator Lee moved that the rules be suspended and Substitute Senate Bill No. 6538 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

MOTION

Senator Vognild moved that further consideration of Substitute Senate Bill No. 6538 be deferred.

MOTION

On motion of Senator Lee, and there being no objection, the motion to advance Substitute Senate Bill No. 6538 to third reading and final passage was withdrawn.

There being no objection, further consideration of Substitute Senate Bill No. 6538 was deferred.

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

REPORTS OF STANDING COMMITTEES

February 4, 1988

ESSB 5313 Prime Sponsor, Committee on Education: Providing programs to promote personal development and self-esteem. Reported by Committee on Education

MAJORITY recommendation: That Second Substitute Senate Bill No. 5313 be substituted therefor, and the second substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 5399 Prime Sponsor, Senator Kreidler: Controlling pollution from smoking. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Second Substitute Senate Bill No. 5399 be substituted therefor, and the second substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SSB 5436 Prime Sponsor, Committee on Commerce and Labor: Revising unemployment compensation provisions on individuals with multiple employers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, Saling, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 5516 Prime Sponsor, Senator Sellar: Requiring motor vehicle liability insurance. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5516 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, DeJarnatt, Garrett, Hansen, McMullen, Metcalf, Sellar.

Passed to Committee on Rules for second reading.

February 4, 1988

ESB 5558 Prime Sponsor, Senator Gaspard: Providing grants to Washington state scholars attending independent colleges or universities. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 5726 Prime Sponsor, Senator Bailey: Providing a career ladder for teachers. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5726 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Benitz, Craswell, Lee.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 5775 Prime Sponsor, Senator Sellar: Revising the seriousness level of vehicular homicide. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5775 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 5840 Prime Sponsor, Senator Bailey: Providing grants to local school districts to enhance education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5840 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 5844 Prime Sponsor, Senator Conner: Regulating motor freight brokers. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5844 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Sellar.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6095 Prime Sponsor, Senator Benitz: Providing an optional method of regulation of certain telecommunications companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Nelson, Newhouse, Stratton.

Passed to Committee on Rules for second reading.

February 2, 1988

SB 6159 Prime Sponsor, Senator Bailey: Relating to education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6159 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1988

SB 6160 Prime Sponsor, Senator Bailey: Relating to education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Craswell, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6161 Prime Sponsor, Senator Bailey: Relating to education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6161 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6166 Prime Sponsor, Senator Bailey: Changing provisions relating to the teacher assistance program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vogt, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6233 Prime Sponsor, Senator Patterson: Decreasing regulations of trucking industry. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6233 be substituted therefor, and the substitute bill do pass. Signed by Patterson, Chairman; Nelson, Vice Chairman; Barr, Hansen, Kiskaddon, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6255 Prime Sponsor, Senator West: Creating a zone where interstate trip permits are not required. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Sellar.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6269 Prime Sponsor, Senator Owen: Authorizing special license plates for National Guard members. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Garrett, Hansen, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6298 Prime Sponsor, Senator Zimmerman: Clarifying the ownership of abandoned property on submerged lands over which the state has sovereignty. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6298 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6380 Prime Sponsor, Senator Barr: Providing for a water use efficiency study. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6380 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Referred to Committee on Ways and Means.

February 4, 1988

SB 6422 Prime Sponsor, Senator Metcalf: Requiring certain meetings between governmental entities to be open to the public. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6422 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6445 Prime Sponsor, Senator Bluechel: Authorizing metropolitan municipal corporations to impose sewer connection charges. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; DeJarnatt, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6461 Prime Sponsor, Senator Nelson: Establishing seriousness levels for unranked felonies. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6464 Prime Sponsor, Senator Nelson: Providing funding for transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6464 be substituted therefor and the substitute bill be referred to Committee on Rules without recommendation. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, Conner, Hansen, McMullen, Metcalf, Sellar.

MINORITY recommendation: That the bill not be substituted and the bill not be referred to Committee on Rules. Signed by Senator Barr.

Passed to Committee on Rules without recommendation.

February 4, 1988

SB 6476 Prime Sponsor, Senator McCaslin: Revising provisions for abandoned property held by local governments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6505 Prime Sponsor, Senator McDonald: Requiring the specific identification of levy reduction funds in the appropriations act. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6505 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Saling, Smith, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6513 Prime Sponsor, Senator Barr: Providing for water supply emergencies. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6513 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Referred to Committee on Ways and Means.

February 2, 1988

SB 6514 Prime Sponsor, Senator Conner: Establishing full year initial vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, DeJarnatt, Hansen, McMullen, Metcalf, Owen.

Referred to Committee on Ways and Means.

February 4, 1988

SB 6534 Prime Sponsor, Senator Talmadge: Authorizing school employees to perform catheterization. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6534 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

SB 6552 Prime Sponsor, Senator McCaslin: Recouping overpayment of salaries to state employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6552 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6559 Prime Sponsor, Senator Anderson: Amending provisions for water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6559 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6565 Prime Sponsor, Senator Owen: Prohibiting interference with public servants' telecommunications. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6565 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6574 Prime Sponsor, Senator Metcalf: Limiting liability of the parks and recreation commission regarding winter recreation activities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6575 Prime Sponsor, Senator Metcalf: Clarifying liability of the parks and recreation commission for ski lift inspection. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6575 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6623 Prime Sponsor, Senator Barr: Revising allocations for small school district capital construction. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6623 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Craswell, Gaspard, Lee, Rinehart.

Referred to Committee on Ways and Means.

February 4, 1988

SB 6641 Prime Sponsor, Senator Craswell: Providing for armed forces shipboard population adjustment. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6667 Prime Sponsor, Senator Nelson: Revising special fuel user's report filing frequency. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Garrett, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 3, 1988

SB 6693 Prime Sponsor, Senator Pullen: Providing for the allocation of moneys to the University of Washington on behalf of students attending an early entrance or transitional program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6693 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6703 Prime Sponsor, Senator Benitz: Changing provisions relating to underground facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6703 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Madsen, Nelson, Owen, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6705 Prime Sponsor, Senator Craswell: Protecting children in the home. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6723 Prime Sponsor, Senator Patterson: Studying the issuance of specially designed license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Garrett, McMullen, Metcalf, Owen.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6724 Prime Sponsor, Senator Barr: Revising provisions on water resources. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6724 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6734 Prime Sponsor, Senator Stratton: Changing responsibilities of the state radiation control agency. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6734 be substituted therefor, and the substitute bill do pass and be referred to Ways and Means Committee. Signed by Senators Benitz, Chairman; Madsen, Nelson, Stratton, Williams.

Referred to Committee on Ways and Means.

February 5, 1988

SB 6735 Prime Sponsor, Senator Stratton: Regulating transport of highway route controlled quantity radioactive materials. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 6735 be substituted therefor, and the substitute bill do pass. Signed by Senators Benitz, Chairman; Nelson, Owen, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6741 Prime Sponsor, Senator Metcalf: Relating to storage tanks. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6741 be substituted therefor, and the substitute bill do pass and be referred to Ways and Means Committee. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Kreidler, Patterson.

Referred to Committee on Ways and Means.

February 4, 1988

SB 6747 Prime Sponsor, Senator Bailey: Considering economic development in state highway construction programs. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6747 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Garrett, Kiskaddon, Sellar.

Passed to Committee on Rules for second reading.

February 4, 1988

SJM 8026 Prime Sponsor, Senator Rinehart: Requesting that Congress exempt tuition waivers from federal income tax. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 4, 1988

SJM 8028 Prime Sponsor, Senator Zimmerman: Petitioning Congress and the Army Corps of Engineers to designate sites in the Columbia River Gorge National Scenic Area to receive spoil material to improve the recreational value of those sites. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 5, 1988

SJM 8029 Prime Sponsor, Senator Benitz: Requesting enactment of a Hanford Federal and State Plant Closing Disaster Program. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Nelson, Newhouse, Owen, Pullen, Stratton, Williams.

Hold.

February 4, 1988

SJR 8226 Prime Sponsor, Senator Pullen: Revising the veto power of the governor. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Joint Memorial No. 8029 was advanced to second reading and placed on the second reading calendar.

POINT OF INQUIRY

Senator Vognild: "Senator McDonald, do you plan a Ways and Means hearing for tomorrow?"

Senator McDonald: "I'm sorry, Senator Vognild, I was going to make that announcement. No, I do not plan to have a hearing tomorrow. We are going to work from 3:30 today until we get through the list of bills that are on there for hearings, so it probably will be a late night and then then we'll work on Monday, but we do not have to have a hearing tomorrow."

MOTION

On motion of Senator Newhouse, the Senate advanced to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8029, by Senators Benitz, Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn and Zimmerman

Requesting enactment of a Hanford Federal and State Plant Closing Disaster Program.

The memorial was read the second time.

MOTION

On motion of Senator Benitz, the rules were suspended, Senate Joint Memorial No. 8029 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8029.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8029, and the memorial passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Niemi - 1.

Excused: Senator Nelson - 1.

SENATE JOINT MEMORIAL NO. 8029, having received the constitutional majority, was declared passed.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:02 p.m. by Senator Newhouse.

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

REPORTS OF STANDING COMMITTEES

February 4, 1988

SB 5282 Prime Sponsor, Senator Tanner: Changing procedures for suspension of worker's compensation for refusal to comply with medical examination or treatment. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, Saling, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 5, 1988

ESSB 5378 Prime Sponsor, Health Care and Corrections: Licensing laboratories conducting prenatal test. Reported by Committee on Ways and Means

MAJORITY recommendation: Without recommendation. Signed by Senators Bauer, Deccio, Gaspard, Johnson, Lee, Moore, Newhouse, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules without recommendation.

February 3, 1988

SB 5669 Prime Sponsor, Senator Wojahn: Providing for certification of dietitians and nutritionists. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5669 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Vice Chairman; Kreidler, Niemi, Smith, West.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 5737 Prime Sponsor, Senator Rasmussen: Requiring banks and trust companies to cash checks presented by pensioners and retirees. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5737 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Kreidler, McCaslin, Moore, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 5788 Prime Sponsor, Senator Tanner: Revising provisions relating to reimbursement of self-insured employers' funds. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, Saling, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6043 Prime Sponsor, Senator Smitherman: Requiring public owned moorages to charge rates which include all costs that private moorages have. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Without recommendation. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Owen, Patterson.

Passed to Committee on Rules without recommendation.

February 4, 1988

SB 6111 Prime Sponsor, Senator Moore: Prohibiting a securities employee from resigning employment in lieu of termination following a securities violation. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6111 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Kreidler, Moore, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6117 Prime Sponsor, Senator Kiskaddon: Creating a pilot program of volunteer support for families with a developmentally disabled child. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Cantu, Deccio, Fleming, Gaspard, Johnson, Lee, Newhouse, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6129 Prime Sponsor, Senator Wojahn: Requiring health insurance to offer temporomandibular joint disorder and craniomandibular disorder coverage. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Without recommendation. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Rasmussen, Smitherman.

Passed to Committee without recommendation.

February 4, 1988

SB 6173 Prime Sponsor, Senator Kiskaddon: Creating a department of health. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6173 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Niemi, Smith, West, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6203 Prime Sponsor, Senator Deccio: Requiring a report on state care of developmentally disabled persons. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6203 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, West, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6207 Prime Sponsor, Senator Craswell: Increasing out-of-home placement alternatives for victims of child abuse. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6213 Prime Sponsor, Senator Warnke: Regulating all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6213 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, DeJarnatt, Garrett, Hansen, McMullen, Owen.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6266 Prime Sponsor, Senator Metcalf: Revising provisions for aquifer protection districts. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6266 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6282 Prime Sponsor, Senator Madsen: Modifying provisions relating to crimes. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6288 Prime Sponsor, Senator Lee: Raising the penalties for speeding in school zones or failing to yield to pedestrians. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6288 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6304 Prime Sponsor, Senator Conner: Providing for the modification of judgments regarding the community property treatment of military retirement benefits. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6322 Prime Sponsor, Senator Zimmerman: Requiring trial of defendant in child sexual abuse cases within six months. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6322 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6354 Prime Sponsor, Senator Lee: Changing the definition of wages for industrial insurance purposes. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6357 Prime Sponsor, Senator Lee: Clarifying provisions relating to contractors' bonds and securities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6357 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6365 Prime Sponsor, Senator Pullen: Imposing attorney fees and costs on state when another party prevails. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by Senators Bauer, Bender, Cantu, Craswell, Fleming, Hayner, Newhouse, Rasmussen, Sellar, Vognilid, West, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 5, 1988

SB 6376 Prime Sponsor, Senator Nelson: Perpetuating the additional motor vehicle excise tax credited to the Puget Sound ferry operations account. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6376 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6393 Prime Sponsor, Senator Craswell: Enacting the home incarceration and restitution act. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6393 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6396 Prime Sponsor, Senator West: Ending the use of apprentices' assumed wage rates for computing disability compensation payments. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6398 Prime Sponsor, Senator Barr: Prohibiting use of salt on state highways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6398 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6414 Prime Sponsor, Senator Kreidler: Providing limited duty work or leave for pregnant fire fighters and law enforcement officers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6414 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6442 Prime Sponsor, Senator Deccio: Excluding comprehensive cancer center programs and facilities from certificate of need requirements. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Smith, West, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6451 Prime Sponsor, Senator Pullen: Modifying provisions relating to lobbying, political advertising, and public office funds. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6451 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; Halsan, Madsen, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6453 Prime Sponsor, Senator Barr: Amending provisions for private ways of necessity, adverse possession, and prescriptive easements. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 6453 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6459 Prime Sponsor, Senator Smith: Authorizing the instruction of blind students on braille. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by Senators Bauer, Bender, Cantu, Craswell, Fleming, Hayner, Newhouse, Rasmussen, Sellar, Vognild, West, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 4, 1988

SB 6462 Prime Sponsor, Senator Nelson: Making technical corrections on procedures for sentencing adult felons. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6462 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6474 Prime Sponsor, Senator McCaslin: Requiring continuing education for real estate brokers and salespeople. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6474 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, West.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6492 Prime Sponsor, Senator McCaslin: Changing provisions relating to requirements for factory-assembled structures. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, Saling.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6498 Prime Sponsor, Senator Nelson: Reviewing and establishing standards for appointment of counsel for indigent persons. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6498 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6506 Prime Sponsor, Senator Metcalf: Adopting a bill of rights for sexually abused children. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 6506 be substitute therefor, and the substitute do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6511 Prime Sponsor, Senator Metcalf: Providing for the containment of garbage or other material. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6518 Prime Sponsor, Senator Deccio: Licensing adult family homes. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6518 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, West, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6522 Prime Sponsor, Senator Nelson: Granting the driver of a vehicle with a minor defect seventy-two hours to fix it. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6541 Prime Sponsor, Senator Smitherman: Establishing exclusive jurisdiction of the department of social and health services. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Without recommendation. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules without recommendation.

February 4, 1988

SB 6555 Prime Sponsor, Senator Wojahn: Amending provisions regarding senior citizen state park passes. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6555 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6563 Prime Sponsor, Senator Pullen: Adopting the uniform federal lien registration act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6568 Prime Sponsor, Senator McCaslin: Requiring minimum payment to employees for reporting to work. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6568 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, Saling, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6569 Prime Sponsor, Senator West: Providing consumers with information on construction liens. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6569 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6577 Prime Sponsor, Senator Pullen: Regulating prepaid legal service plans. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6577 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6594 Prime Sponsor, Senator von Reichbauer: Changing provisions relating to sales of securities. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6594 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6603 Prime Sponsor, Senator Barr: Revising air quality opacity limitations. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 6603 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Barr, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6606 Prime Sponsor, Senator Warnke: Changing requirements for the removal of asbestos. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6606 be substituted therefor, and the substitute bill do pass. Signed by Senators Conner, McMullen, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6607 Prime Sponsor, Senator McCaslin: Requiring written notice to proposed partners. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Newhouse, Niemi.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6609 Prime Sponsor, Senator Newhouse: Revising penalties for vehicular crimes. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Hayner, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6614 Prime Sponsor, Senator Warnke: Permitting vessel dealers to file security in lieu of bond for registration purposes. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6614 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6624 Prime Sponsor, Senator Halsan: Establishing programs to assist job retention and unemployment. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6626 Prime Sponsor, Senator Smith: Authorizing vocational rehabilitation benefit increases permitted by the supervisor of vocational rehabilitation. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6626 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6628 Prime Sponsor, Senator Smith: Eliminating personal use fishing licenses. Reported by Committee on Rules

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by Senators Bauer, Bender, Cantu, Craswell, Fleming, Hayner, Newhouse, Rasmussen, Sellar, Vognild, West, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 5, 1988

SB 6631 Prime Sponsor, Senator McCaslin: Requiring that employers offer an alternative to a dental care assistance plan that limits providers. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6631 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, McCaslin, Moore, Smitherman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6633 Prime Sponsor, Senator Johnson: Providing for direct payment to the provider under health care service contracts. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6633 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Kreidler, McCaslin, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6637 Prime Sponsor, Senator Pullen: Providing attorneys' fees for prevailing parties in adverse possession actions. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6637 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6664 Prime Sponsor, Senator Smith: Requiring consent or judicial proceeding prior to permitting minor to obtain abortion. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Smith, West.

MINORITY recommendation: Do not pass. Signed by Senators Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6668 Prime Sponsor, Senator Nelson: Revising special fuel bonding requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Bender, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6670 Prime Sponsor, Senator Lee: Revising provisions on public works projects involving certain trench excavations. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6670 be substituted therefor, and the substitute bill do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6671 Prime Sponsor, Senator Lee: Specifying funds that may be retained for administration of the housing trust fund. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6674 Prime Sponsor, Senator Lee: Raising the state minimum wage. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, West.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6697 Prime Sponsor, Senator Fleming: Creating an educational achievement program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 6697 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Gaspard, Lee, Rinehart.

Referred to Committee on Ways and Means.

February 5, 1988

SB 6711 Prime Sponsor, Senator McCaslin: Prohibiting the public display and distribution to minors of material that is harmful to minors. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6711 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6712 Prime Sponsor, Senator McCaslin: Revising provisions on sexual exploitation of minors. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6717 Prime Sponsor, Senator Lee: Revising provisions on the housing trust fund. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6720 Prime Sponsor, Senator Metcalf: Providing for the management of waste tires. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Kreidler, Rinehart.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6728 Prime Sponsor, Senator Anderson: Specifying manner of determining hours normally worked for workers' compensation purposes. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6730 Prime Sponsor, Senator Lee: Specifying confidentiality of information supplied to the employment security department. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6736 Prime Sponsor, Senator Pullen: Allowing reestablishment of tribal jurisdiction over crimes committed by tribe members within the tribal reservation. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill 6736 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6738 Prime Sponsor, Senator McMullen: Authorizing establishment of reduced industrial insurance premium rate for distressed traditional industries. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6738 be substituted therefor, and the substitute bill do pass. Signed by Senators Anderson, Vice Chairman; Conner, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6742 Prime Sponsor, Senator Newhouse: Authorizing an additional superior court judge in Yakima county. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6742 be substituted therefor, and the substitute bill do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 5, 1988

SJR 8228 Prime Sponsor, Senator Pullen: Proposing a constitutional amendment creating crime victim's rights. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8228 be substituted therefor, and the substitute resolution do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Talmadge.

Passed to Committee on Rules for second reading.

February 5, 1988

SJR 8230

Prime Sponsor, Senator West: Reducing the liability for that portion of debt covered by the Washington life and disability insurance guarantee association. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8230 be substituted therefor, and the substitute resolution do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Smitherman.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Vognild, the Committee on Rules was relieved of further consideration of Senate Bill No. 6724. (Referred to Committee on Rules earlier today)

On motion of Senator Vognild, Senate Bill No. 6724 was referred to the Committee on Ways and Means.

MOTION

At 6:03 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Monday, February 8, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 8, 1988

The Senate was called to order at 9:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Moore and Owen. On motion of Senator Bender, Senator Moore was excused.

The Sergeant at Arms Color Guard, consisting of Eagle Scouts Kevin Hert, from the Fort Simcoe Council in Yakima and Sam Blocher, from the Mt. Rainier Council in Puyallup, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

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

MOTION

On motion of Senator Zimmerman, the following resolution was adopted:

SENATE RESOLUTION 1988-8699

by Senators Zimmerman, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams and Wojahn

WHEREAS, Monday, February 8, marks the seventy-eighth anniversary of the Boy Scouts of America; and

WHEREAS, Scouting maintains a strong presence through four hundred and eleven local councils across the United States; and

WHEREAS, Over eighty-three million Americans have been members of the Boy Scouts of America since its incorporation in the United States in 1910; and

WHEREAS, The state of Washington is served by twelve councils, each sending a representative to Olympia to make their annual report to the Governor; and

WHEREAS, The scouting program begins with youth at age seven and continues through the Explorer Scout program that involves youth between ages fourteen and twenty-one; and

WHEREAS, The Scout law inspires people always to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Many of our state and national leaders have participated in the Boy Scout program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the Boy Scouts of America and the twelve councils serving Washington State for the service and benefit to the youth of this state; and

BE IT FURTHER RESOLVED, That the members of this body encourage support in their home districts for scouting programs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the National Office of the Boy Scouts of America in Irving, Texas; The Western Regional Office of the Boy Scouts of America in Sunnyvale, California; and the twelve Boy Scout councils serving Washington State.

Senator Zimmerman introduced the Boys Scouts who were seated in the gallery and welcomed the Boys Scouts to the Senate Chamber.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 4, 1988

SB 6223 Prime Sponsor, Senator West: Establishing an international trade and investment information program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6294 Prime Sponsor, Senator Newhouse: Establishing the special employer services account. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6294 as recommended by the Committee on Economic Development and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Cantu, Deccio, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Talmadge, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6379 Prime Sponsor, Senator Hayner: Extending the excise tax deferral and credit programs for manufacturing and research and development activities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6379 be substituted therefor, and the substitute bill do pass. Signed by McDonald, Chairman; Craswell, Vice Chairman; Bauer, Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Talmadge, Vognild, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6441 Prime Sponsor, Senator Kiskaddon: Requiring day care providers and workers to have training in recognizing and reporting child abuse and prohibiting corporal punishment by day care providers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6441 as recommended by Committee on Children and Family Services be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Cantu, Deccio, Gaspard, Johnson, Lee, Newhouse, Saling, Vognild, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6519 Prime Sponsor, Senator Anderson: Changing provisions relating to the method of determining the depreciation base of certain nursing homes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Cantu, Deccio, Johnson, Lee, Newhouse, Saling, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6561 Prime Sponsor, Senator Saling: Exempting from use tax certain property acquired by institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6561 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Cantu, Deccio, Fleming, Gaspard, Johnson, Lee, Moore, Newhouse, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6602 Prime Sponsor, Senator Saling: Encouraging the donation of modern equipment to institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6602 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6618 Prime Sponsor, Senator Lee: Creating an office of mobile home affairs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6618 as recommended by the Committee on Economic Development and Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

There being no objection, the President Pro Tempore advanced the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

February 5, 1988

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 46,

SECOND SUBSTITUTE HOUSE BILL NO. 318,

SUBSTITUTE HOUSE BILL NO. 608,

HOUSE BILL NO. 1109,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 5, 1988

Mr. President:

The House has adopted:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4433, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING

SJM 8030 by Senators Barr, Hansen and Sellar
 Requesting expedited funding for the lighting system at Grand Coulee Dam.
 Hold.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 46 by Committee on Local Government (originally sponsored by Representatives May, Ferguson, Haugen, Lux, Miller, Betzoff, Allen, Braddock, Hine, Leonard and J. Williams)

Providing for the distribution of the local watercraft excise tax to cities and towns providing marine patrol services.

Referred to Committee on Ways and Means.

2SHB 318 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, P. King, Nutley, Prince and Chandler) (by request of Insurance Commissioner)

Revising provisions on insurance.

Referred to Committee on Financial Institutions and Insurance.

SHB 608 by Committee on Judiciary (originally sponsored by Representatives P. King, Hargrove, Patrick, Heavey, Padden, Kremen, Crane, Bristow, Appelwick, Locke, Lewis, Moyer, L. Smith, Holm, Haugen, Todd, Jesernig and Sanders)

Imposing penalties for malicious reporting of child or dependent adult abuse or neglect.

Referred to Committee on Law and Justice.

HB 1109 by Representatives O'Brien and May

Establishing requirements for certified real estate appraisals.

Referred to Committee on Economic Development and Labor.

ESHB 1465 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Brough, Belcher, Appelwick, Locke, Schmidt and Todd)

Providing for a state-wide child support schedule.

Referred to Committee on Law and Justice.

EHCR 4433 by Representatives Jacobsen, Miller, Nelson, Silver, Ebersole, Holland, Heavey, Prince, Cooper, Peery, Jesernig, K. Wilson, Appelwick, Fox, Ferguson, S. Wilson, Unsoeld, Barnes, Basich, P. King, Dellwo, Dorn, Grimm, Spanel and May

Approving the master plan for higher education and establishing a study group.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Joint Memorial No. 8030 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6373, by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

Correcting obsolete statutory references.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6373.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6373, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Owen - 1.

Excused: Senator Moore - 1.

SENATE BILL NO. 6373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 6374, by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

Correcting references to the state boxing commission.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6374.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6374, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Moore, Owen - 2.

SENATE BILL NO. 6374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6375, by Senators Pullen, Talmadge and McCaslin (by request of Statute Law Committee)

Revising references to the department of wildlife.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6375.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6375, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Moore, Owen - 2.

SENATE BILL NO. 6375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6148, by Senators Pullen, Halsan, Garrett, Johnson and Barr

Revising certain procedures for applying for concealed pistol licenses.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6148 was substituted for Senate Bill No. 6148 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 26, after "citizenship." insert "An applicant who is not a citizen shall provide documentation showing resident alien status and the applicant's intent to become a citizen."

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 6148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, really I have two questions. The first relates to the provisions of the bill that exempt from disclosure a list of applicants for concealed weapons permits. Is there any intention on the part of the proponents of the legislation to exempt from disclosure to law enforcement agencies the identity of applicants for concealed weapons permits?"

Senator Pullen: "No, absolutely not."

Senator Talmadge: "Secondly, I have a question that was raised in the course of the hearing of this bill and the bill that was related to weapons that were not detectable by normal kinds of metal detectors and other security devices used in jails and courthouses and airports. Senator Pullen, Mr. Judy, from the National Rifle Association, testified that fully twenty percent of the present firearms can get through the normal kind of magnetometer or other kinds of security detection device in an airport, a jail, or a courthouse facility. That twenty percent figure has been gnawing at the back of my mind and the question I have for you as chairman of the Law and Justice Committee, is it your intention to take up the issue of security devices of the sort to which Mr. Judy referred and the fact that a significant number of weapons of a variety of manufactures can get through those kinds of security devices?"

Senator Pullen: "Yes, Senator Talmadge, your question is an excellent question. In fact, we've already begun to take the issue up through the hearing that we previously called and through the discussion that your particular bill that you introduced was able to generate. We hope to continue this effort. It's not the kind of area that can be decided upon immediately or instantaneously. There are many,

many questions that have to be answered. For example, under what circumstances are twenty percent of the firearms getting past the detection devices? Now, some of that is due to lack of vigilance by the human operators of the system. Some of it is due to firearms of a certain composition, particularly stainless steel, or below a certain mass, usually below the range of eight to twelve ounces not being as easily detected. Some of it is also due to the sensitivity setting that the magnetometers are set.

"These are important questions that need to be answered. We have requested some of the officials at Sea-Tac Airport to provide us with a demonstration and I was hoping to set up a committee hearing at Sea-Tac, so that we could actually do some tests ourselves. When I made that inquiry, they were kind of nervous and said they had to go to federal officials to further discuss the issue and we're waiting for them to get back to us, and as soon as they get back to us, we hope to pursue this with considerable effort."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, I'm concerned. You, as chairman of the Law and Justice Committee, and Senator Talmadge have done an excellent job and are doing an excellent job. Is it your intent to preserve the right of the people of the United States to preserve the constitutional right to bear arms in defense of themselves and their country?"

Senator Pullen: "Senator Rasmussen, I stand by my oath of office where I swore before God that I would defend the Constitution, and the Constitution very clearly guarantees the citizens the right to keep and bear arms."

Senator Rasmussen: "Thank you, Senator Pullen. I wanted to bring that out because Senator Pullen said some people may think that everything is flying through that committee. That's known as the graveyard of the Senate—the Law and Justice Committee. Senator Talmadge well knows that more bills stay in there than come out. Senator Pullen is doing the same excellent job of screening the bills that go through there and Senator Pullen deserves commendation for the fact that he is preserving—and he paid a little attention when he took that oath of office that he would support the laws in the state of Washington, so that when we change the law, he supports it. He supports the Constitution of the state of Washington and the United States and I think that is very important.

"I have known sometimes—not with these present elegant or exquisitely law-abiding members of the Senate—I've heard people say on the floor of this Senate, 'So what, the Constitution means what I say,' and the Constitution doesn't, the Constitution means what the people say and we should listen to our oath of office. Senator Pullen does and should be commended. I think this is excellent legislation, though it is minor. Senator Nelson made it a little clearer and that's good. Thank you very much, Senator Pullen, for the excellent job you are doing."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6148.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6148, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalif, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Voting nay: Senator Williams - 1.

Excused: Senators Moore, Owen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5653, by Senators Bender and Vognild

Providing for free hunting and fishing license for disabled veterans.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5653 was substituted for Senate Bill No. 5653 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Zimmerman: "Senator Metcalf, in connection with a fiscal note that has been asked for on January 19, I wondered if you could give us the predicted fiscal impact of the bill?"

Senator Metcalf: "The fiscal note was not provided at the time that it came before the committee. We assumed that it's a relatively small fiscal note, but there would be some. No, I do not have it. It may have come through by now, but I'm sorry I do not have it at this time."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5653.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5653, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senator Zimmerman - 1.

Absent: Senator Vognild - 1.

Excused: Senators Moore, Owen - 2.

SUBSTITUTE SENATE BILL NO. 5653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 8, 1988

SENATE BILL NO. 5653

I voted against this bill which dealt with free fishing and hunting licenses for disabled veterans because the fiscal note requested January 19, 1988, had not been provided. The vote on February 8, 1988, seemed like ample time. We need to know the fiscal impact on agencies and state government, therefore, this bill should not have been passed.

HAL ZIMMERMAN,
State Senator, 17th District

SECOND READING

SENATE BILL NO. 6109, by Senators Pullen, Halsan and Barr

Specifying the grounds for bringing a products liability action based on design defects for firearms or ammunition.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6109 was substituted for Senate Bill No. 6109 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6109.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6109, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Vognilid, von Reichbauer, Warnke, West, Zimmerman - 40.

Voting nay: Senators Bluechel, Fleming, Rinehart, Talmadge, Williams, Wojahn - 6.

Absent: Senator Bender - 1.

Excused: Senators Moore, Owen - 2.

SUBSTITUTE SENATE BILL NO. 6109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6145, by Senators Rinehart, Bailey, Bauer, Saling, Gaspard, Kiskaddon, Smitherman and Benitz

Establishing a program to promote collaborative relationships between various educational faculty and staff.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6145 was substituted for Senate Bill No. 6145 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 6145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6145.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6145, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Madsen - 2.

Excused: Senators Moore, Owen - 2.

SUBSTITUTE SENATE BILL NO. 6145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6176, by Senators Barr, Hansen, Benitz, Anderson and Bailey

Creating a uniform seed law.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6176 was substituted for Senate Bill No. 6176 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 6176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6176.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6176, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Conner - 1.

Excused: Senators Moore, Owen - 2.

SUBSTITUTE SENATE BILL NO. 6176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6178, by Senators Benitz, Barr, Hansen, Anderson, Bailey and Newhouse

Implementing the vinifera grape growers' assessment.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6178 was substituted for Senate Bill No. 6178 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 6178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6178.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6178, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Moore, Owen - 2.

SUBSTITUTE SENATE BILL NO. 6178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6210, by Senators McCaslin, Garrett, Zimmerman, Hayner and Nelson (by request of Office of State Auditor)

Authorizing the state auditor to contract with certified public accountants for municipal audits.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6210.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6210, and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, West, Williams, Zimmerman - 35.

Voting nay: Senators Garrett, Halsan, Hansen, Madsen, Rinehart, Talmadge, Vognild, Warnke, Wojahn - 9.

Absent: Senators Conner, Deccio, Fleming - 3.

Excused: Senators Moore, Owen - 2.

SENATE BILL NO. 6210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6211, by Senators McCaslin, Garrett, Zimmerman, Hayner and Nelson (by request of Office of State Auditor)

Authorizing the state auditor to contract with certified public accountants for departmental audits.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6211.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6211, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Garrett, Halsan, Hansen, Madsen, Rinehart, Talmadge, Vognild, von Reichbauer - 8.

Absent: Senator Fleming - 1.

Excused: Senators Moore, Owen - 2.

SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Fleming was excused.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6236, which was on the second reading calendar was referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 6411, by Senators Smith, Smitherman, Anderson, Deccio, Zimmerman, Lee, Craswell, West, Saling, Cantu and Johnson

Providing for replacement of lost temporary total disability payments.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6411 was substituted for Senate Bill No. 6411 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6411.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6411, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Fleming, Moore, Owen - 3.

SUBSTITUTE SENATE BILL NO. 6411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6446, by Senators Rinehart, Bluechel, Kreidler, Garrett, Gaspard and Lee

Encouraging state purchasing of recovered materials.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6446 was substituted for Senate Bill No. 6446 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendment by Senators Bluechel and Rinehart was adopted:

On page 3, beginning on line 6, strike all material down to and including "material," on line 8, and insert "Requiring a statement of the percentage range of recovered material content from the bidder providing products containing recovered material. The range shall be stated in fifteen percent increments."

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 6446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6446.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6446, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse,

Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Fleming, Moore, Owen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, all of the bills passed this morning were ordered immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 6299, by Senators Metcalf, Owen, Vognild, Barr and Conner
Revising provisions on forest protection.

The bill was read the second time.

MOTION

On motion of Senator Barr, the following Committee on Environment and Natural Resources amendments were considered simultaneously and adopted:

On page 4, line 24, after "(6) A" insert "nonfederal"

On page 6, line 13, after "purposes of" insert "section 4 of"

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Stratton be adopted:

On page 6, line 9, insert the following:

"Sec. 5. Section 36.70.330, chapter 4, Laws of 1963 as last amended by section 3, chapter 126, Laws of 1985 and RCW 36.70.330 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) (a) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan.

(b) The land use element shall also provide for protection of the quality and quantity of ground water used for public water supplies and shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound.

(c) The land use element shall also consider the degree of fire hazard in high fire-risk forested areas in providing for the location and extent of allowable residential uses and for necessary road and water system standards for residential uses:

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements."

Renumber the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Metcalf, is there any thing in this particular amendment or is there any language in the bill that would increase exposure of the state to liability?"

Senator Metcalf: "Thank you, Senator Pullen. It doesn't appear to me that this amendment does at all increase liability and I checked this out with staff, because I wanted to be clear in my own mind on this question of liability. This bill makes it very clear who is really responsible in these areas and thus the liability question will be much less of a problem under this bill than without it, so that is relative to

the bill. I can't really answer your question on the amendment, but I don't see any possible liability question arising from the amendment."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Stratton to Senate Bill No. 6299.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 6299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6299.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6299, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators McCaslin, Pullen, Rasmussen, Sellar, von Reichbauer - 5.

Excused: Senators Fleming, Moore, Owen - 3.

ENGROSSED SENATE BILL NO. 6299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5117, by Senator Barr

Requiring owners to control livestock to within twelve hours of running at large in livestock restricted area.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5117.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5117, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McDonald - 1.

Excused: Senators Fleming, Moore, Owen - 3.

SENATE BILL NO. 5117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5229, by Senators Kreidler, Deccio, Sellar, Kiskaddon and Stratton (by request of Department of Social and Health Services)

Revising the membership and duties of the state advisory committee to the department of social and health services.

The bill was read the second time.

MOTIONS

On motion of Senator Kiskaddon, the following Committee on Children and Family Services amendment was adopted:

On page 1, line 15, after "sex," insert "geographic."

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5229.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5229, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McDonald - 1.

Excused: Senators Fleming, Moore, Owen - 3.

ENGROSSED SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, and there being no objection, Engrossed Substitute Senate Bill No. 5364 was moved from the consent second reading calendar to the regular second reading calendar.

SECOND READING

SENATE BILL NO. 5451, by Senators Hansen, Patterson and Garrett

Changing requirements for operation of passenger charter carriers.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5451, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McDonald - 1.

Excused: Senators Fleming, Moore, Owen - 3.

SENATE BILL NO. 5451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5475, by Senators Gaspard, West, Tanner, Rinehart, Bauer, Williams, Bender, Moore, Talmadge and Saling (by request of Governor Gardner

Establishing the Washington fund for excellence in higher education program.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following Committee on Higher Education amendment was adopted:

On page 3, line 9, after "1," strike "1988" and insert "1989"

On motion of Senator Saling, the rules were suspended, Reengrossed Senate Bill No. 5475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Reengrossed Senate Bill No. 5475.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 5475, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Fleming, Moore, Owen - 3.

REENGROSSED SENATE BILL NO. 5475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5480, by Senators Patterson, Metcalf, Barr and Bailey

Permitting second-class school districts to hire officers' spouses on a half-time basis.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5480 was substituted for Engrossed Senate Bill No. 5480 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5480.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5480, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Vogndild, von Reichbauer, West, Williams, Zimmerman - 42.

Voting nay: Senators Talmadge, Wojahn - 2.

Absent: Senators Smitherman, Warnke - 2.

Excused: Senators Fleming, Moore, Owen - 3.

SUBSTITUTE SENATE BILL NO. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5500, by Senators Talmadge, Hayner, Lee and Rasmussen
Relating to the fixing of fair value for homestead property for foreclosure.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5500 was substituted for Senate Bill No. 5500 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5500, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Deccio - 1.

Excused: Senators Moore, Owen - 2.

SUBSTITUTE SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5586, by Senators Lee, Tanner, West and Bauer (by request of Department of Labor and Industries)

Eliminating provisions relating to hours of labor.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5586 was substituted for Senate Bill No. 5586 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5586 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5586.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5586, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Moore, Owen - 2.

SUBSTITUTE SENATE BILL NO. 5586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8030, by Senators Barr, Hansen and Sellar
 Requesting expedited funding for the lighting system at Grand Coulee Dam.
 The memorial was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Joint Memorial No. 8030 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8030, and the memorial passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bauer, Hayner, Lee, Vognild - 4.

Excused: Senators Moore, Owen - 2.

SENATE JOINT MEMORIAL NO. 8030, having received the constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

February 5, 1988

2SSB 5383 Prime Sponsor, Committee on Ways and Means: Creating the capital projects incentive program for community colleges. Reported by Committee on Ways and Means

MAJORITY recommendation: That Third Substitute Senate Bill No. 5383 be substituted therefor, and the third substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Cantu, Deccio, Fleming, Gaspard, Johnson, Lee, Moore, Newhouse, Saling, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6118 Prime Sponsor, Senator Wojahn: Providing for the establishment of state child care policy. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6118 as recommended by Committee on Children and Family Services be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Cantu, Fleming, Gaspard, Lee, Moore, Newhouse, Saling, Talmadge, Vognild, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1988

SB 6191 Prime Sponsor, Senator Craswell: Establishing local citizen substitute care review boards for juveniles. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6191 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Deccio, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1988

SB 6284 Prime Sponsor, Senator Bender: Establishing the office of capital projects. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6284 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman, Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 12:00 noon, on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 7:36 p.m. by President Pro Tempore Bluechel.

REPORTS OF STANDING COMMITTEES

February 8, 1988

SB 6192 Prime Sponsor, Senator Patterson: Exempting from sales and use tax fuel purchased for marine use by the state ferry system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6221 Prime Sponsor, Senator Deccio: Modifying provisions relating to sexually transmissible diseases. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6221 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6275 Prime Sponsor, Senator Smitherman: Providing for small business loans. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6275 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Saling, Vognild, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6277 Prime Sponsor, Senator Warnke: Establishing the business and job retention program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6277 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Saling, Smith, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6368 Prime Sponsor, Senator Conner: Revising the property tax imposed for veterans' assistance. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bauer, Deccio, Gaspard, Johnson, Lee, Moore, Saling, Talmadge, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6380 Prime Sponsor, Senator Barr: Providing for a water use efficiency study. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6380 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6384 Prime Sponsor, Senator Owen: Creating a wetlands management committee. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6384 be substituted therefor, and the second substitute do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6437 Prime Sponsor, Senator Deccio: Changing provisions relating to the investment allowance for nursing homes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6437 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6466 Prime Sponsor, Senator Vognild: Revising retirement benefit calculation for certain county employees. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6484 Prime Sponsor, Senator Zimmerman: Revising provisions on sales tax exemption permits for nonresidents. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6484 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Hayner, Johnson, Lee, Saling, Smith, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6491 Prime Sponsor, Senator McDonald: Authorizing unclaimed lottery prizes to be deposited in the housing trust fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6491 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Deccio, Fleming, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6513 Prime Sponsor, Senator Barr: Providing for water supply emergencies. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6513 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6531 Prime Sponsor, Senator Niemi: Making appropriations to department of social and health services for payment rate increases for day care services and a day care subsidy program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Fleming, Gaspard, Johnson, Lee, Moore, Newhouse, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6605 Prime Sponsor, Senator Hayner: Modifying pension portability provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6605 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Fleming, Gaspard, Moore, Talmadge, Vognild, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6623 Prime Sponsor, Senator Barr: Revising allocations for small school district capital construction. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6623 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6628 Prime Sponsor, Senator Smith: Eliminating personal use fishing licenses. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6628 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6643 Prime Sponsor, Senator Lee: Amending business and occupation tax deductions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6643 be substituted therefor, and the substitute bill do pass. Signed by McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6653 Prime Sponsor, Senator Deccio: Revising provisions on the lodgings tax. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6653 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Williams.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6724 Prime Sponsor, Senator Barr: Revising provisions on water resources. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6724 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1988

SB 6741 Prime Sponsor, Senator Metcalf: Relating to storage tanks. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6741 as recommended by Committee on Environment and Natural Resources be substituted therefor, and the substitute bill be referred to Committee on Rules without recommendation. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Vogtild, Warnke, Zimmerman.

Passed to Committee on Rules without recommendation.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 6638.

On motion of Senator Newhouse, Senate Bill No. 6638 was referred to the Committee on Rules.

MOTION

At 7:38 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, February 9, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 9, 1988

The Senate was called to order at 9:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Moore, Owen, Smith and Wojahn. On motion of Senator Bender, Senators Owen and Wojahn were excused. On motion of Senator Zimmerman, Senator Smith was excused.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Bagott and Sunrise McKinney, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM SECRETARY OF STATE

February 8, 1988

The Honorable,
 President of the Senate
 The Legislature of the State of Washington
 Olympia, Washington
 Dear Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 97, a copy of which was certified to you on January 11, 1988, and we have determined that the Initiative contains the signatures of at least 153,090, legal voters of the state of Washington. As this number exceeds that required by the State Constitution (151,133), we hereby certify that the Initiative to the Legislature 97 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the state of Washington, on this eighth day of February, 1988.

(Seal)

RALPH MUNRO, Secretary of State

MESSAGE FROM THE HOUSE

February 8, 1988

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4441, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6751 by Senator McDonald

AN ACT Relating to teachers' salary credits for in-service training; amending RCW 28A.71.110; and adding a new section to chapter 28A.71 RCW.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4441 by Representatives Ebersole and Ballard

Providing for a joint legislative session to recognize recipients of the State Medal of Merit.

Hold.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4441 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4441, by Representatives Ebersole and Ballard

Providing for a joint legislative session to recognize recipients of the State Medal of Merit.

The resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4441 was advanced to third reading, the second reading considered the third and the resolution was adopted.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9030, Dr. Eliot W. Scull, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

Senator Sellar spoke to the confirmation of Dr. Eliot W. Scull as a member of the Interagency Committee for Outdoor Recreation.

APPOINTMENT OF DR. ELIOT W. SCULL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Zimmerman - 44.

Absent: Senators Conner, Moore - 2.

Excused: Senators Owen, Smith, Wojahn - 3.

MOTION

On motion of Senator Bender, Senators Conner and Moore were excused.

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9117, John Reynolds, as Director of the Department of Veterans Affairs, was confirmed.

APPOINTMENT OF JOHN REYNOLDS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Excused: Senators Conner, Moore, Owen, Wojahn - 4.

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9131, Charles C. Clarke, as Director of the Department of Community Development, was confirmed.

APPOINTMENT OF CHARLES C. CLARKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Excused: Senators Conner, Moore, Owen, Wojahn - 4.

SECOND READING

SENATE BILL NO. 5036, by Senator Rasmussen

Restricting sale of surplus salmon eggs by the department of fisheries.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5036 was substituted for Senate Bill No. 5036 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendment by Senators Metcalf, Rasmussen, Smith and DeJarnatt be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 35, Laws of 1971 as last amended by section 25, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.245 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. Subject to the department egg transfer and disease policy guidelines, the department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

The salmon enhancement advisory council, created in RCW 75.48.120, shall consider egg sales at each meeting."

POINT OF INQUIRY

Senator Warnke: "Senator Metcalf, in reading the amendment, I'm a little confused. It says, 'The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement.' If eggs are not suitable for rehabilitation or enhancement, what would they be good for?"

Senator Metcalf: "Well, what that sentence means is that you can't sell salmon eggs from the Columbia River, for example, into the Skagit River. That is, you can't use them, because of disease problems between the various districts of the state. You only use salmon eggs in a nearby river system. You don't take them clear across the state and that's what we're saying. The eggs will hatch--they can take them to Peru or Chile or wherever and they will hatch and raise salmon--but we would not want to transfer certain eggs clear across the state. Every egg, however, that is suitable for planting anywhere within those constrictions, those we want to use in our state and that's the purpose of the bill."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to the adoption of the amendment by Senators Metcalf, Rasmussen, Smith and DeJarnatt to Substitute Senate Bill No. 5036.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5036, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Zimmerman - 43.

Voting nay: Senators Bender, Kreidler, Stratton - 3.

Excused: Senators Moore, Owen, Wojahn - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6239, by Senators Zimmerman, Metcalf and Rasmussen

Establishing a hotline for fishery user groups.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6239 was substituted for Senate Bill No. 6239 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6239, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Zimmerman - 45.

Voting nay: Senator Williams - 1.

Absent: Senator Vogndild - 1.

Excused: Senators Owen, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 6239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced the following special guests, all members of the Fraternal Order of Eagles, who were seated with him on the rostrum: Grand Worthy President Vince Cherry of Chicago, Illinois; Worthy State President, Mike Lagervall of Ballard, Washington; Grand Worthy Inside Guard, Don Slade of Olympia, Washington; and Worthy Past State President, Elmer Hyppa of Buckley, Washington.

SECOND READING

SENATE BILL NO. 6247, by Senators Metcalf, Owen and Rasmussen
Prohibiting the taking of herring spawn in any commercial fishery.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6247 was substituted for Senate Bill No. 6247 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Williams: "Senator Metcalf, I'm having a little trouble understanding the last sentence of the bill. I don't understand. If you are trying to prohibit the taking of herring, in other words, save them, why should the whole section or the law that you are passing here not be applicable if the Indian fisheries takes more than fifty percent of the herring? I don't quite understand that."

Senator Metcalf: "Senator Williams, this was Senator Owen's amendment. What the bill intended to do was to say, 'nobody is allowed to take the herring roe for food.' Senator Owen was intending to say, in my opinion—he isn't here today—and if I misstate, Senator DeJarnatt or whomever, can correct me, but I think Senator Owen was trying to say if it is found that the Indians who are working on this herring roe, as well as the others, if the Indians are allowed to harvest the fertilized roe, then other people—that is the American fishermen will be allowed also to harvest herring roe."

"It is my opinion that that was the intent of the amendment. I don't like the wording very well. I would like to have had it differently worded, but that's the wording that Senator Owen felt would do the job and we went along with it. I am concerned as you are about this wording, because it doesn't seem to do quite what Senator Owen wanted to do, in my opinion."

Senator Williams: "What would you predict then would likely happen? In other words, are the Indian fisheries people going to be taking the herring and is there a likelihood that they would take fifty percent?"

Senator Metcalf: "Well, there's a likelihood that they would be taking more than fifty percent. It depends on how the Fisheries Department views it when they look at it with their attorneys to see the effect of this. It would be my hope and to establish the purpose of the bill, I believe this was Senator Owen's purpose to say, 'You can't harvest the herring roe, the fertilized roe.' If, however, you find by a court ruling or whatever, that the Indians have a right to harvest the roe to sell or to eat, then the other people also have that right."

Senator Williams: "And thus we will totally deplete the herring if you allow everybody to go at it?"

Senator Metcalf: "I am in total agreement with you that any harvest of fertilized roe set by the herring is wrong and the bill declares that this is a conservation measure, because we must conserve this vital food fish for the use that nature intended it. I believe it is wrong to take the roe to eat and I hope that that is the intent of the bill. That was my intent in introducing the bill."

Further debate ensued.

POINT OF INQUIRY

Senator Kreidler: "Senator Metcalf, one concern I have is that in the harvesting of herring roe, one of the practices that has been utilized and to the best of my knowledge, exclusively by the Indians, so far, is to net the herring and put them into pens with kelp, and then once the eggs are laid on the kelp to release the herring. I believe they are the only ones that have employed that particular practice. In that case, there is not a true harvesting of the herring. Wouldn't that, in fact, then potentially lead to a situation where the Indians were in a position to harvest more than fifty percent, but at the same time, the herring would not be killed and therefore not a true harvesting, and therefore the access to the herring resource could be considerably more for the Indians than the non-Indians?"

Senator Metcalf: "The answer to that is number one, I don't agree that this isn't a true harvest. When you pen the herring up in a restricted area and force them to spawn on the kelp there in order then to turn the herring loose and harvest the roe, you are harvesting that roe and I believe that that is not proper regardless of who does it. Now, the Indians are the ones that are doing it right now, but the Department's proposal, as I understand it, if there were no bill to allow others to do it, and those are still herring that if you didn't pen them up and harvest their roe, they would spawn elsewhere and that roe would be then fertilized and become little herring. It is my opinion that in the immediate future you may have the Indians harvesting more than fifty percent, but if we continue to let others do it too, we would probably have a balance. I think it is wrong for anyone to harvest that roe."

Further debate ensued.

MOTION

On motion of Senator Metcalf, further consideration of Substitute Senate Bill No. 6247 was deferred.

SECOND READING

SENATE BILL NO. 6349, by Senators Smith, Kreidler, Benitz, Metcalf, Barr and Patterson

Requiring licenses for professional salmon fishing guides.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6349.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6349, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Voting nay: Senators McMullen, Williams - 2.

Excused: Senator Owen - 1.

SENATE BILL NO. 6349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Kreidler: "Senator Sellar, I have a question regarding a particular report that was generated by some consultants for the Legislature and it was a report that deals with the State Employees Insurance Board--SEIB--that deals with the contract with Coopers and Lybrand, who generated a preliminary report and I believe delivered it here to the Legislature on Friday. I have a concern and I ask you the question because you are chairman of Facilities and Operations.

"I have a concern about how that report was released to the members of the Legislature. My question really deals with the question of the fact that that was a report that was essentially commissioned by the Legislature--the House and Senate--at least by the chairman of Ways and Means in the House and you, before the session began. I believe that report was available in rough draft on Friday. My staff attempted to get a copy on Friday and was told it was unavailable. I attempted to get a copy yesterday afternoon and was told that it would not be released to me and now I understand that it was in the possession of the Ways and Means Committee as of Friday, and that report is one that has been paid for by

public money and should be available to all of the members as soon as it was generated and, in fact, that was withheld.

"I find that personally an affront and I object to it most strenuously that that report should have been made available immediately to—certainly to both caucuses and leadership of both caucuses immediately and not withheld. This is not a report that was generated by private funds. It was public funds and I'm wondering if this is standard operating procedure or if this is something that is going to happen in isolation?"

Senator Sellar: "Senator Kreidler, I will try to make my answer shorter than the question. Yes, you are correct that was delivered. There is a meeting set for 12:30 today for that to be discussed and everyone has been invited to that meeting. As to the actual releasing of that particular thing, I think maybe I would defer to Dan McDonald, the chairman of the committee."

REMARKS BY SENATOR McDONALD

Senator McDonald: "Senator Kreidler, originally they had said that the report would be to us on the fifth of February, which was Friday. They later amended that and said that it would be here on Monday, the seventh or eighth, whatever, and indeed that's what happened. We received the report in my office, I think, like about one o'clock. There were eight copies—four to the House Ways and Means and four to the Senate Ways and Means. We, Representative Grimm and myself—and I talked to Senator Gaspard last night at the end of the Ways and Means Committee meeting—but he was not able to do it, but a number of us got together and decided on how we were going to distribute the report. The decision was that at 12:30 today, we are going to have a briefing by both the House and Senate Ways and Means Committees. At which time, you will have a copy of the draft report and I want to emphasize 'draft report,' because it is just that, a 'draft report.'

"There will be a briefing not by Coopers and Lybrand, because they are not here available to do that, but by our staff of their reading of it. After that meeting, then there will be copies—well even at that meeting—there will be copies available to the entire one hundred forty-seven legislators, plus the press and the public. I want to emphasize to you that this is a draft report and we will make comments back to them to be incorporated into it. We have not tried to be secretive about this. It obviously deals with a subject that has an awful lot of fiscal impact, probably some emotional impact as well. We've tried to do it in a responsible way and do it as quickly as we can. We are not trying to hide anything from you, Senator Kreidler."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, and members of the Senate. I think it is important to note here that this is not a report that was just being requested by the two chairmen of the respective House and Senate Ways and Means Committees. This is a report by the Legislature, by members of all of this body. Now, if the report was actually submitted to Senator McDonald's desk yesterday at one o'clock or two o'clock or whatever you said Dan, it was interesting to note that there was no report given to the Democratic party members, who are members of this Legislature and members of Ways and Means, also.

"You mentioned about me being informed of a meeting between you and Representative Grimm. After a five hour meeting in Ways and Means, I asked to see a report and you said, 'Oh yes, by the way, I'm meeting with Representative Grimm in just a few minutes, can you join me?' That was the only notice that I had that the report was in—the only notice I had that you were having a meeting—so don't let the people here think that I knew of a meeting that was going on. There was evidently a meeting that you and Representative Grimm wanted to put together, but you didn't inform us until we had to ask. This is an important decision that we're all going to have to make a decision on. We all want to be informed. I think we all want to be informed on a timely basis. It certainly, I think, is incumbent upon the majority party, in this case, to share that information that is supposed to be bi-partisan information on a timely basis. I don't think you've done that yet.

"Now, is there a notice, is there a meeting that is taking place today? If so, I have not seen a meeting notice that went through here. Is there actually going to be an announcement? Is there a Ways and Means meeting?"

REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President, yes indeed, there is a notice that there will be a meeting of the Ways and Means—a joint meeting of the Ways and Means Committees of both the House and Senate in HOB-A at 12:30 to 1:30."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "I was sitting here listening to this and understanding part of the problem and it suddenly is getting much worse. There's a joint meeting of Ways and Means scheduled for 12:30 today, is that correct? When was that decision made? This is the first indication—about four minutes ago Senator Newhouse told me there'd be a meeting at 12:30 today of Ways and Means. It would appear to me, if there was a joint meeting with the House and Senate, that must have taken some organizational structure somehow. Was that meeting just now set?"

REPLY BY SENATOR McDONALD

Senator McDonald: "Senator Vognild, I guess you can look for problems in this. We have attempted, to the best of our ability, within the constraints and the time that I had. As you remember, from two o'clock until seven o'clock, we were a little bit busy in the Ways and Means Committee. Representative Grimm and myself—and if Senator Gaspard had been available—sat down and tried to decide, how we were going to get this information out in the most timely fashion and to the people as quickly as possible and in a coordinated manner. We decided at that time to have a meeting at lunch time of both of our bodies and that was at 12:30 to 1:30. Now, if you want to read into that some kind of malicious intent, you certainly can avail yourself to do that, but there certainly wasn't. This is the attempt to get it out as quickly and in as timely a manner as possible."

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, may I ask what is before the body at this time?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "The next bill before the body is Senate Bill No. 6571."

Senator Newhouse: "I move we proceed."

SENATOR VOGNILD CONTINUES

Senator Vognild: "Did I not have the floor? I asked Senator McDonald a question and he responded. If I may just continue, and I'll make it very quick, Senator, I guess the only thing that concerns me, and I do not question the intent of what you are doing, what concerns me is that had this question not come up on this floor, then a majority of our members would not have known of a 12:30 meeting. That's my only concern. It's cleared up now. There is a 12:30 meeting. The report is out and we appreciate it and we hope that it won't happen to us, either side, in the future."

PERSONAL PRIVILEGE

Senator Kreidler: "Mr. President, a point of personal privilege. I take extreme objection, personally and individually, to this process. Now, I was just told in the wings that this report—and I was informed of this by the majority leader—that this report was available on Friday. I want to clarify that this is not a timely dealing with this particular issue. It is an issue of strict importance to my district and I find it extremely important that we deal with it in a timely fashion.

"If it was available on Friday, as the Senate majority leader has informed me, then indeed we are not dealing with it in a timely fashion. This is a report that should have been available to me as an individual of this body, and I take extreme exception of the process that's being involved here."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President. I think we're making a mountain out of a mole hill here and we've got more important things to do. I thought that the report was delivered on Friday. It was intended that it be delivered on Friday, but as Senator McDonald has said, they delayed it two days. So, I was wrong, but I think there has been no attempt to hide this in any way shape or form. We have been so open with you in every way and all you had to do was walk across to my office and express your concern and it would have been taken care of. We have tried to keep this on a smooth, even keel as well as possible, and I hope that you realize that. We will go forward now."

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore announced the presence in the Senate Chamber of the Washington State Dairy Princess and her party. The President Pro Tempore appointed Senators West, Metcalf, Bauer, Smith and Bailey to escort the honored guests to the Senate Rostrum.

The President Pro Tempore introduced the Washington State Dairy Princess, Syrie Hollen, the first alternate princess, Susan Lanting, and the second alternate princess, Melinda Flaig.

With permission of the Senate, business was suspended to permit Princess Syrie to address the Senate.

The President Pro Tempore also introduced the Washington State Dairy Family of the Year, Boyd and Terri Johnson and their daughters, Jennifer, Kristin, Kimberly and Lori, from Battle Ground, who were seated in the gallery.

Senator Fleming gave a special welcome to the delegation from the Dairy industry who were present in the Senate Chamber.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

SECOND READING

.SENATE BILL NO. 6572, by Senator Smith

Clarifying the designation of certain salmon fishing areas.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6572.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6572, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 28.

Voting nay: Senators Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, Moore, Niemi, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Wamke, Williams, Wojahn - 20.

Excused: Senator Owen - 1.

SENATE BILL NO. 6572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Madsen was excused.

SECOND READING

SENATE BILL NO. 6647, by Senators Metcalf, Rasmussen, Conner, Barr, Owen, Nelson, Zimmerman, von Reichbauer, Vognild, Anderson, DeJarnatt, McMullen, Craswell, Kreidler and Bauer

Requiring a plan to increase salmon production one hundred percent by the year 2000.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following amendments by Senators Metcalf and DeJarnatt were considered simultaneously and adopted:

On page 1, line 19, after "the" insert "Columbia River section of the"

On page 1, line 22, after "by" strike "December 1, 1988" and insert "March 15, 1990"

On page 1, line 22, after "1988," insert "The Puget Sound and Washington coastal section of the plan shall be submitted to the house of representatives and senate ways and means, environment and natural resources, environmental affairs and natural resources committees by January 1, 1992."

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 6647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6647.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6647, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Conner - 1.

Excused: Senators Madsen, Owen - 2.

ENGROSSED SENATE BILL NO. 6647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8019, by Senators Metcalf, DeJarnatt, Anderson, Conner and von Reichbauer

Requesting curtailment of the foreign catch of Washington-produced salmon.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Joint Memorial No. 8019 was substituted for Senate Joint Memorial No. 8019 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Joint Memorial No. 8019 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8019.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8019, and the memorial passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson,

Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Johnson - 1.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8019, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6571, by Senators Smith and Zimmerman

Providing for a special senior citizen salmon and steelhead bank fishing recreation area.

The bill was read the second time.

MOTION

Senator Warnke moved that the following amendments by Senators Warnke, Talmadge, Rasmussen, Smitherman, Vognlid, Fleming, Bender and Garrett be considered simultaneously and adopted:

On page 1, after line 7, strike all material down to and including "area" on line 10 and insert "areas on each river of the state deemed appropriate for such use by the director. The purpose of establishing such bank fishing areas"

On page 1, line 16, after "fishing" strike all material down to and including "area" on line 19, and insert "areas on each river of the state deemed appropriate for such use by the director. The purpose of establishing such bank fishing areas"

Debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator Metcalf has spoken elegantly about the need for the Director of Fisheries to be involved in the decision making process. Senator Metcalf, is this a departmental request bill?"

Senator Metcalf: "No, it is not."

Further debate ensued.

Senator Talmadge demanded a roll call.

POINT OF INQUIRY

Senator Fleming: "Senator Metcalf, I know you have a great amount of concern about fish."

POINT OF ORDER

Senator Nelson: "I believe that there was no action on the request for a roll call."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "I have not called for the roll call. I will do so after Senator Metcalf speaks."

SENATOR FLEMING POINT OF INQUIRY CONTINUES

Senator Fleming: "And I know that you have a great amount of concern for seniors, too. You are not suggesting that some seniors were more deserving than other seniors in this particular area?"

Senator Metcalf: "No, I have not suggested that at any time."

Senator Fleming: "That is not what you were suggesting?"

Senator Metcalf: "No, I was saying we're dealing with a particular bank of the Columbia River for a limited area and that this amendment extends to all the rivers of the state, and the Department has vast powers in this area, so I wasn't talking about restricting anyone."

Senator Fleming: "Well, I would suggest they would have the powers to do this, if they wanted to."

Senator Metcalf: "They certainly do"

Senator Fleming: "And you are putting in a bill to allow them to do it to this area? Then I would think it's more than fair to do it for the other seniors in the state."

Further debate ensued.

POINT OF ORDER

Senator Zimmerman: "Mr. President, a point of order. I think I wish to challenge the amendment on the scope and object of it, please. I'd appreciate your having some legal look at it. The bill speaks of a specific recreation area, obviously very specifically and talks about one spot. It also is a very narrow, narrow bill in the sense of what the two sections deal with and quite obviously the amendment does expand it greatly. I mean it expands it by about ten thousand percent if you want to count the rivers of the state. I guess that I would feel that needs to be given some consideration from that standpoint."

MOTION

Senator Nelson moved that further consideration of Senate Bill No. 6571 be deferred.

POINT OF ORDER

Senator Warnke: "Mr. President, a point of order. I was not allowed to speak on the motion of the scope and object and it's my amendment."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "One person is allowed to speak from each side. You may proceed."

Further debate ensued.

MOTION

On motion of Senator Nelson, and there being no objection, further consideration of Senate Bill No. 6571 was deferred.

SECOND READING

SENATE BILL NO. 6195, by Senators Vognild, Metcalf, Rasmussen, Conner, DeJarnatt, Deccio, Garrett, Madsen, Hansen and Halsan

Establishing civil and criminal liability for hindering logging activities.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6195 was substituted for Senate Bill No. 6195 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6195.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6195, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 6195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6397, by Senators Barr and Rasmussen

Revising provisions relating to forest fires.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6397.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6397, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Bauer - 1.

Excused: Senator Owen - 1.

SENATE BILL NO. 6397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6480, by Senators DeJarnatt, Metcalf, Owen and Pullen

Establishing the crime of obstructing the taking of fish or wildlife.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator DeJarnatt, could you give me a clarification--if this would apply to people going in like scattering elk herds before the season started?"

Senator DeJarnatt: "Now, that gets into a sticky-wicket, because they are not directly interfering with someone who is lawfully engaged in the practice, but I think it could possibly be so construed. You're getting into some real gray area now."

Senator Anderson: "That would be the distinction between interfering with a person hunting though and interfering with what they hunt?"

Senator DeJarnatt: "I think it could, but that raises a gray area in that such activity would be conducted before the season has started. This bill deals with the rights of hunting and fishing legally. As you can't hunt or fish legally out of season, I don't believe the practice of scattering elk before the season would apply."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6480.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6480, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen,

Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Anderson, Kreidler, Lee - 3.

Absent: Senator Moore - 1.

Excused: Senator Owen - 1.

SENATE BILL NO. 6480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 6571, and the pending amendments on page 1, lines 7 and 16, by Senators Warnke, Talmadge, Rasmussen, Smitherman, Vognild, Fleming, Bender and Garrett, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Zimmerman, the President finds that Senate Bill No. 6571 is a measure providing for a special senior citizen salmon and steelhead bank fishing recreation area in the Columbia River from six hundred feet below Bonneville Dam Fishway to the Megler-Astoria Bridge.

"The amendments proposed by Senators Warnke, Talmadge, Rasmussen, Smitherman, Vognild, Fleming, Bender and Garrett provide for similar areas on each river in the state deemed appropriate by the Director of Fisheries.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senators Warnke, Talmadge, Rasmussen, Smitherman, Vognild, Fleming, Bender and Garrett to Senate Bill No. 6571 were ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6571.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6571, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Excused: Senator Owen - 1.

SENATE BILL NO. 6571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Rinehart was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8022, by Senators Metcalf, Bender and Kreidler

Requesting stable federal funding for parks and recreation.

The memorial was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Joint Memorial No. 8022 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Metcalf, does the resolution suggest where this money is going to come from? I know that they have certain money, but you want additional money. Did you suggest a revenue source to get that additional money in view of the budget deficit that we have on the national level that you so strongly oppose?"

Senator Metcalf: "No, Senator Fleming, you misunderstood my previous remarks. We are not asking for additional money. As you know, the federal money that's coming for these various programs is decreasing as their problems escalate, so we are not asking for additional money. We're saying, 'the money that you send, please develop, so that we can count on it, so that we know about how much you're going to send.' We're not asking for additional money."

Senator Fleming: "Senator, are you saying you would like for them to reprioritize?"

Senator Metcalf: "No, Senator Fleming, they have their priorities. They have federal legislation and they have made the decision to help to fund parks and recreation. They considered that a legitimate national expenditure and I do, too."

"What they're doing, is saying, 'we can't get you as much as we did,' but what we've said is, 'Fine, we appreciate whatever you can send, but if you send a lot of money one year and a little bit the next year, then a lot of instability just fouls up our system. We would like to know what we can count on.'"

Senator Fleming: "I understand you. In other words, you'd be willing to accept less money, as long as you knew that less amount of money was coming at a predicted time. Is that what you're suggesting?"

POINT OF ORDER

Senator Newhouse: "A point of order. I think we should object to the dialogue going on under the guise of question and answer. I suspect questions should be one short question and I hope the answer is short, also."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "I would request the members to address the chair when they want to ask a second question."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8022.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8022, and the memorial passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Patterson - 1.

Absent: Senators Gaspard, Moore - 2.

Excused: Senators Owen, Rinehart - 2.

SENATE JOINT MEMORIAL NO. 8022, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 8028, by Senators Zimmerman and Bauer

Petitioning Congress and the Army Corps of Engineers to designate sites in the Columbia River Gorge National Scenic Area to receive spoil material to improve the recreational value of those sites.

The memorial was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Joint Memorial No. 8028 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8028.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8028, and the memorial passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Kiskaddon, Moore - 2.

Excused: Senator Owen - 1.

SENATE JOINT MEMORIAL NO. 8028, having received the constitutional majority, was declared passed.

MOTION

At 11:57 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pro Tempore Bluechel.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9138, Lawrence E. Sanford, as a member of the State Board for Community College Education, was confirmed.

APPOINTMENT OF LAWRENCE E. SANFORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 9; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 39.

Absent: Senators Conner, Craswell, Deccio, McMullen, Moore, Rasmussen, Rinehart, Sellar, Wojahn - 9.

Excused: Senator Owen - 1.

SECOND READING

SENATE BILL NO. 6235, by Senators Metcalf, Owen, Rasmussen and von Reichbauer (by request of Department of Ecology)

Creating the water pollution control account and authorizing financial assistance from it.

MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 6235 was substituted for Senate Bill No. 6235 and the second substitute bill was placed on second reading and read the second time.

Senator Lee moved that the following amendments by Senators Lee, Warnke and Vognild be considered simultaneously and be adopted:

On page 3, following line 5, delete all material down to and including the period on line 8
On page 4, following "(4)" on line 36, insert

"Before November 1 of each year, the department shall develop and submit to the chairs of the ways and means committees of the senate and the house of representatives a prioritized list of projects or activities which are recommended for loans under this section, including one copy to the staff of each committee. The list shall include, but not be limited to, a description of each project or activity and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction, demonstration of the jurisdiction's critical need for the project or activity and documentation of local funds being used to finance the project or activity. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(5)"

On page 5, following "1987" on line 23, insert ", including the distribution schedule specified in RCW 70.146.060"

There being no objection, further consideration of Second Substitute Senate Bill No. 6235 was deferred.

MOTION

On motion of Senator Bender, Senators Conner and McMullen were excused.

SECOND READING

SENATE BILL NO. 6264, by Senators Metcalf, Kreidler, Smith and Anderson

Requiring a report on the management of infectious wastes.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6264 was substituted for Senate Bill No. 6264 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6264, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Conner, McMullen, Owen - 3.

SUBSTITUTE SENATE BILL NO. 6264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6235 and the pending amendments on page 3, line 5, page 4, line 36 and page 5, line 23, by Senators Lee, Warnke and Vognild, deferred earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Lee, Warnke and Vognild to Second Substitute Senate Bill No. 6235.

The motion by Senator Lee carried and the amendments were adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6235.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6235, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Deccio - 1.

Excused: Senators Conner, Owen - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6266, by Senators Metcalf, Vognild and Barr

Revising provisions for aquifer protection districts.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6266 was substituted for Senate Bill No. 6266 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Williams: "Senator Metcalf, I'm reading the bill and my English may not be the best in the world, but if you read the bill, there's something wrong with the grammar of this particular bill. The section speaks; it's a sub-section, and it starts out 'aquifer protection areas may impose fees to fund a preparation of a comprehensive plan to protect, preserve, and rehabilitate subterranean water. This plan may be prepared as a portion of county sewerage and/or water general plan pursuant to RCW 36.94.030; (2) The construction of facilities for,' and it goes on. If you'll read it, it doesn't read right. I would suggest that maybe there's some amendatory language that needs to be corrected in there."

Senator Metcalf: "Thank you, Senator Williams. I didn't pick that up. Maybe we should set the bill down one bill and go ahead with the other one and get back to this one."

MOTION

On motion of Senator Metcalf, and there being no objection, further consideration of Substitute Senate Bill No. 6266 was deferred.

SECOND READING

SENATE BILL NO. 6511, by Senators Metcalf, Owen, Smith, Kreidler and Bailey

Providing for the containment of garbage or other material.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendments were considered simultaneously and adopted:

On page 1, line 22, strike "paved" and insert "(paved)";

On page 1, line 29, after "welfare," insert "Local law enforcement entities shall have the authority to enforce the provisions of this section."

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 6511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6511.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6511, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Niemi, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams - 34.

Voting nay: Senators Anderson, Barr, Bauer, Benitz, Halsan, Hansen, Hayner, Madsen, Newhouse, Patterson, Sellar, Stratton, Wojahn, Zimmerman - 14.

Excused: Senator Owen - 1.

ENGROSSED SENATE BILL NO. 6511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOMENT OF SILENCE

At 2:00 p.m., at the request of Senator Vognild, members of the Senate stood in silence in memory of the sister of President John A. Cherberg, Annie Hagerty, whose funeral was scheduled to start in Seattle at 2:00 p.m.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6266, deferred on third reading and final passage earlier today.

MOTIONS

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6266 was returned to second reading and read the second time.

Senator Nelson moved that the following amendment be adopted:

On page 1, line 20, strike "may" and insert "to"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Nelson to Substitute Senate Bill No. 6266.

The motion by Senator Nelson carried and the amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6266.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6266, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator West - 1.

Absent: Senator Smith - 1.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6720, by Senators Metcalf and Madsen

Providing for the management of waste tires.

The bill was read the second time.

MOTION

On motion of Senator Madsen, the following amendments by Senators Madsen and Metcalf were considered simultaneously and adopted:

On page 1, line 10, strike "and" and insert "(and)"

On page 1, line 11, after "RCW 70.95.020(5)" insert "; and

(3) To fund the study authorized in section 2 of this 1988 act"

On page 1, line 21, after "state," insert "The governor shall appoint members to the advisory committee."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 6720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Williams: "Senator Madsen, I'm certainly going to support your bill, however I'm a little interested in the language of the bill, because you have put in a section in here which requires that the money in the fund go to remove tires from various communities and that's the highest priority, but you also have asked to fund the study. I'm just wondering if there's going to be any money left to fund the study in the advisory committee that you have in here?"

Senator Madsen: "Thank you, Mr. President. The answer to Senator Williams question is, there is sufficient money to fund both issues."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6720.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6720, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspará, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Deccio - 1.

Excused: Senator Owen - 1.

ENGROSSED SENATE BILL NO. 6720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8027, by Senators Metcalf, Owen, Smith and Bailey

Urging the reduction of plastic wastes in the Pacific Ocean.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Joint Memorial No. 8027 was substituted for Senate Joint Memorial No. 8027 and the substitute memorial was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Joint Memorial No. 8027 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8027.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8027, and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8027, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5595, by Senator Kreidler

Establishing liens for owners of self-storage facilities.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5595 was substituted for Senate Bill No. 5595 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5595.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5595, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Niemi - 1.

Absent: Senators Deccio, McMullen - 2.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5708, by Senators Lee, Warnke, Bluechel, Smitherman and Bailey

Establishing a fair competition review commission.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 5708 was substituted for Senate Bill No. 5708 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5708 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator McCaslin: "Senator Lee, is this broad enough to cover institutional industries of the Department of Corrections? I notice sub three identifies statutes and policies of state and local government, etc. Let me tell you why I'm asking that question. In Walla Walla, they are producing the concrete covers for caskets when they bury you and there's also a private sector company that produces those, so if we're training people in prisons to make concrete covers and we put the private people out of business, when the inmate gets out there's no business to go to, so the training is for naught."

Senator Lee: "Senator McCaslin, that could be one of the issues they're looking at, when both the private sector and the public sector are in the same business, so with your example it would be one of the things they could examine. We're not looking at the other side of the coin, where one sector is not in the business to see whether they should be in it or not, but those things where there is either an apparent or real conflict. Sometimes, in getting these folks together, you find that maybe the conflict is more imagined than real."

POINT OF INQUIRY

Senator Smitherman: "Senator Lee and others really worked very hard to get this measure before us in a form that could be supported by both business and government agencies and private not-for-profit groups. It was quite a task, really. I worked on a similar measure last year for higher education. This goes in a little different direction though, than what I established as a model for higher education. Higher education, I believe, and I could ask this, is not covered under this, Senator Lee? May I ask that?"

Senator Lee: "Senator Smitherman, in the bill we originally had before our committee, we had specifically designated that a couple of higher education persons would be among that public group, and they asked not to be singled out, so we removed that and we also specifically mentioned that one of the things that this group should do was to look at the effectiveness of the measure that you worked so hard on last year. With those two changes, they are agreeable to the bill."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Lee, I like the purpose of the bill. The question I have is related, I guess, to the idea of having a commission do this. Why couldn't we do this by a joint select committee of the Legislature or by the Economic Development and Labor Committee of this body and its counterpart in the House?"

Senator Lee: "That's an excellent question, Senator Talmadge. Those committees probably have got their plate full with more than they can handle right now--of an issue that's as complex as this particular one is. The other advantage to having such a commission designated is that the Governor actually chooses some folks from outside the legislative group--four from the private sector and four from the public sector--and those chairs are always filled by the same people at each meeting, so that the recommendations can have a little bit more consistency, a little bit more historical build-up and so on. I think we've reached the point in time that we need to do this. In this kind of commission, you do notice that we did put a sunset clause on it. I think that's important, too."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5708.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5708, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Fleming, Vognild - 2.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5720, by Committee on Education (originally sponsored by Senators Gaspard, Patterson, Barr, Bailey, Bauer and Hansen)

Revising the authority for cooperative agreements between or among school districts.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 5720 was substituted for Engrossed Substitute Senate Bill No. 5720 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Second Substitute Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5720, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Sellar - 1.

Excused: Senator Owen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

SECOND READING

SENATE BILL NO. 5844, by Senators Conner and Peterson

Regulating motor freight brokers.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5844 was substituted for Senate Bill No. 5844 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5844.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5844, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Owen, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 5844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5943, by Senators Nelson, Williams, Kiskaddon, Conner and Anderson

Revising provisions on the small claims department of district court.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5943 was substituted for Engrossed Senate Bill No. 5943 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5943 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5943.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5943, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Halsan - 1.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5943, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

SECOND READING

ENGROSSED SENATE BILL NO. 5953, by Senator Gaspard

Providing reduced work load options for certain tenured community college faculty members.

The bill was read the second time.

MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 5953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5953.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5953, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bender, Newhouse - 2.

Excused: Senators Owen, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 5953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6093, by Senators Pullen, Talmadge, Garrett, Nelson, Johnson, Rasmussen, McMullen and von Reichbauer (by request of Department of Corrections)

Providing for presentence reports on sexual offenders.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 13, strike "for the purpose of offender management"

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 6093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6093.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6093, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator West - 1.

Excused: Senators Owen, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 6093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6094, by Senators Pullen, Talmadge, Garrett, Johnson, Rasmussen and McMullen (by request of Department of Corrections)

Providing for imposing crime-related conditions on offenders.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6094 was substituted for Senate Bill No. 6094 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6094.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6094, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 6094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Metcalf: "Mr. President, members of the Senate, a point of personal privilege. I don't know how you have found it, but the books that we have to refer—the books behind us—now have the bills in order and only the bills we're working on that day. It's so much easier. I imagine somebody in this place is doing an enormous amount of work trying to keep those up to date for us, but frankly it is very much appreciated and it makes it so much easier. I would like to express my appreciation to whomever is responsible for that."

MOTION

At 3:29 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, February 10, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 10, 1988

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kreidler, Rasmussen, von Reichbauer and West. On motion of Senator Bender, Senator Kreidler was excused. On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jenifer Spencer and Stefanie Spencer, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 9, 1988

GA 9192 NANCY ABRAHAM, appointed November 1, 1987, for a term ending at the Governor's pleasure, as Director of the Department of Information Services.

Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules.

February 9, 1988

GA 9203 KEITH M. EGGEN, appointed September 16, 1985, for a term ending at the Governor's pleasure, as Adjutant General of the Military Department.

Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McCaslin, Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 8, 1988

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 152,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 537,

SUBSTITUTE HOUSE BILL NO. 1271,

HOUSE BILL NO. 1278,

HOUSE BILL NO. 1290,

HOUSE BILL NO. 1300,

HOUSE BILL NO. 1306,

SUBSTITUTE HOUSE BILL NO. 1316,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331,

ENGROSSED HOUSE BILL NO. 1341,

HOUSE BILL NO. 1348,

HOUSE BILL NO. 1361,

SUBSTITUTE HOUSE BILL NO. 1364.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1367,
 SUBSTITUTE HOUSE BILL NO. 1375,
 HOUSE BILL NO. 1397,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1486,
 HOUSE BILL NO. 1514,
 HOUSE BILL NO. 1531,
 SUBSTITUTE HOUSE BILL NO. 1568,
 SUBSTITUTE HOUSE BILL NO. 1572,
 ENGROSSED HOUSE BILL NO. 1581,
 SUBSTITUTE HOUSE BILL NO. 1592,
 SUBSTITUTE HOUSE BILL NO. 1684,
 SUBSTITUTE HOUSE BILL NO. 1783,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 8, 1988

Mr. President:

The House has adopted SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 152 by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Sutherland, H. Sommers, Leonard, Jacobsen, Moyer, Scott, P. King and Lewis) (by request of Department of Social and Health Services)

Revising the membership and duties of the state advisory committee to the department of social and health services.

Referred to Committee on Health Care and Corrections.

E2SHB 537 by Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky, Brough, Sayan, Schoon, Meyers, May, P. King and Pruitt)

Restructuring ferry advisory committees.

Referred to Committee on Transportation.

SHB 1271 by Committee on Health Care (originally sponsored by Representatives Armstrong, Brooks, Braddock, May and P. King) (by request of Department of Corrections)

Revising provisions relating to the department of corrections.

Referred to Committee on Health Care and Corrections.

HB 1278 by Representative Winsley

Authorizing continued superior court jurisdiction over weed control in certain lakes.

Referred to Committee on Environment and Natural Resources.

HB 1290 by Representatives Belcher, May and Rust (by request of Interagency Committee for Outdoor Recreation)

Changing provisions relating to the interagency committee for outdoor recreation's comprehensive guide of public parks and recreation sites.

Referred to Committee on Environment and Natural Resources.

HB 1300 by Representatives Basich, Sayan and Bumgarner (by request of Department of Fisheries)

Relating to charter boat licenses.

Referred to Committee on Environment and Natural Resources.

HB 1306 by Representatives Peery, Betrozoff, Cole, Schoon, Pruitt, Wang, Holland, Silver, Cooper, Fisher, Meyers, Day, Taylor, Grimm, Rasmussen, Basich, Walker, Todd, Dellwo, Winsley, May, Doty, Spanel, Amondson, McLean, D. Sommers, Moyer, Ferguson and P. King

Specifying the disciplinary authority and protecting classified school employees.

Referred to Committee on Education.

SHB 1316 by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cooper, Winsley, Spanel, Bumgarner, Holm, Unsoeld and Cole)

Revising provisions for meetings of boards of county commissioners.

Referred to Committee on Governmental Operations.

ESHB 1317 by Committee on Local Government (originally sponsored by Representatives Zellinsky, Ferguson, Dellwo, Cooper, Haugen, Winsley, Spanel, Bumgarner and Holm)

Revising requirements for publishing notices of actions of cities, towns, and counties.

Referred to Committee on Governmental Operations.

ESHB 1331 by Committee on Local Government (originally sponsored by Representatives Nealey, Rayburn, D. Sommers and Chandler)

Revising provisions for transmittal of vital statistics registrations.

Referred to Committee on Governmental Operations.

EHB 1341 by Representatives Sanders, Fisher, Miller, Amondson and May

Revising procedures for write-in voting.

Referred to Committee on Governmental Operations.

HB 1348 by Representatives Haugen, S. Wilson, Silver, Amondson, Ferguson, May, Betrozoff, Pruitt, Ballard, Brough, Miller and Cooper

Providing additional qualifications for precinct election officers.

Referred to Committee on Governmental Operations.

HB 1361 by Representatives Holm, Belcher, Unsoeld, Basich and Rasmussen

Creating a twenty-fourth community college district.

Referred to Committee on Higher Education.

SHB 1364 by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Wang, Patrick, R. King, Winsley, Baugher, Vekich, Walker, Cooper and Todd)

Requiring that contractors bidding on public works projects be registered in the state.

Referred to Committee on Economic Development and Labor.

ESHB 1367 by Committee on Judiciary (originally sponsored by Representatives Armstrong, P. King and Appelwick)

Enacting a new Administrative Procedure Act.

Referred to Committee on Law and Justice.

SHB 1375 by Committee on State Government (originally sponsored by Representatives Unsoeld, Allen, Belcher, Miller, Jacobsen, Anderson, Wineberry and Holm)

Establishing a leave contribution program for state employees.

Referred to Committee on Governmental Operations.

- HB 1397** by Representatives Cooper, Ferguson, Haugen and Butterfield (by request of Department of Community Development)
- Revising provisions on state and local government bond issuance information.
- Referred to Committee on Governmental Operations.
- ESHB 1486** by Committee on Education (originally sponsored by Representatives Pruitt, Holm, Walker, Cooper, Rasmussen, Ebersole, Holland, Anderson, Heavey, Crane, P. King, May, Sanders and Spanel)
- Requiring school districts to provide for citizenship education.
- Referred to Committee on Education.
- HB 1514** by Representatives Ferguson, Haugen, Sanders, Cooper, Bumgarner and Nutley
- Authorizing water districts to fluoridate water supply systems.
- Referred to Committee on Governmental Operations.
- HB 1531** by Representatives Silver, H. Sommers, Anderson, Walk, Fuhrman, Chandler, Brough, Sanders, Moyer, K. Wilson, D. Sommers, Betrozoff and Butterfield
- Revising the criteria for sunset review and extending the program.
- Referred to Committee on Governmental Operations.
- SHB 1568** by Committee on Education (originally sponsored by Representatives Todd, Leonard, Crane, Pruitt and Ebersole)
- Including school administrators in the excellence in education program.
- Referred to Committee on Education.
- SHB 1572** by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Brough, K. Wilson, Cole, Jacobsen, Sutherland, Miller, Brekke and Pruitt) (by request of Governor Gardner)
- Creating a wetlands management committee.
- Referred to Committee on Agriculture.
- EHB 1581** by Representatives Nelson, Miller, Todd, Barnes, Gallagher, Hankins, Jacobsen, Meyers, May, Brooks, Jesernig, Armstrong, Sutherland, Unsoeld, S. Wilson, Day and Dorn
- Permitting banded rate tariffs for natural gas and electric services.
- Referred to Committee on Energy and Utilities.
- SHB 1592** by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Cole, O'Brien, Patrick, Walker, Jones, Wineberry, R. King, Winsley, Valle, Jacobsen, Wang, Basich, Fisher, Pruitt, Lux and Unsoeld)
- Authorizing workers' compensation for workers with asbestos-related diseases.
- Referred to Committee on Economic Development and Labor.
- SHB 1684** by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, May, Rust, Pruitt, D. Sommers, Cooper, Walker, Unsoeld, Nelson, Brekke, Ferguson, Todd and Spanel)
- Establishing an analysis process for management of certain categories of solid waste.
- Referred to Committee on Environment and Natural Resources.

SHB 1783 by Committee on Health Care (originally sponsored by Representatives P. King, Lewis, Day, Braddock and Cantwell)

Requiring the registration of nursing pools.

Referred to Committee on Health Care and Corrections.

ESHB 1849 by Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Silver, Bristow, Grant, Sayan, Day, Dellwo, Lewis, Winsley, Fuhrman, Moyer, Doty, D. Sommers, Brekke and Brough)

Revising the office of the state long-term care ombudsman.

Referred to Committee on Health Care and Corrections.

SHCR 4403 by Committee on Natural Resources (originally sponsored by Representatives K. Wilson, Haugen, Basich and P. King)

Providing for the development of rules to permit gillnet fishing during daylight hours.

Referred to Committee on Environment and Natural Resources.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9139, Earlyse A. Swift, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF EARLYSE A. SWIFT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Rasmussen, West - 2.

Excused: Senators Kreidler, von Reichbauer - 2.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9141, Vivian Winston, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF VIVIAN WINSTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Vognlid - 1.

Excused: Senator Kreidler - 1.

SECOND READING

SENATE BILL NO. 6179, by Senators Kiskaddon, Talmadge, Bailey, Pullen, Stratton and Saling

Limiting further the visitation rights of parents, guardians, and custodians who have a history of child abuse.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 6179 was substituted for Senate Bill No. 6179 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 6179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6179.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6179, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Craswell - 1.

Excused: Senator Kreidler - 1.

SUBSTITUTE SENATE BILL NO. 6179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6115, by Senators Kiskaddon and Saling

Providing for programs to enhance parenting skills and strengthen families.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 6115 was substituted for Senate Bill No. 6115 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Kiskaddon, I read in the preamble of the bill that this proposed substitute bill is designed to encourage children to be raised in a positive atmosphere, which will develop self-esteem. Then it goes on to define various kinds of parenting skills which would provide for such activities for children and it defines parenting skills as consistency in parenting, providing children with positive discipline that provides firm order without hurting children physically or emotionally and preserving and nurturing the family unit. It requires programs that teach positive methods of disciplining children and requires programs to enhance the skills of parents in providing their children's learning and development. Could you give me an example, since I don't believe it is defined anywhere else in the RCWs, what is meant by positive discipline?"

Senator Kiskaddon: "One book that is entitled Positive Discipline by Jane Nelsen is an example of a system that is put together in that way. Positive discipline, to me, is discipline in which the emotions of everyone stay in a positive way—if you stay away from the anger, hurt and those kinds of emotions. So, for me, positive discipline is discipline that happens with a sense of order and a sense of good feeling all around."

Senator Talmadge: "That is nowhere else defined in the RCWs, I assume?"

Senator Kiskaddon: "I don't know of it being defined anywhere else."

Senator Talmadge: "It's meant to be this one single book that you read?"

Senator Kiskaddon: "Not at all, there are many other ways and many other books and processes out there, but this is one book that epitomizes in what you were saying, because that is the actual title."

Senator Talmadge: "I've always been aware of educational curricula relating to home and family life that really amounted to what I thought was the parenting skills effort that we're talking about in this bill. That is teaching people what it's like to be parents, the financial, social, and moral obligations of parents to their children, those kinds of things. Is that something that this bill is designed to do, or is it just this positive discipline idea?"

Senator Kiskaddon: "That is all part of positive discipline. The programs that are in place now actually, also, will include all of the other parts that you mention." Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, I see in the digest that they wish to publish and distribute a brochure on parenting education in Spanish language?"

Senator Kiskaddon: "That is correct. The Department of Social and Health Services now does have a brochure on parenting that they print in English and they felt it would be very useful to also have that printed in Spanish."

Senator Rasmussen: "My question would be, why do you pick out particularly Hispanics, to say that they are the ones that have problems with their children that you have to print the book in Spanish?"

Senator Kiskaddon: "The Department believes that that was the second largest language that would expand the usefulness of their publication to the most people in the state."

Senator Rasmussen: "Well, it kind of pinpoints that particular group. I notice the driver's license have a Spanish booklet and Laotian, Chinese, Cambodian, Vietnamese. I wonder why you're only aiming at the one group? It kind of infers that they are the people that don't take care of their children and actually that's the reverse. Could you explain that Senator Kiskaddon? Were you aware of all the other booklets? I don't think it's desirable to pinpoint just one group. Can you explain why?"

Senator Kiskaddon: "I believe I already explained it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6115.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6115, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, Rasmussen - 2.

Absent: Senator Conner - 1.

Excused: Senator Kreidler - 1.

SUBSTITUTE SENATE BILL NO. 6115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6172, by Senators Kiskaddon, Talmadge, Bailey and Garrett

Changing reporting requirements for witnesses of violent crimes and child abuse and assault.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6172 was substituted for Senate Bill No. 6172 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6172.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6172, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kreidler - 1.

SUBSTITUTE SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6705, by Senators Craswell, Rasmussen, Nelson and Johnson
Protecting children in the home.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 3, line 35, after "home" insert "and that this should be done"

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 12, after "court" insert ": PROVIDED, That, if the court determines that an alleged offender should be removed from the family home, the court should examine the relationship of the child to the remaining family members, and the best interests of the child"

On page 4, beginning on line 18, strike everything down to and including "safety." on line 21

Renumber the remaining subsections consecutively

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6705 was deferred.

SECOND READING

SENATE BILL NO. 6711, by Senators McCaslin, Owen, Smith, Stratton, Lee, Craswell, Cantu and Nelson

Prohibiting the public display and distribution to minors of material that is harmful to minors.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6711 was substituted for Senate Bill No. 6711 and the substitute bill was placed on second reading and read the second time.

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

On page 3, line 2, after "matter" strike "provided," and insert ";

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 6711 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Madsen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6711.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6711, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Niemi - 1.

Excused: Senators Kreidler, Madsen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6712, by Senators McCaslin, Owen, Smith, Stratton, Lee, Craswell, Cantu and Nelson

Revising provisions on sexual exploitation of minors.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6712 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Hansen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6712.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6712, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Hayner, Patterson - 2.

Excused: Senators Hansen, Madsen - 2.

SENATE BILL NO. 6712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:04 a.m., on motion of Senator Newhouse, the Senate recessed until 10:30 a.m.

The Senate was called to order at 10:44 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 6675, by Senators Kiskaddon, Stratton, Bailey and Wojahn (by request of Governor Gardner)

Modifying provisions relating to the family independence program.

The bill was read the second time.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 6675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6675.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6675, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcaif, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Hansen - 1.

SENATE BILL NO. 6675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6338, by Senators Kiskaddon, Stratton, Craswell, Wojahn, Garrett, Kreidler, Bailey and McDonald (by request of Department of Social and Health Services)

Revising provisions governing consultation by department of social and health services on reports of abuse.

The bill was read the second time.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 6338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6338.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6338, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcaif, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Hansen - 1.

SENATE BILL NO. 6338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Vognild moved that the Senate advance to the ninth order of business in order to refer four bills to the calendar that deal directly and impact children's services in the state of Washington.

Debate ensued.

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

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild to advance to the ninth order of business failed by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Excused: Senator Hansen - 1.

SECOND READING

SENATE BILL NO. 6600, by Senators Pullen, Talmadge, Rinehart and Saling

Revising provisions relating to child abuse reporting by public employees.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 13, strike "if the employee prevails"

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 6600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6600.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6600, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Nelson - 1.

Excused: Senator Hansen - 1.

ENGROSSED SENATE BILL NO. 6600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6174, by Senators Kiskaddon, Stratton, Bailey, Pullen and Garrett

Requiring abuse and neglect to be reported both to law enforcement agencies and to the department of social and health services.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 6174 was substituted for Senate Bill No. 6174 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 6174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Kiskaddon, I've read over this bill and I guess what I'm trying to puzzle through is the question of what happens if the report is not

made within twenty-four hours? Does it mean the report to the Department or the law enforcement agency is no longer valid? Does it mean the officer or CPS case worker is subject to discipline? What is the impact if the twenty-four hour provision is not complied with?"

Senator Kiskaddon: "The bill basically, as I said, there is no penalty clause that we put in the bill, so it would be basically a major policy statement."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6174.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6174, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Vogndild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Moore, Smitherman, Talmadge, Warnke - 4.

Excused: Senator Hansen - 1.

SUBSTITUTE SENATE BILL NO. 6174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6207, by Senators Craswell, Owen, Kiskaddon and Stratton

Increasing out-of-home placement alternatives for victims of child abuse.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6207 was substituted for Senate Bill No. 6207 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Craswell, the following amendment by Senators Craswell, Stratton, Kiskaddon and Owen was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The department shall immediately establish an advisory task force to examine current procedures regarding the use of out-of-home placements with relatives, identify barriers to increased and early placement of children with relatives, and recommend procedures to encourage immediate placement of children with relatives, when appropriate, if removal from parental custody is necessary. The task force shall prepare a report which sets forth findings and recommendations and the results of any department innovations or programs which have been implemented to encourage placement of children with relatives. The final report shall be submitted to the legislature prior to December 15, 1988.

Sec. 2, Section 4, chapter 188, Laws of 1984 and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. ((Such)) Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or

first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

- (i) There is no parent or guardian available to care for such child;
 - (ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;
 - (iii) The parent, guardian, or legal custodian is not willing to take custody of the child;
 - (iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home; or
 - (v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.
- (2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody and what requirements the parents must meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(4) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

- (i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;
- (ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;
- (iii) Whether the agency is satisfied with the cooperation given to it by the parents;
- (iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and
- (v) When return of the child can be expected.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 3. Section 3, chapter 172, Laws of 1967 as last amended by section 14, chapter 486, Laws of 1987 and by section 13, chapter 524, Laws of 1987 and RCW 74.15.030 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

- (1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of

persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including day care centers and family day care homes, to determine whether the abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons."

MOTIONS

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

On page 1, line 1 of the title, after "care," strike the remainder of the title and insert "amending RCW 13.34.130; reenacting and amending RCW 74.15.030; and creating a new section."

On motion of Senator Kiskaddon, Engrossed Substitute Senate Bill No. 6207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6207.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6207, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6503, by Senators Bailey, Bauer, Lee, Gaspard, Vognild, Saling, Rasmussen, Metcalf, Smith, Hayner and Johnson

Prohibiting persons convicted of sex crimes or other crimes affecting children from working in the public schools.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6503 was substituted for Senate Bill No. 6503 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6503.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6503, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Vognild - 1.

Excused: Senator Hansen - 1.

SUBSTITUTE SENATE BILL NO. 6503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Senate Bill No. 6440.

SECOND READING

SENATE BILL NO. 6440, by Senators Kreidler, Newhouse, Gaspard, Owen, Hayner, Vognild and Bauer

Providing for the cleanup of hazardous wastes.

The bill was read the second time.

MOTIONS

On motion of Senator Kreidler, the following amendments by Senators Kreidler and Newhouse were considered simultaneously and adopted:

On page 39, line 14, after "Until" strike "April" and insert "June"

On page 41, line 8, after "date of" delete "this section" and insert "taxation"

On motion of Senator Newhouse, Engrossed Senate Bill No. 6440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rinehart: "Senator Metcalf, it is my understanding that Initiative 97 has been certified for the ballot and now is officially assigned to the Environment and Natural Resources Committee. Is that correct?"

Senator Metcalf: "That is my understanding."

Senator Rinehart: "As the chair of that committee, is it your intention to bring Initiative 97 before the committee for a vote?"

Senator Metcalf: "Well, Senator Rinehart, a similar question came up in the committee, and I said at that time that I was certainly willing to have I-97 come before the committee for a vote. Since then, I've polled the committee and the majority said that they would prefer not to take any committee action since if we do take no action, I-97 will automatically go on the 1988 General Election Ballot. Exceeding to that request, it is my intention not to have the issue come before us."

Further debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Kreidler, I noticed in this bill, as was addressed in October of 1987 by this Legislature, the establishment of a Toxics Control Account. I have a two part question. One, the citizens of this state have now had money going into this Toxics Control Account and I was wondering if you might be able to give an approximation of how many dollars will be in that Toxics Control Account by, say November of 1988, when the people will act on this measure and that of Initiative 97?"

Senator Kreidler: "Senator Nelson, I believe that probably an amount of approximately twenty-five million dollars would be in the account or would have been collected by the program as of, let's say November of this year, because of the effective date being last October--during this period of time."

Senator Nelson: "Senator Kreidler, a follow-up if I may. Because we now find that the state has available approximately twenty-five million dollars by, say November of 1988, is there any provision in Initiative 97 to have those funds automatically transferred to whatever account is established in Initiative 97 from the already established account by this Legislature--the Toxics Control Account, that we acted on in October of 1987?"

Senator Kreidler: "No, there is not."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, I was listening intently to your speech on the bill. Did I hear you say that on Initiative 97, because of litigation, only five percent would be spent on cleanup?"

Senator Bluechel: "Senator Rasmussen, no one knows exactly what percent of cleanup would be affected under any of these bills. The history of the federal Superfund Bill has shown that about sixteen percent of all of the money applied, both public and private, was actually used for cleanup. The Initiative is written in a tighter manner than the federal Superfund Bill. In other words, there's less ability to adjust to the actualities of the situation. As far as we could determine, and this was a difficult determination, there would be no on-site cleanup during the time required to take it through the local court, the appellate court, the state supreme court, and maybe even the U.S. supreme court. Each case could take between five and ten years to process before any on-site cleanup is started.

"Because the penalties and the problems, especially with the large majority of people who may be affected, so far supersede their ability to actually stand up and pay for it, the only recourse the person charged with the violation would have, would be to declare bankruptcy or Chapter Eleven and go through those procedures."

Senator Rasmussen: "And Senate Bill No. 6440 would solve that problem? I think you also said, that with this bill, hopefully thirty percent would be spent on cleanup and that would be practically double the national standard or the sample for the national cleanup. The general public would expect somewhere around ninety percent of the money to go to cleanup. I'm sure the general public doesn't know that of all the monies collected, seventy percent would be going for paperwork and presumably there may be some litigation, but I doubt it.

"The bill is pretty well accepted by the business community out there. Why is there so much waste between the monies collected and the monies that are spent on actual cleanup? It seems like we're polluting more with all the paper that would be put out with that other seventy percent. You indicated that only thirty percent would be spent on cleanup. The public would surely hope for a much better percentage. They want everything cleaned up that possibly can, but now this thirty percent figure alarms me. We must not have very much efficiency then, in either the Department or the government in general."

Senator Bluechel: "Senator Rasmussen, the main problem is that these are very litigious bills, probably the most litigious bills that have ever been passed and the cost of the legal fees is the dominate cost factor in all of this."

Senator Rasmussen: "Possibly the House should put a limit in there that would be spent on studying and paperwork and limit that, so we'll get a better percentage of the dollar spent for the actual cleanup. I would hope that the House does that."

POINT OF INQUIRY

Senator Bailey: "Senator Kreidler, on page 9, Section B, line a, it allows for an exemption for agriculture producers who use pesticides and insecticides in a proper manner according to federal and state standards. Does this exemption to agriculture and applicators extend all the way through this bill? In other words, are agriculture producers exempt from this bill if they follow these rules?"

Senator Kreidler: "Senator Bailey, indeed agriculture as specified in the section that you referenced, as long as it's without negligence and in accordance with federal and state requirements, they are going to be exempt for the application of pesticides."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6440.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6440, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Gaspard, Halsam, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Vogtild, von Reichbauer, Warnke, West, Zimmerman - 42.

Voting nay: Senators Garrett, Niemi, Rinehart, Talmadge, Williams, Wojahn - 6.

Excused: Senator Hansen - 1.

ENGROSSED SENATE BILL NO. 6440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 9, 1988

GA 9142

ROBERT J. ANDERSON, appointed July 18, 1987, for a term ending July 1, 1989, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Craswell, Lee, Rinehart.

Passed to Committee on Rules.

February 9, 1988

GA 9151 GAROLD LaBORDE, reappointed July 18, 1987, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Craswell, Lee, Rinehart.

Passed to Committee on Rules.

February 9, 1988

GA 9155 BONNIE ROBERTSON, appointed July 18, 1987, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Blind.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Craswell, Lee, Rinehart.

Passed to Committee on Rules.

February 9, 1988

GA 9175 MARJORIE TREVARTHEN, appointed June 30, 1987, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Deaf.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Craswell, Lee, Rinehart.

Passed to Committee on Rules.

February 9, 1988,

GA 9209 MILDRED JOHNSON, reappointed January 18, 1988, for a term ending July 1, 1992, as a member of the Board of Trustees for the State School for the Deaf.

Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Craswell, Lee, Rinehart.

Passed to Committee on Rules.

MOTION

At 12:22 p.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:00 p.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 6369, by Senators Nelson, Pullen, Vognild and Talmadge
Requiring quarterly reports on public office funds.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6369.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6369, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Fleming, McDonald, Smitherman - 3.

Excused: Senator Hansen - 1.

SENATE BILL NO. 6369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Fleming and Smitherman were excused.

SECOND READING

SENATE BILL NO. 6391, by Senator McDonald

Exempting state employees' health insurance from the insurance premiums tax.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6391 was substituted for Senate Bill No. 6391 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6391.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6391, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Fleming, Hansen, Smitherman - 3.

SUBSTITUTE SENATE BILL NO. 6391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6128, by Senators Bluechel and Bender

Revising provisions for park and recreation service areas.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6128 was substituted for Senate Bill No. 6128 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6128.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6128, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bauer, Hayner - 2.

Excused: Senators Hansen, Smitherman - 2.

SUBSTITUTE SENATE BILL NO. 6128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6162, by Senators Pullen, Talmadge, Zimmerman, Newhouse and Niemi

Changing provisions relating to homestead exemptions.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6162 was substituted for Senate Bill No. 6162 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6162.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6162, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Hansen, Smitherman - 2.

SUBSTITUTE SENATE BILL NO. 6162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6206, by Senators Deccio, Johnson and West

Requiring cardiopulmonary resuscitation instructions to be posted at multifamily swimming pools.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6206 was substituted for Senate Bill No. 6206 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 6206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bauer, Senator Stratton was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6206.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6206, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Hansen, Smitherman, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 6206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6212, by Senators Pullen, Vognild, Conner, von Reichbauer and Garrett

Revising membership eligibility of retirement boards for fire fighters and law enforcement officers.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6212 was substituted for Senate Bill No. 6212 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6212.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6212, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Cantu - 1.

Excused: Senators Hansen, Smitherman, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 6212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Cantu was excused.

SECOND READING

SENATE BILL NO. 6332, by Senators Newhouse and Rasmussen

Providing for unclaimed property in museums and historical societies.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6332 was substituted for Senate Bill No. 6332 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6332, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Talmadge, Vognd, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Cantu, Hansen, Smitherman, Stratton - 4.

SUBSTITUTE SENATE BILL NO. 6332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McMullen: "Mr. President, I rise to a point of personal privilege. We're passing out on your desk today a little sample of our token for having given our first speech on the floor. This is a cheese made by the Washington Cheese Company of Mount Vernon. This happens to be what we call 'squeaky cheese.' If you eat it, you'll see why we call it and sell it as 'squeaky cheese.' Washington Cheese is the only cheese company in the state that makes 'squeaky cheese,' so I thought it might be appropriate.

"It occurred to me that it has several applications here for what we do. First of all, I think it somewhat symbolizes my voice when I gave my first speech. I think it also symbolizes for each one of us how clean our last campaigns were, no matter what our margin. It also symbolizes, I think, how close our last race was, so I wish to pass those out and thank you for the honor of allowing me to speak."

SECOND READING

SENATE BILL NO. 6245, by Senators McDonald, Gaspard, Zimmerman, Lee and Rasmussen (by request of State Treasurer)

Revising provisions relating to investment of bond proceeds.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6245.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6245, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognd, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Cantu, Hansen, Stratton - 3.

SENATE BILL NO. 6245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6246, by Senators McDonald and Gaspard (by request of Board of Tax Appeals)

Revising provisions on the board of tax appeals.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6246 was substituted for Senate Bill No. 6246 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6246, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Talmadge - 1.

Absent: Senator Barr - 1.

Excused: Senators Cantu, Hansen, Stratton - 3.

SUBSTITUTE SENATE BILL NO. 6246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6296, by Senators Nelson, Hansen, Owen, McMullen, McCaslin, Sellar, Conner and Johnson

Authorizing the state patrol to operate ports of entry jointly with other states.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6296.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6296, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Craswell - 1.

Excused: Senators Cantu, Hansen, Stratton - 3.

SENATE BILL NO. 6296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6346, by Senators West, Anderson and Saling

Providing for contracting for the services of the industrial statistician.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6346 was substituted for Senate Bill No. 6346 and the substitute bill was placed on second reading and read the second time.

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

On page 2, beginning on line 2, strike "October 1, 1988" and insert "December 31, 1988"

MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Substitute Senate Bill No. 6346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6346.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6346, and the bill passed the Senate by the following vote: Yeas, 29; nays, 16; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Conner, Craswell, Deccio, Gaspard, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 29.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Halsan, Kreidler, Madsen, Niemi, Rinehart, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 16.

Absent: Senators Owen, Smitherman - 2.

Excused: Senators Cantu, Hansen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6362, by Senators Nelson, von Reichbauer, Barr and Patterson
Regulating license plates and fenders on antique vehicles.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6362.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6362, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Owen, Smitherman - 2.

Excused: Senators Cantu, Hansen - 2.

SENATE BILL NO. 6362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bauer, Senator Smitherman was excused.

SECOND READING

SENATE BILL NO. 6516, by Senators Patterson, Kreidler, Zimmerman, Benitz and Conner

Funding bridge replacement on rural arterials.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6516.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6516, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Owen, Smith - 2.

Excused: Senators Cantu, Hansen, Smitherman - 3.

SENATE BILL NO. 6516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6613, by Senators Nelson, Vognild, Metcalf, Bender, Patterson, Kiskaddon, Bailey and Garrett

Recognizing the official Washington state air fair.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Vognild, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6613.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6613, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Halsan - 1.

Excused: Senators Cantu, Hansen, Owen, Smitherman - 4.

SENATE BILL NO. 6613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6650, by Senators Metcalf, Patterson, Kreidler and Hansen

Increasing the gasohol tax credit to encourage use of recyclable materials.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6650 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6650.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6650, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Newhouse - 1.

Excused: Senators Cantu, Hansen, Owen, Smitherman - 4.

SENATE BILL NO. 6650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6661, by Senators Smith, Zimmerman and Kiskaddon

Changing provisions relating to disclosure of information in motor vehicle records.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6661 was substituted for Senate Bill No. 6661 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6661.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6661, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Bauer - 1.

Excused: Senators Cantu, Hansen, Owen, Smitherman - 4.

SUBSTITUTE SENATE BILL NO. 6661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6705 and the pending amendments by Senator Talmadge on page 4, lines 12 and 18, deferred earlier today.

MOTION

On motion of Senator Talmadge, and there being no objection, the amendments on page 4, lines 12 and 18, were withdrawn.

MOTION

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Pullen and Craswell was adopted:

On page 5, after line 5, insert the following:

"NEW SECTION. Sec. 3. When a peace officer responds to a call alleging that a child has been subjected to sexual or physical abuse or that a temporary restraining order or preliminary injunction has been violated, and the officer has probable cause to believe that a crime has been committed, the peace officer shall have the authority to arrest the person without a warrant pursuant to RCW 10.31.100."

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 6705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Barr was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6705.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6705, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Barr, Cantu, Hansen, Owen, Smitherman - 5.

ENGROSSED SENATE BILL NO. 6705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6194, by Senators Vognild, Hayner, Talmadge, Halsan, Deccio and Smith

Authorizing residential confinement of an offender.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 6194 was substituted for Senate Bill No. 6194 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment be adopted:

On page 4, line 10, after "government," insert "or, if home detention has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family."

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, what type of residential confinement or home detention are you talking about here? What kind of accountability is there or protection for the public?"

Senator Vognild: "Senator, when we get into the bill, I will be explaining all of that, but I can start with it now. Basically, this is an electronic system that utilizes a transmitter which is attached to the individual and by the use of this transmitter, there are signals transmitted back to a main computer. Any time that signal is broken, then an alarm is sounded to the officers monitoring it. This usage will be limited only to felonies which do not involve violent crime, sex crimes of any kind, or drug related crimes."

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, does the use of this device keep a person from being in jail?"

Senator Vognild: "If they are not convicted of a violent crime, a sex crime, or drug related crime, they may be--may be--if the court so deems it, released to home confinement. If they are released to home confinement, then the type of device I have on my desk is utilized to monitor their movements and to know where they are."

Senator Rasmussen: "The reason I asked that question, Senator Vognild, we've had several criminals that have scammed on senior citizens amounting to thousands of dollars. Committing them to home confinement would seem just like putting them down on a federal country club that they have in various parts of the state for detention. A few months in jail brings it to their attention a little bit more that they possibly should not engage in those efforts. I think there's nothing like a little while in jail to make them think a little bit more. When you confine them to their home, their thoughts are, 'What am I going to do when I get out of here' and that's all. I'm not so sure this is a good device even though it will relieve the jail of some pressure for holding people."

Senator Vognild: "Senator Rasmussen, rare indeed would be the time, that an individual would be placed on this program without spending some time in jail. This program basically relates to an expansion and a way to control the work release program."

POINT OF INQUIRY

Senator McCaslin: "Senator Pullen, in the Law and Justice Committee, we had a bill dealing with the same subject and I wonder about the similarities between the bill we passed and the bill we are addressing at the present time."

Senator Pullen: "Well, that's a very good question, Senator McCaslin, and I'm trying to determine that. The one that came out of the Law and Justice Committee was sponsored by Senator Craswell, which had a number of important protections in the bill. Her bill, also, provided significant changes with regard to restitution. I guess I would like to have a little time to compare the two bills, so that we can see if indeed all the work we put into it is encompassed in this bill."

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6194 was deferred.

SECOND READING

SENATE BILL NO. 6308, by Senators Bailey and Kiskaddon

Requiring the development of a juvenile court training curriculum.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6308 was substituted for Senate Bill No. 6308 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

On page 3, line 3, after "available" insert "on a voluntary basis"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pullen to Substitute Senate Bill No. 6308.

The motion by Senator Pullen carried and the amendment was adopted.

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 6308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6308.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6308, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Patterson - 1.

Excused: Senators Barr, Hansen, Owen, Smitherman - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6322, by Senators Zimmerman, Bailey, Metcalf, Saling and Kiskaddon

Requiring trial of defendant in child sexual abuse cases within six months.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6322 was substituted for Senate Bill No. 6322 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6322.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6322, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Talmadge, Vognilid, Warnke - 3.

Absent: Senator Moore - 1.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 6322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6506, by Senators Metcalf, Pullen, McCaslin, Bailey, Kiskaddon, Owen, Lee, Zimmerman, Stratton, Saling and Johnson

Adopting a bill of rights for sexually abused children.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 6506 was substituted for Senate Bill No. 6506 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 20, after "EVIDENCE," strike everything down to and including "proceeding." on line 21

On page 2, following line 2 insert the following:

"Sec. 2. Section 2, chapter 129, Laws of 1982 as amended by section 1, chapter 404, Laws of 1985 and RCW 9A.44.120 are each amended to read as follows:

A statement made by a child when under the age of ten describing any act of sexual contact performed with or on the child by another, not otherwise admissible by statute or court rule, is admissible in evidence in ~~((dependency proceedings under Title 13 RCW and criminal))~~ all proceedings in the courts of the state of Washington if:

(1) The court finds, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness: PROVIDED, That when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge to Substitute Senate Bill No. 6506.

The motion by Senator Talmadge carried and the amendments were adopted.

MOTIONS

On motion of Senator Kiskaddon, the following title amendment was adopted:
On page 1, line 1 of the title, after "children;" insert "amending RCW 9A.44.120;"

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Substitute Senate Bill No. 6506 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, was this legislation before your committee?"

Senator Kiskaddon: "Yes, it was."

Senator Rasmussen: "And did anyone review the legislation to see what was already on the books in regards to what Senator Talmadge was speaking?"

Senator Kiskaddon: "Our staff is a competent staff and they do look over legislation."

Senator Rasmussen: "You did not explain--you have a competent staff--I'm not questioning the competency of your staff. I wondered if they'd reviewed it to see what legislation we already had. You don't know if they did that or didn't?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6506.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6506, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalfe, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Bauer - 1.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6309, by Senators Kiskaddon, Bailey and West

Revising rules for dependency proceedings.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 6309 was substituted for Senate Bill No. 6309 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 6309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6309.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6309, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalif, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 6309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6310, by Senators Kiskaddon and Bailey

Revising certain procedures governing dependency proceedings.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 6310 was substituted for Senate Bill No. 6310 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 6310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Kiskaddon, I have a question about the second section of the bill. We just finished passing a bill that permits the out of home placement of a child in the home of a relative, grandparent, etc. Now, we're going to pass a bill that permits the termination of parental rights only upon the petition of the Department of Social and Health Services or a licensed child care agency of some sort. Why wouldn't it be appropriate to continue to permit other interested relations of the child to petition the court to terminate the parental relationship if, in fact, they've been the ones with whom the child's been placed?"

Senator Kiskaddon: "To be able to answer that question, I'd like to check with my staff and get a firm answer from them."

Senator Talmadge: "I'd be happy, if this would be acceptable, to have the bill put down for a minute, because it seems to me that if we're going to encourage the placement of children with relatives and grandparents, etc., that it might make some sense to continue to permit those people to be the ones to seek permanent placement of the child."

MOTIONS

On motion of Senator Nelson, and there being no objection, further consideration of Substitute Senate Bill No. 6310 was deferred.

On motion of Senator Nelson, the Senate commenced consideration of Senate Bill No. 6101.

SECOND READING

SENATE BILL NO. 6101, by Senators Saling, Smitherman, Gaspard, Rinehart, West and Stratton

Changing eligibility requirements for members of the state board for community college education.

The bill was read the second time.

MOTION

On motion of Senator Saling, the rules were suspended, Senate Bill No. 6101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6101.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6101, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

SENATE BILL NO. 6101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6259, by Senators Smith, Patterson, DeJarnatt and Metcalf

Providing for a limited steelhead punchcard for five dollars.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6259.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6259, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

SENATE BILL NO. 6259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

EDITOR'S NOTE: See colloquy and motion for reconsideration of Senate Bill No. 6259 later on in day.

SECOND READING

SENATE BILL NO. 5516, by Senators Sellar and Vognild

Requiring motor vehicle liability insurance.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5516 was substituted for Senate Bill No. 5516 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5516.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5516, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

SUBSTITUTE SENATE BILL NO. 5516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6310, deferred on third reading earlier today.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Kiskaddon moved to reconsider the vote by which Senate Bill No. 6310 was substituted.

The President declared the question before the Senate to be the motion by Senator Kiskaddon to reconsider the vote by which Senate Bill No. 6310 was substituted.

The motion by Senator Kiskaddon carried and the Senate will reconsider the motion to substitute Senate Bill No. 6310.

MOTION

On motion of Senator Kiskaddon, Senate Bill No. 6310 was not substituted.

There being no objection, Senate Bill No. 6310 was returned to second reading.

Senate Bill No. 6310 was read the second time.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 6310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6310.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6310, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDonald - 1.

Excused: Senator Owen - 1.

SENATE BILL NO. 6310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5364, by Committee on Governmental Operations (originally sponsored by Senators Gaspard, von Reichbauer and Johnson)

Redesignating the state boxing commission as the state athletic commission and revising its powers and duties.

The bill was read the second time.

MOTION

Senator McCaslin moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5364 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Vognild objected to the motion to advance Engrossed Substitute Senate Bill No. 5364 to third reading.

MOTION

Senator Nelson moved that further consideration of Engrossed Substitute Senate Bill No. 5364 be deferred.

Senator McCaslin objected to the motion to defer further consideration of Engrossed Substitute Senate Bill No. 5364 and demanded a roll call.

The demand for the roll call was not sustained.

The President declared the question before the Senate to the motion by Senator Nelson to defer further consideration of Engrossed Substitute Senate Bill No. 5364.

The motion by Senator Nelson carried and further consideration of Engrossed Substitute Senate Bill No. 5364 was deferred.

Further debate ensued.

POINT OF INQUIRY REGARDING SENATE BILL NO. 6259

Senator Warnke: "Senator Metcalf, a few minutes ago, we passed a bill—Senate Bill No. 6259. That bill lowered the license fee from fifteen to five dollars for a person under fifteen years old."

Senator Metcalf: "For a punch card license for steelhead."

Senator Warnke: "A punchcard for steelhead. It also lowered that down to the number of steelhead that card will hold. It's five dollars now for five steelhead. The question that was raised in my mind was this: Presently, it is fifteen dollars for a punchcard for thirty fish, so we have just lowered it to five dollars for five fish. That same person that qualifies for the five dollar card will now pay thirty dollars to catch the same amount of fish that a person over fifteen is going to pay fifteen dollars."

Senator Metcalf: "In answer to your question, Senator Warnke, the purpose of the bill is for the young people. We don't charge a license, but they have to buy a steelhead card.

"Now, most of those young people beginning are not going to catch five steelhead in any one year. If they catch one, they'll be doing somewhat better than I've done the last several years, but what we're doing is allowing them to start to go and to fish five steelhead, which is probably more than very many of them will. If they get real good at it, they'll soon figure out that they want to buy the fifteen dollar card instead of three, four or five five dollar cards. What this does, is let them get into the business of fishing and the joy of it for five dollars instead of fifteen."

Senator Warnke: "Thank you Senator, but in my calculations, we have just raised the cost to thirty dollars for the same number of fish that they were catching for fifteen dollars."

Further debate on Senate Bill No. 6259 ensued.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would move to reconsider the vote by which Senate Bill No. 6259 passed the Senate earlier today.

SECOND READING

SENATE BILL NO. 5718, by Senator Cantu

Protecting drivers' license information.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Anderson, Bailey, Cantu, Conner, Craswell, Deccio, Garrett, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, West, Wojahn - 26.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bluechel, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Nelson, Niemi, Talmadge, Vognild, Warnke, Williams, Zimmerman - 21.

Excused: Senators McCaslin, Owen - 2.

SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6119, by Senators Barr and Wojahn

Revising certain procedures for persons applying to be licensed practical nurses.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Health Care and Corrections amendment was adopted:

On page 2, line 1, after "renewable," strike the underlined material down through "failure," on line 4

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 6119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6119.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6119, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Owen - 2.

ENGROSSED SENATE BILL NO. 6119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6188, by Senators Rasmussen, Metcalf and Smith

Authorizing the use of barbed hooks in fishing for salmon.

The bill was read the second time.

MOTION

Senator Vognild moved that the following amendment be adopted:

On page 2, line 12, after "hooks" insert "on a two hook set-up provided the front hook is barbless"

MOTION

On motion of Senator Nelson, further consideration of Senate Bill No. 6188 was deferred.

SECOND READING

SENATE BILL NO. 6124, by Senators Deccio, Johnson and Smith

Providing technical and financial assistance to assist in the delivery of rural health care systems.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 6124 was substituted for Senate Bill No. 6124 and the substitute bill was placed on second reading and read the second time.

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

On page 10, after line 31, insert a new section to read as follows:

"NEW SECTION, Sec. 13. The department of community development, department of trade and economic development, department of employment security and department of social and health services are expected to use their present resources and staffing to carry out the requirements of this act."

Renumber the remaining sections accordingly

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute Senate Bill No. 6124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6124.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6124, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Absent: Senators Johnson, Williams - 2.

Excused: Senators McCaslin, Owen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6234, by Senators Bailey, Patterson, Gaspard, Lee, Smith, Zimmerman, Saling, Anderson, Cantu, Newhouse, Metcalf, Deccio, von Reichbauer, Barr, Vognild and Benitz

Approving projects recommended by the public works board.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 6234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6234, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kredler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Owen - 2.

SENATE BILL NO. 6234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6247, deferred on third reading February 9, 1988.

MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 6247 was returned to second reading and read the second time.

Senator Metcalf moved that the following amendment be adopted:

On page 1, line 14, after "fishery," strike the remainder of the section and insert "If a treaty right to commercially harvest fertilized herring roe or adult herring in a sac roe fishery by tribal members is ever established, the same fishing opportunity shall be extended to other commercial herring fishermen."

POINT OF INQUIRY

Senator Williams: "Senator Metcalf, I heard what you said, but I wanted to make sure that I understood that your intention was that present language of the bill will be in place, until such time that a treaty is established. At that time then, your intention is that the commercial fishery and the Indian fishery have a fifty fifty split?"

Senator Metcalf: "Precisely, until the treaty right is established."

Senator Williams: "I was concerned, because the language of the amendment says, 'Commercial herring fishermen.' I just wanted to make sure that what you meant was the entire commercial fishery not individual fishermen."

Senator Metcalf: "Oh, by all means, yes, you're right. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Metcalf to Substitute Senate Bill No. 6247.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended. Engrossed Substitute Senate Bill No. 6247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6247.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6247, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Vognild, von Reichbauer, West, Zimmerman - 33.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Halsan, Kreidler, Niemi, Rinehart, Sellar, Stratton, Talmadge, Warnke, Williams, Wojahn - 14.

Excused: Senators McCaslin, Owen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Substitute House Bill No. 152.

On motion of Senator Newhouse, Substitute House Bill No. 152 was referred to the Committee on Children and Family Services.

MOTION

At 6:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, February 11, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 11, 1988

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Lee, McDonald, Nelson and Owen. On motion of Senator Bender, Senator Owen was excused. On motion of Senator Zimmerman, Senator McDonald was excused.

The Sergeant at Arms Color Guard, consisting of Pages Aaron Fox and Aaron Lutz, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 9, 1988

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 538,
 SUBSTITUTE HOUSE BILL NO. 791,
 SUBSTITUTE HOUSE BILL NO. 1115,
 SUBSTITUTE HOUSE BILL NO. 1285,
 SUBSTITUTE HOUSE BILL NO. 1319,
 SUBSTITUTE HOUSE BILL NO. 1323,
 SUBSTITUTE HOUSE BILL NO. 1333,
 SUBSTITUTE HOUSE BILL NO. 1334,
 ENGROSSED HOUSE BILL NO. 1335,
 SUBSTITUTE HOUSE BILL NO. 1336,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1342,
 ENGROSSED HOUSE BILL NO. 1346,
 SUBSTITUTE HOUSE BILL NO. 1362,
 SUBSTITUTE HOUSE BILL NO. 1366,
 SUBSTITUTE HOUSE BILL NO. 1369,
 SUBSTITUTE HOUSE BILL NO. 1373,
 SUBSTITUTE HOUSE BILL NO. 1377,
 SUBSTITUTE HOUSE BILL NO. 1393,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1404,
 HOUSE BILL NO. 1421,
 SUBSTITUTE HOUSE BILL NO. 1460,
 HOUSE BILL NO. 1482,
 ENGROSSED HOUSE BILL NO. 1492,
 SUBSTITUTE HOUSE BILL NO. 1494,
 SUBSTITUTE HOUSE BILL NO. 1499,
 HOUSE BILL NO. 1502,
 HOUSE BILL NO. 1524,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1536,
 HOUSE BILL NO. 1539,
 ENGROSSED HOUSE BILL NO. 1544,
 HOUSE BILL NO. 1546,
 SUBSTITUTE HOUSE BILL NO. 1562,
 HOUSE BILL NO. 1616,
 SUBSTITUTE HOUSE BILL NO. 1673,
 HOUSE BILL NO. 1802,

HOUSE BILL NO. 1813, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 9, 1988

Mr. President:

The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4431, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6752 by Senators Smitherman and Talmadge

AN ACT Relating to industrial insurance for fire fighters; amending RCW 51.08.100; amending section 1, chapter 515, Laws of 1987 (uncodified); and adding a new section to chapter 51.32 RCW.

Referred to Committee on Economic Development and Labor.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 538 by Committee on Judiciary (originally sponsored by Representatives Locke, Brough, Wang, Unsoeld, Valle, Miller, Todd and Niemi)

Providing for the modification of judgments regarding the community property distribution of military retirement benefits.

Referred to Committee on Law and Justice.

SHB 791 by Committee on Judiciary (originally sponsored by Representatives Crane, Ballard, Wineberry and P. King)

Regulating camping clubs.

Referred to Committee on Law and Justice.

SHB 1115 by Committee on Higher Education (originally sponsored by Representatives Hargrove, Basich and Sanders)

Allowing disabled persons to park free at institutions of higher education.

Referred to Committee on Higher Education.

SHB 1285 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Taylor, Day, Padden, S. Wilson, Prince, Bumgarner, Dellwo, Smith, May, Moyer and Silver)

Providing an exemption to the bonding requirements for grain dealers.

Referred to Committee on Agriculture.

SHB 1319 by Committee on Commerce and Labor (originally sponsored by Representatives Walker, Wang, Patrick, Brough, Winsley, Miller, Prince, Holland, R. King, Belcher, Fisher and Locke) (by request of Select Committee on Employment and the Family)

Establishing minimum standards for leave for family care.

Referred to Committee on Economic Development and Labor.

SHB 1323 by Committee on Health Care (originally sponsored by Representatives Braddock, Chandler, Nutley, Peery, Meyers, Lux, Brooks and Unsoeld) (by request of Office of Insurance Commissioner)

Revising the Washington state health insurance coverage access act.

Referred to Committee on Financial Institutions and Insurance.

SHB 1333 by Committee on Judiciary (originally sponsored by Representatives Locke, Brough, Dellwo, Walker, Heavey, Belcher, Todd and P. King)

Revising sexual offenses.

Referred to Committee on Law and Justice.

- SHB 1334 by Committee on Local Government (originally sponsored by Representatives Haugen, Patrick and Lewis)
Permitting county employees to transfer to prior existing positions in the sheriff's office.
Referred to Committee on Governmental Operations.
- EHB 1335 by Representatives Grimm and Walker
Revising the terms of elected officials and the commencement dates for legislative sessions.
Referred to Committee on Governmental Operations.
- SHB 1336 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Ballard, Grimm, Rayburn, McLean, Ferguson, Lewis, Silver, Amondson, Kremen, Betzoff, Bristow, Rasmussen, Doty, Baugher, Fuhrman and Smith)
Revising sales and use tax provisions on the packing of horticultural products.
Referred to Committee on Agriculture.
- ESHB 1342 by Committee on Commerce and Labor (originally sponsored by Representatives Sanders, Patrick, Wang and May)
Adding requirements for contractor's notice to customers.
Referred to Committee on Economic Development and Labor.
- EHB 1346 by Representatives Meyers, Sutherland, S. Wilson, Belcher, R. King, Amondson, Cantwell, P. King, Grimm, Holland, Lewis, J. Williams, Sanders, Zellinsky, Smith, Cooper and K. Wilson
Providing reduced rental fees for lease of communication sites on state lands.
Referred to Committee on Environment and Natural Resources.
- SHB 1362 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Nealey, Betzoff, Rasmussen and McLean)
Revising provisions on weights and measures.
Referred to Committee on Agriculture.
- SHB 1366 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Hine, Silver, H. Sommers, Walker, Dellwo, Patrick, McLean and Bristow)
Providing for judges retirement.
Referred to Committee on Ways and Means.
- SHB 1369 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Winsley and Lux)
Regulating escrow.
Referred to Committee on Financial Institutions and Insurance.
- SHB 1373 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Unsoeld and Belcher)
Eliminating the current year tax cancellation for property becoming exempt from property tax.
Referred to Committee on Ways and Means.
- SHB 1377 by Committee on Judiciary (originally sponsored by Representatives Cooper, Padden, Armstrong, Sanders, Heavey, Wineberry, Pruitt, Rasmussen, May and Haugen) (by request of Pharmacy Board)
Regulating precursor drugs.
Referred to Committee on Law and Justice.

SHB 1393 by Committee on Local Government (originally sponsored by Representatives Cantwell, Miller, P. King, Cole, Betrozoff, Rust and Sprenkle)

Revising provisions for park and recreation service areas.

Referred to Committee on Governmental Operations.

ESHB 1404 by Committee on Health Care (originally sponsored by Representatives Bristow, Brooks, McLean, Holm, Braddock, Lux, Peery, Cooper and Day)

Revising provisions relating to licensure of nursing.

Referred to Committee on Health Care and Corrections.

HB 1421 by Representatives Haugen, S. Wilson, Baugher, Vekich, Silver, May, Brough, Sanders, Schoon, Moyer, Nealey and Ferguson (by request of Office of State Auditor)

Authorizing the state auditor to contract with certified public accountants.

Referred to Committee on Governmental Operations.

SHB 1460 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Locke and May) (by request of Office of the Administrator for the Courts)

Revising jury selection and summoning.

Referred to Committee on Law and Justice.

HB 1482 by Representatives Rasmussen, Dorn, Winsley, Crane, Holland, Holm, Cooper, Walker, Betrozoff, Rayburn, Scott, Hargrove, Grant, Kremen, Unsoeld, Barnes, Baugher, Doty, Moyer, Wineberry, Anderson, Jesernig, Jones, Brough, Basich, Meyers, Ballard, P. King, May, Taylor, Miller, Spanel, Silver, Ferguson and Butterfield

Revoking or suspending juveniles' drivers licenses for violation of certain drug or alcohol laws.

Referred to Committee on Law and Justice.

EHB 1492 by Representatives H. Sommers and Chandler (by request of Governor Gardner)

Revising various boards and commissions.

Referred to Committee on Governmental Operations.

SHB 1494 by Committee on Judiciary (originally sponsored by Representatives Scott, Padden, Leonard, Moyer, Cole, Haugen, Wang, S. Wilson, Lewis, Patrick, Winsley, P. King, Pruitt, Miller, K. Wilson and Locke)

Establishing the period when a person can bring an action for damages resulting from childhood sexual abuse.

Referred to Committee on Law and Justice.

SHB 1499 by Committee on Natural Resources (originally sponsored by Representatives Kremen, Holland, Grant, Braddock and May)

Requiring the department of natural resources to study methods of encouraging businesses to remove sand and gravel.

Referred to Committee on Environment and Natural Resources.

HB 1502 by Representatives Meyers, Schmidt and P. King

Revising provisions on secured transactions under the Uniform Commercial Code.

Referred to Committee on Law and Justice.

HB 1524 by Representatives Cole, Prince, Jacobsen, Fisher, Holm, P. King, Basich, Valle, Lux, Locke, Brough, Winsley, Hankins and Rasmussen

Regulating manufacturer's rebates.

Referred to Committee on Economic Development and Labor.

ESHB 1536 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Brough, P. King and May)

Revising the laws governing parenting plans.

Referred to Committee on Children and Family Services.

HB 1539 by Representatives Dorn, Leonard, Rasmussen, Grant, Brekke, Holm, Heavey, Fox, Vekich, Sprenkle, Basich, Ebersole, Winsley, Day, Padden, Ferguson, Fisher, Rayburn, P. King, Anderson, Rust, Todd, Silver and Lux

Requiring the development of a juvenile court training curriculum.

Referred to Committee on Children and Family Services.

EHB 1544 by Representatives Belcher, Allen, Wang, Ebersole, Appelwick, Cole, Unsoeld, Fisher, Locke, Jacobsen, K. Wilson, Lux, Anderson, Scott, Vekich, Grimm, Brekke, Rust, Basich, Wineberry, Sayan, Braddock, Leonard, H. Sommers, R. King, Nelson, Jones, Heavey and Nutley

Increasing the state minimum wage.

Referred to Committee on Economic Development and Labor.

HB 1546 by Representatives Brekke, Winsley, Scott, Leonard, H. Sommers, Moyer, Padden, Todd and Anderson (by request of Department of Social and Health Services)

Revising provisions governing consultation by department of social and health services on reports of abuse.

Referred to Committee on Health Care and Corrections.

SHB 1562 by Committee on Natural Resources (originally sponsored by Representatives Basich, Beck and Sanders)

Exempting materials valued below a certain amount sold from public lands from auction sale requirements.

Referred to Committee on Environment and Natural Resources.

HB 1616 by Representatives Sprenkle, Bailard, K. Wilson, Sutherland, Jones, Vekich, Miller, Haugen, Basich, O'Brien, Sayan, Spanel and Unsoeld

Authorizing purchase of certain state trust lands for parks use.

Referred to Committee on Environment and Natural Resources.

SHB 1673 by Committee on Housing (originally sponsored by Representatives Todd, Barnes, Nutley, Cooper, Cantwell, Sanders, Sayan, Crane, Unsoeld, Rasmussen, Sprenkle, J. Williams, Leonard, Cole, Dorn, Patrick, Pruitt and Beck)

Establishing an office of mobile home affairs.

Referred to Committee on Economic Development and Labor.

HB 1802 by Representatives Spanel, Peery, Betzoff, Crane, Walker, Schoon, Silver, Moyer, Butterfield, Doty, May, D. Sommers, Basich, Miller, P. King and Hine

Changing requirements for admission to teacher preparation programs.

Referred to Committee on Higher Education.

HB 1813 by Representatives Rasmussen, Prince, Basich, Nealey, Grant, Silver, Bristow, Chandler and Crane

Changing the custodian of the revolving fund for the agriculture research facility at the Rainier school farm at Washington State University.

Referred to Committee on Agriculture.

EHCR 4431 by Representatives Jacobsen, Rust, Leonard, Cole, Locke, Winsley, Brough, Peery, Fisher, Holm, Belcher, Pruitt, Jesernig, Haugen, Anderson, Appelwick, Grimm, Basich, Ebersole, Nelson, K. Wilson, Nutley, Crane, Hankins, Bristow, P. King, Rasmussen, Hine and Miller

Establishing a Joint Legislative Advisory Committee on Women in Athletics.

Referred to Committee on Higher Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9158, W. Hunter Simpson, as a member of the Board of Regents for the University of Washington, was confirmed.

Senator Smitherman spoke to the confirmation of W. Hunter Simpson as a member of the Board of Regents for the University of Washington.

APPOINTMENT OF W. HUNTER SIMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Lee, Nelson - 2.

Excused: Senators McDonald, Owen - 2.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9174, Robert D. Alverson, as a member of the Pacific Marine Fisheries Commission, was confirmed.

Senator Metcalf spoke to the confirmation of Robert D. Alverson as a member of the Pacific Marine Fisheries Commission.

APPOINTMENT OF ROBERT D. ALVERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDonald, Owen - 2.

SECOND READING

SENATE BILL NO. 5840, by Senators Bailey, Rinehart, Patterson, Bauer, Saling, Anderson, Zimmerman, Stratton, Sellar, Barr, Johnson, Craswell, Kiskaddon, Benitz, West, Nelson and Pullen

Providing grants to local school districts to enhance education.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 5840 was substituted for Senate Bill No. 5840 and the second substitute bill was placed on second reading and read the second time.

Senator Gaspard moved that the following amendment be adopted:

On page 1, line 14, after "directors:" strike "PROVIDED," and insert "PROVIDED, That pursuant to section 3(1)(a) of this 1988 act, school boards shall first consider applying the local education program enhancement funds to reducing the ratio of students to adults in the district's classrooms before considering other potential applications of the local education program enhancement funds: PROVIDED FURTHER, That the district's adult to student ratio shall be discussed in the public hearing required under section 3(1) of this 1988 act: PROVIDED FURTHER,"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard to Second Substitute Senate Bill No. 5840.

MOTION

On motion of Senator Bender, Senator Stratton was excused.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Talmadge, Vognlid, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Excused: Senator Stratton - 1.

MOTION

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 3, after line 17, insert the following:

"NEW SECTION. Sec. 5. The superintendent of public instruction shall adopt empirical standards for evaluating the educational benefits received by students under a district's local education program enhancement plan."

Renumber the remaining sections consecutively.

On page 3, line 25, after "The" strike all material down to and including "plan" on line 28 and insert the following "results of evaluating the educational benefits received by students during the preceding two school years under the district's local education program enhancement plan in a format as required by section 5"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Talmadge to Second Substitute Senate Bill No. 5840.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Talmadge, Vognlid, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, von Reichbauer, West, Zimmerman - 27.

Excused: Senator Stratton - 1.

MOTION

On motion of Senator Bailey, the rules were suspended, Second Substitute Senate Bill No. 5840 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5840.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5840, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, von Reichbauer, West, Wojahn, Zimmerman - 38.

Voting nay: Senators Bender, DeJarnatt, Fleming, Kreidler, Moore, Niemi, Taimadge, Vognild, Warnke, Williams - 10.

Excused: Senator Stratton - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through February 16, 1988."

The motion by Senator Newhouse carried and debate was limited to three minutes through February 16, 1988.

SECOND READING

SENATE BILL NO. 6160, by Senator Bailey

Relating to education.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6160 was substituted for Senate Bill No. 6160 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the following amendment by Senators Lee, Gaspard and Bailey was adopted:

On page 2, after line 17, insert the following:

"Sec. 3. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 486, Laws of 1987 and RCW 28A.70.005 are each amended to read as follows:

The state board of education shall establish, publish and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a background check of the applicant through the Washington state patrol criminal identification system at the applicant's expense.

The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations: PROVIDED, That supplemental and apprenticeship program instructors in public vocational-technical institutes may be certified by a vocational-technical institute and public vocational-technical institutes may enter into reciprocity agreements with other public vocational-technical institutes to recognize certified staff. An annual report shall be submitted by June 30 to the superintendent of public instruction identifying the individuals certified by each public vocational-technical institute."

MOTIONS

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

On page 1, line 3 of the title, after "28A.70.040" strike "and" and insert ",", and after "28A.70.042" insert ", and 28A.70.005"

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 6160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6160.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6160, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Moore - 1.

Excused: Senator Stratton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:03 a.m., on motion of Senator Newhouse, the Senate recessed until 10:45 a.m.

The Senate was called to order at 11:03 a.m. by President Cherberg.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8429, by Senators Saling, Smitherman, Patterson, Hansen, McMullen, Anderson and von Reichbauer

Approving the master plan for higher education and establishing a study group.

MOTIONS

On motion of Senator Saling, Substitute Senate Concurrent Resolution No. 8429 was substituted for Senate Concurrent Resolution No. 8429 and the substitute resolution was placed on second reading and read the second time.

Senator Kiskaddon moved that the following amendment be adopted:

On page 2, following line 12, insert the following new paragraph:

"BE IT FURTHER RESOLVED, That the Higher Education Coordinating Board shall include in its biennial update to the governor and the legislature an enumeration of the steps taken by the board and the institutions to identify and eliminate any and all barriers to the implementation of the board's recommendation that all higher education degree programs should provide curricula that (1) help students become independent, self-reliant citizens, while instilling a sense of community; (2) broaden cultural horizons and social awareness; (3) develop the capacity for interesting, meaningful and satisfying lives; (4) develop an appreciation for the shared values of discipline, cooperation, toleration of differences, and respect for truth; and (5) develop the ability to think creatively, analytically, and independently through inquiry, analysis and evaluation."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, on the bottom of your amendment there, I don't have the line number, but it says, 'Develop the capacity for interesting, meaningful and satisfying lives.' The HEC Board is going to do that? Let me ask a further question here, so that you can answer it all at once. It says, 'Develop an appreciation for the shared values of discipline.' We all want to have discipline, but then you go on to say, 'Cooperation, toleration of differences and respect for truth.' You're just repeating things that everybody has a respect for the truth. Some don't use it all the time. Then it says, 'Develop the ability to think creatively, analytically and independently through inquiry, analysis and evaluation.' Are you going to put all of us in analysis so we can--I mean--it is something that sounds

like you'd have in a bill sponsored for the psychologists and psychiatrists and Senator McDermott is gone to South Africa. Why would you charge the board with this duty?"

Senator Kiskaddon: "Senator Rasmussen, this is one of the recommendations of the Board and I think the analysis you're talking about here is to think creatively and independently with analysis. When I was an engineer, I took every problem and I started to analyze the problem. The analytical method is one of the major parts of learning, and the ability to have interesting, meaningful, and satisfying life. That's half the curriculum, taught in a way that's interesting to students in meaning and so they can get a sense of how it is a part of satisfying their life. These are all parts of what a good teacher and what a good program actually will accomplish. I believe it's a great part of what will really keep us in the forefront of the world in terms of our ability to handle it, so these are good things to have within the structure of the programs and I've answered your question."

Senator Talmadge demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kiskaddon to Substitute Senate Concurrent Resolution No. 8429.

The motion by Senator Kiskaddon failed and the amendment was not adopted.

POINT OF INQUIRY

Senator Vognild: "Senator Smitherman, you are the Democratic lead member on the Higher Ed Committee and you've worked this. In your opinion, does this resolution, if adopted, constitute a final and total approval of the HEC Board report by the Legislature?"

Senator Smitherman: "Thank you, Mr. President, ladies and gentlemen of the Senate. Senator Vognild, the plan in itself is a dynamic plan. It's an ongoing process, so our approval today I don't believe could constitute a final approval of the plan per se, because there are elements of that plan that are not complete right now—that are ongoing. So, my answer would be 'no.'"

POINT OF INQUIRY

Senator Talmadge: "Senator Smitherman, I've had distributed a copy of RCW 28B.83.30 which says, 'The Legislature shall by concurrent resolution approve or recommend changes to the initial plan and then upon that approval by concurrent resolution, the plan shall become the state higher education policy unless legislation is enacted to alter the policy set forth in the plan.' Is this resolution that's before us, the resolution that is specified in the statute?"

Senator Smitherman: "I believe that the resolution before us approves of certain broad goals, but I don't think that, Senator Talmadge, again as I answered Senator Vognild, that it constitutes a final approval, as this is an ongoing process."

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 2, line 12, insert the following:

"BE IT FURTHER RESOLVED, That nothing in this resolution shall be construed as authorizing the Higher Education Coordinating Board or any institution in Washington's system of higher education to adopt by rule or regulation any aspect of the master plan until such time as the master plan has been approved specifically by the Legislature as required by Section 4, Chapter 370, Laws of 1985; and"

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Saling, the question I've been casting about for, as you can tell, is just the question, is this the resolution that's contemplated by the statute or is it not?"

Senator Saling: "I have to give you the same answer that Senator Smitherman gave you. It certainly is responding to the law that set up the HEC Board with a continuing resolution. I don't believe that it is the final say on all of the recommendations that the HEC Board is making. The resolution, itself, points out that there are some concerns, particularly funding concerns, that must be looked at and so the

resolution is establishing a committee to do that prior to any recommendation back to the Legislature next year concerning the funding.

"So, I would have to say it is not a final approval. It's not a final approval in that the state--the HEC Board--has to come back every two years to tell us what they're doing about the HEC Board plan and it gives us an opportunity to change their minds in statute whenever we so desire. Of course, any problem that they bring to us that they want to initiate that costs money will have to be enacted by the Legislature."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge to Substitute Senate Concurrent Resolution No. 8429.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Bauer, Smitherman, Rinehart and Patterson be adopted:

On page 2, line 18, after "include" strike ", but are not limited to"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Saling, Bauer, Smitherman, Rinehart and Patterson to Substitute Senate Concurrent Resolution No. 8429.

The motion by Senator Saling carried and the amendment was adopted.

MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8429 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Saling, just so I can become clear in my mind, it looks to me like what this resolution does is approve of the goals of the plan. It does not approve of the plan itself. Is that an accurate reading of this resolution?"

Senator Saling: "It does state in the resolution that it approves the goals of the master plan. As you are aware, the master plan suggests a six-year period of time to increase funding up to a par level of the peer institutions with which we judge where we are against other institutions, so it does say that it is a goal and it is not the policy statement that will never ever be corrected or adjusted or something else."

Senator Kiskaddon: "So, it does this and also includes the approval of the initial implementation of these goals that would be written in that document or did that document only lay out goals? Did it lay out steps for implementation?"

Senator Saling: "The Higher Education Coordinating Board already has the authority to establish everything that's in this plan except the additional funding and that must come back to the Legislature anyway."

Further debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator Saling, is it true that under the present statute, the offering of any off-campus program, or the acquisition of any major off-campus facility, is subject to the evaluation and approval of the Higher Education Coordinating Board?"

Senator Saling: "Yes, Senator, that is true. RCW 28B.80.340 directs the Higher Education Coordinating Board to review and evaluate and approve, modify, consolidate, initiate, or eliminate off-campus programs at the four-year institutions. They are to perform this function in consultation with the colleges and universities. They are also granted authority, by the same statute, to approve the purchase or lease of major off-campus facilities for the four year institutions and community colleges. Finally, they are granted the authority to establish campus service areas and define on-campus and off-campus activities and major facilities."

Senator Smitherman: "If I might continue, would you consider this a strict limitation on the ability of any institution to establish a branch campus or an off-campus program without the prior approval of the Higher Education Coordinating Board as to the nature and location of that campus or program?"

Senator Saling: "Most definitely. As a matter of fact, the legislation which established the Higher Education Coordinating Board and set forth its powers and duties went so far in this area as to amend and strictly limit the powers and authority of the Boards of Regents and Trustees. This change limited the authority of the governing boards of the institutions over the offering of off-campus programs and the acquisition of major off-campus facilities. Any off-campus program, as defined by the Higher Education Coordinating Board, which is offered by an institution of higher education is subject to the prior approval of the HEC Board. The same is true of the acquisition of any major off-campus facility."

Further debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Saling, I'm basically supportive of this report, but I do have a concern on the hundreds of millions of dollars that Senator Bluechel was talking about that the future brings. By the adoption of this resolution, would it be your belief that any part of the report or anything that the HEC Board may determine in the future, should ever become an entitlement program in the state of Washington?"

Senator Saling: "No, Senator Vognild, there is no intent that this would be an entitlement program. Any entitlement would have to come back through the Legislature for approval separately than this report."

POINT OF INQUIRY

Senator Vognild: "Senator Smitherman, I would like to pose the same exact question to the Democratic lead member of that committee."

Senator Smitherman: "Senator Vognild, I'm sorry I missed your question."

Senator Vognild: "My question was, with the adoption of this resolution, would you consider that any portion of the HEC Board report or any action by the Board should ever be considered as an entitlement program within the state of Washington?"

Senator Smitherman: "No."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Saling, right or wrong, we all become very provincial with issues like this. I guess I'm particularly disinterested in the HEC Board's report because for some reason or other, they excluded Yakima and Yakima Valley. I haven't read the resolution, because I haven't been that interested in it, but I guess from what I hear everybody saying is, and I wanted to ask you, are you saying to the HEC Board, 'Thank you very much for your report; we're going to lay it aside and when we get ready, we'll do something about it,' or did you tell them to go back to the drawing board and take another look at the issue? As Senator Fleming pointed out, that nobody gets discriminated against and is this the message we're giving the HEC Board?"

Senator Saling: "Senator Deccio, I'm really sorry that Yakima was not recommended for a branch campus, but we can't all have branch campuses in our back yards we were told. The resolution is not something that tried to ignore the Yakima Valley or the plan did not try to ignore the Yakima Valley. It tried to look at the entire state and tried to offer a recommendation where additional services ought to be provided. It is not just something that is going to say, 'Thanks a lot, but we're going to go on our way.' It's a resolution that says, 'Thanks a lot for the hard work you have done, continue that work, come back to us with other ideas and recommendations and we're going to keep track of what you're doing and we're not going to vote the money for what you recommend unless we agree with what you recommend.' That's what the resolution is really saying."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8429.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8429, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Halsan, Hansen, Kiskaddon, Moore, Niemi, Pullen, Rasmussen, Talmadge - 8.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, having received the constitutional majority, was declared passed.

MOTION

At 12:09 p.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:34 p.m. by President Cherberg.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9176, Jean H. Adams, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

Senator Hayner spoke to the confirmation of Jean H. Adams as a member of the Board of Trustees for Walla Walla Community College.

APPOINTMENT OF JEAN H. ADAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognilid, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Absent: Senators Fleming, Stratton, Williams - 3.

SECOND READING

SENATE BILL NO. 5726, by Senators Bailey, Nelson, Benitz, Saling, Patterson, Johnson, Craswell, Metcalf and Anderson

Providing a career ladder for teachers.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5726 was substituted for Senate Bill No. 5726 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, this says, 'Provides that if the school district and employees by written agreement wish to continue the use compensation model beyond the expiration date of the field test, the state must continue to provide a required level of funding.' My question, now, relates to if we must continue the required level of funding. Is that to the extent of the appropriation in the bill, forty-nine thousand, five hundred?"

Senator Bailey: "No, the appropriation is for this biennium of forty-nine thousand, five hundred. That begins the pilot study. We anticipate, as I mentioned earlier, that the total cost of the study and to implement the program will be about two hundred and fifty thousand dollars. That's the best estimate I have at this time. That will go into the next biennium."

Senator Rasmussen: "A further question, that would continue only for that district that had been the chosen district?"

Senator Bailey: "That is correct."

Senator Rasmussen: "And would block out all other districts from engaging in the test?"

Senator Bailey: "If the state, in it's infinite wisdom, decided the career ladder was the way to go, of course, then other districts would receive that same funding. We're only asking for the pilot study in one district at this time."

Senator Rasmussen: "And this appropriation would be the limit for now?"

Senator Bailey: "For now, yes, and it will require a report to the Legislature at the next session."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5726.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5726, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Sellar, Smith, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

SUBSTITUTE SENATE BILL NO. 5726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6244, by Senators Bailey, Metcalf, Vognild, Anderson, McMullen, Nelson, Bender, Kiskaddon, Smith and Barr

Providing additional capital construction assistance to certain small school districts.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6244 was substituted for Senate Bill No. 6244 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6244.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6244, and the bill passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Zimmerman - 38.

Voting nay: Senators Bender, Fleming, Garrett, Gaspard, Halsan, Kreidler, Madsen, McDonald, Moore, Williams, Wojahn - 11.

SUBSTITUTE SENATE BILL NO. 6244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6166, by Senator Bailey

Changing provisions relating to the teacher assistance program.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 2, line 24, after "teachers" strike everything through "support" on line 28 and insert "can benefit from the assistance and support of a professional colleague"

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 6166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6166.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6166, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Moore - 1.

Excused: Senator Lee - 1.

ENGROSSED SENATE BILL NO. 6166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6561, by Senators Saling, Gaspard, Bailey, Patterson, Deccio, Barr and Garrett

Exempting from use tax certain property acquired by institutions of higher education.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 6561 was substituted for Senate Bill No. 6561 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Bailey, further consideration of Substitute Senate Bill No. 6561 was deferred.

SECOND READING

SENATE BILL NO. 6501, by Senators Bailey, Rinehart, Gaspard, Lee and Bauer

Authorizing pooled insurance agreements for school and educational service districts.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6501.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6501, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Moore - 1.

Excused: Senator Lee - 1.

SENATE BILL NO. 6501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6591, by Senators Saling, Smitherman, Johnson, Rinehart, von Reichbauer, McMullen, Anderson, Gaspard, Patterson, Stratton, Cantu, Garrett and Smith

Establishing a college savings bond program.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6591 was substituted for Senate Bill No. 6591 and the substitute bill was placed on second reading and read the second time.

Senator Smitherman moved that the following amendment be adopted:

On page 4, beginning on line 1 strike all of NEW SECTION, Sec. 8 and renumber the remaining sections consecutively

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Smitherman to Substitute Senate Bill No. 6591.

The motion by Senator Smitherman carried and the amendment was adopted.

MOTION

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

On page 1, line 21, after "chapter," strike all material through "instruction." on page 2, line 7, and renumber the remaining subsections consecutively

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 6591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Saling, has there been any kind of legal opinion from the Attorney General's office or anybody else with respect to the issue of lending of the states' credit associated with this program?"

Senator Saling: "Only through the Treasurer's office, Senator. We have been working with them and they have indicated that the bonds that they have right now could simply be offered in lieu of other obligation bonds and that in their minds, there is no problem. There has not been any contact with any Attorney General to my knowledge."

Senator Talmadge: "A second question, the bill makes reference to the sale of the bonds at a deep deficit, I believe, as a deep discount. Is there any sense of what a deep discount means in connection with this bill?"

Senator Saling: "The chart that was provided us, showed that perhaps bonds could be sold for approximately twelve hundred dollars that would mature at five thousand dollars over a fifteen to twenty-year period of time."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6591.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6591, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vogndild, von Reichbauer, Warnke, Wojahn, Zimmerman - 41.

Voting nay: Senators Kreidler, Niemi, Owen, Talmadge - 4.

Absent: Senators Moore, West, Williams - 3.

Excused: Senator Lee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6561, deferred on second reading earlier today.

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6561.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6561, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Moore, West - 2.

Excused: Senator Lee - 1.

SUBSTITUTE SENATE BILL NO. 6561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 6602, by Senators Saling, Gaspard, Zimmerman, McMullen, Bailey, Rinehart, Patterson, Kiskaddon, Bender, Smith, Anderson, Smitherman, Cantu, DeJarnatt and Garrett

Encouraging the donation of modern equipment to institutions of higher education.

MOTION

On motion of Senator Saling, Substitute Senate Bill No. 6602 was substituted for Senate Bill No. 6602 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

MOTION

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 6602 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6602.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6602, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcaif, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator West - 1.

Excused: Senators Lee, Moore - 2.

SUBSTITUTE SENATE BILL NO. 6602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6684, by Senators Zimmerman, Smitherman, Anderson and Johnson

Establishing a pilot project of early outreach programs for middle school or high school students.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following Committee on Higher Education amendment was adopted:

On page 1, line 20, after "board" strike "shall" and insert "may"

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 6684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6684.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6684, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcaif, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

ENGROSSED SENATE BILL NO. 6684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8026, by Senators Rinehart, Saling and von Reichbauer

Requesting that Congress exempt tuition waivers from federal income tax.

The memorial was read the second time.

MOTION

On motion of Senator Saling, the rules were suspended, Senate Joint Memorial No. 8026 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8026.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8026, and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

SENATE JOINT MEMORIAL NO. 8026, having received the constitutional majority, was declared passed.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5364 and the pending motion by Senator McCaslin to advance the bill to third reading and final passage, deferred February 10, 1988.

The President declared the question before the Senate to be the motion by Senator McCaslin to advance Engrossed Substitute Senate Bill No. 5364 to third reading and final passage.

The motion by Senator McCaslin carried and Engrossed Substitute Senate Bill No. 5364 was advanced to third reading and final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator McCaslin, you and I had talked about a provision about transferring wrestling to the jurisdiction of the Arts Commission, because it's legitimate theatre. Did we work that one out?"

Senator McCaslin: "Well, I was going to, but I couldn't buy my paints last night."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5364.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5364, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 44.

Voting nay: Senators Garrett, Johnson, Zimmerman - 3.

Absent: Senator Patterson - 1.

Excused: Senator Lee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6218, by Senators McCaslin, Bauer, Johnson, Conner and Benitz

Revising certain provisions regulating the practice of physical therapy.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6218 was substituted for Senate Bill No. 6218 and the substitute bill was placed on second reading and read the second time.

Senator Bender moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 1, after line 26, strike all the material down to and including "force" on page 2, line 1, and insert "~~((chiropractic practices as defined by RCW 18.25.005, which include the adjustment or manipulation of the articulations of the spine and its immediate articulations or mobilization of these articulations by use of a thrusting force))~~ the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations"

On page 2, after line 31, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 18.74 RCW to read as follows:

(1) Physical therapists shall not advertise that they perform spinal manipulation or manipulative mobilization of the spine.

(2) A violation of this section is unprofessional conduct under this chapter and chapter 18.130 RCW."

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Bender to Substitute Senate Bill No. 6218.

The motion by Senator Bender carried and the amendments were adopted.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 6218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Moore: "There are three chiropractic groups, are they all in accord in support of this legislation?"

Senator McCaslin: "I have no idea, but I know one group is and that's the group that worked with Gail Toraason on this and got their approval."

Senator Moore: "That's the group that wants this bill?"

Senator McCaslin: "I assume it is. I don't think the group that doesn't want this bill would support it."

Senator Moore: "Right, we've reached an understanding."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6218.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6218, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senators Moore, Zimmerman - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6255, by Senators West, Patterson, Smith, Zimmerman, Benitz and Barr

Creating a zone where interstate trip permits are not required.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6255 was substituted for Senate Bill No. 6255 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6255.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6255, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Nelson - 1.

SUBSTITUTE SENATE BILL NO. 6255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6641, by Senators Craswell, Vognild, Bailey, Owen, Smitherman and Metcalf

Providing for armed forces shipboard population adjustment.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6641.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6641, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Bauer, Sellar - 2.

SENATE BILL NO. 6641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, Senate Concurrent Resolution No. 8424, which was on the second reading calendar, was referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 6536, by Senators Anderson, Lee and Rasmussen (by request of Employment Security Department)

Limiting employer liability for unemployment benefits paid as a result of a catastrophe.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 6536 was substituted for Senate Bill No. 6536 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6536.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6536, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 47.

Absent: Senators Sellar, Williams - 2.

SUBSTITUTE SENATE BILL NO. 6536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6537, by Senators West, Smitherman, Lee and Anderson (by request of Employment Security Department)

Limiting applicability of administrative rulings relating to individual unemployment claims to other legal actions.

The bill was read the second time.

MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 6537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6537, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Sellar - 1.

SENATE BILL NO. 6537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6551, by Senators Pullen, Talmadge and Rasmussen (by request of Attorney General)

Changing the rights of victims, survivors, and witnesses of crimes.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6551 was substituted for Senate Bill No. 6551 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 3, line 23, after "convictions;" strike "and" and insert "~~(and)~~"

On page 3, line 28, after "judgment" insert "; and

(8) Additional costs to local governments occasioned by this section shall be borne by the public safety and education account"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, have you referenced Referendum 62 in which the counties say, 'well, you can't put any more load on us.' I think that's what Senator Talmadge is having in mind that they can't raise that question. Counties, when you give them a couple of new judges, you say, 'well if you want them,' and then they have to agree to accept the expense, so I think that this amendment probably fits in all right. You've mentioned that it doesn't cost a great deal and will not really damage the bill. Have you thought about that, Senator Pullen?"

Senator Pullen: "Yes, was that a question? Senator Rasmussen, I share your sincerity and your interest in the matter, too, and I know that you've long worked very diligently on behalf of victims of crime and witnesses and other people that have been hurt deeply by crime. At the same time, the effect on local government, as I've indicated, is quite murky and it may be more sending a request to local government and other government officials that they perhaps reorder their priorities a little bit instead of spending extra money."

The President declared the question before the Senate to be the adoption of the amendments by Senators Talmadge to Substitute Senate Bill No. 6551.

The motion by Senator Talmadge failed and the amendments were not adopted.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6551.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6551, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalif, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Sellar - 1.

SUBSTITUTE SENATE BILL NO. 6551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6625, by Senators Smith, Anderson, Bauer and Zimmerman

Allowing workers' compensation claimants to have a representative at the workers' medical examinations.

MOTIONS

On motion of Senator Smith, Substitute Senate Bill No. 6625 was substituted for Senate Bill No. 6625 and the substitute bill was placed on second reading and read the second time.

Senator Smith moved that the following amendment be adopted:

On page 2, line 13, after "examination." insert "shall not be compensated in any manner except for language interpreters."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Smith, the question that I had with respect to this amendment is that the normal circumstance in an industrial insurance claim where you've hired an attorney, is that the attorney will be hired on a contingency basis. You will not be paying the attorney for specific activity such as attendance at a medical conference or going to one of these independent medical examinations, but rather that attorney will be compensated from the outcome of the case should the worker prevail at the time of the claim. Is your amendment designed to deal only with compensation specifically for the examination itself or is it meant to be any compensation of any sort however derived?"

Senator Smith: "It is designed, Senator Talmadge, to not hire someone to go to the exam. In talking to the Department, they are allowing and will continue to allow under this, people into exams as they do now. They do not make it mandatory except on the second--if a panel says, 'no,' on the first one--they'll go to a second panel and if that panel says, 'no,' they won't always go to a third panel in allowing someone in. This wouldn't change existing process, but it would stop you from hiring someone to go in."

Senator Talmadge: "So, it would be permissible to bring your attorney and your independent medical witness, provided that they were not compensated for attendance at that independent medical examination?"

Senator Smith: "If you are paying them and you are bringing someone in and you are paying them to bring them in, that's right."

The President declared the question before the Senate to the adoption of the amendment by Senator Smith to Substitute Senate Bill No. 6625.

The motion by Senator Smith carried and the amendment was adopted.

MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 6625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Lee was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6625.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6625, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator von Reichbauer - 1.

Excused: Senator Lee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:00 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:10 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Senate Bill No. 6188 and the pending amendment by Senator Vognild on page 2, line 12, deferred February 10, 1988.

MOTION

On motion of Senator Vognild, and there being no objection, the amendment on page 2, line 12, was withdrawn.

MOTION

Senator Vognild moved that the following revised amendment be adopted:

On page 2, line 11, after "notwithstanding," strike everything down through "salmon," and insert "in the taking of or fishing for salmon, the department shall not prohibit the use of barbed hooks on a two hook set-up provided the rear hook is barbless."

Debate ensued.

The President declared the question before the Senate to the adoption of the revised amendment by Senator Vognild to Senate Bill No. 6188.

The motion by Senator Vognild failed and the amendment was not adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6188.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6188, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Pullen, Rasmussen, Smith, Vognild, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, Moore, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Warnke, West, Williams, Wojahn - 24.

SENATE BILL NO. 6188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6220, by Senators Anderson, Halsan, Deccio, Owen, Saling, Smitherman, Stratton, DeJarnatt, Warnke, Lee, Cantu, West, McMullen, Fleming, Williams, Conner, Hayner and Garrett

Changing provisions relating to business and industrial development corporations.

MOTIONS

On motion of Senator Anderson, Second Substitute Senate Bill No. 6220 was substituted for Senate Bill No. 6220 and the second substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment be adopted:

On page 27, beginning on line 21, strike all material through "act." on page 28, line 23 and insert the following:

NEW SECTION. Sec. 25. (1) The sum of forty-nine thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of trade and economic development for the purposes of section 12 of this act.

(2) The sum of fifteen thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of general administration for the purposes of section 3(8) of this act."

Renumber the remaining sections and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson to Second Substitute Senate Bill No. 6220.

The motion by Senator Anderson carried and the amendment was adopted.

MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:
On page 1, line 4 of the title, strike "31.24.160, and 50.16.070" and insert "and 31.24.160"

On motion of Senator Anderson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6220.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6220, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Moore, Niemi - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6388, by Senators DeJarnatt, Smith, Benitz, Halsan, McMullen, Stratton, Bauer, Anderson, Zimmerman and Owen

Providing that a personal use license is not required for smelt.

The bill was read the second time.

MOTION

On motion of Senator DeJarnatt, the rules were suspended, Senate Bill No. 6388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator DeJarnatt, you are saying that smelt are not a food fish?"

Senator DeJarnatt: "No, I am saying they are, but we didn't think about smelt when we were concentrating on salmon, sturgeon, ling cod, halibut, and so on. I don't think we intended to include smelt in there. We should have exempted smelt a year ago. That's what I'm trying to say."

Senator Rasmussen: "Well, that's why I voted 'no,' but I thought all you people voted 'yes.'"

Senator DeJarnatt: "Well, we didn't realize that smelt was in there."

Senator Rasmussen: "And I voted 'no,' also Senator, because food fish are bottom fish—perch, flounder, all of those things that the poor people fish for. They are

food fish. Are you going to leave the license on those people and take it off of the dippers?"

Senator DeJarnatt: "Taking it off smelt--a year ago Senator Barr was astute enough and perceptive enough to exempt carp and having eaten a lot of carp back in the Mid-West during the depression, I understood it as a food fish, but since smelt didn't appear in the bill, I didn't think about smelt, but we should have exempted it a year ago."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6388.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6388, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Hayner, Vognild - 2.

SENATE BILL NO. 6388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6508, by Senators Fleming, Bailey, Gaspard, Smitherman, Moore, Bender, Rinehart, Kiskaddon, Niemi, Vognild, Rasmussen, Garrett, Stratton, McMullen, DeJarnatt, Talmadge and Johnson

Establishing a mobile drug awareness clinic.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6508 was substituted for Senate Bill No. 6508 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey the rules were suspended, Substitute Senate Bill No. 6508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6508.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6508, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6410, by Senators Smith, Halsan, McCaslin, Patterson, Newhouse, Craswell, Hayner, Nelson, Barr, Zimmerman and Kiskaddon

Denying driving privileges to teenagers convicted of alcohol or drug offenses.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6410 was substituted for Senate Bill No. 6410 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6410 was deferred.

SECOND READING

SENATE BILL NO. 6556, by Senators Wojahn, Kiskaddon, Stratton and Johnson

Specifying that fees for birth certificates suitable for display be used for the children's trust fund.

The bill was read the second time.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 6556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6556.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6556, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6100, by Senators Conner and Talmadge

Reestablishing tribal jurisdiction over crimes committed by members of the tribe within the tribal reservation.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6100.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6100, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator West was excused.

SECOND READING

SENATE BILL NO. 6102, by Senator Conner

Authorizing state jurisdiction over certain lands previously under federal jurisdiction.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6102 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6102.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6102, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Newhouse - 1.

Excused: Senator West - 1.

SENATE BILL NO. 6102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6118, by Senators Wojahn, Anderson, Fleming, Rinehart, Garrett, Talmadge, Stratton, Deccio and Bauer

Providing for the establishment of state child care policy.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6118 was substituted for Senate Bill No. 6118 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Wojahn, the rules were suspended, Substitute Senate Bill No. 6118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6118.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6118, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6167, by Senators Nelson, Talmadge and Anderson
Revising provisions relating to public disclosure.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6167 was substituted for Senate Bill No. 6167 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6167.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6167, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccto, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:31 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Friday, February 12, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 12, 1988

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Owen, Sellar, Smith and Wojahn. On motion of Senator Cantu, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Shelly Kiemele and Beau McGregor, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 10, 1988

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1339,

SUBSTITUTE HOUSE BILL NO. 1429,

ENGROSSED HOUSE BILL NO. 1430,

SUBSTITUTE HOUSE BILL NO. 1432,

HOUSE BILL NO. 1504,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1513,

HOUSE BILL NO. 1578,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1586,

ENGROSSED HOUSE BILL NO. 1587,

ENGROSSED HOUSE BILL NO. 1588,

SECOND SUBSTITUTE HOUSE BILL NO. 1589,

HOUSE BILL NO. 1686,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1726,

HOUSE BILL NO. 1760,

ENGROSSED HOUSE BILL NO. 1786,

ENGROSSED HOUSE BILL NO. 1796,

HOUSE BILL NO. 1819,

HOUSE BILL NO. 1836,

SUBSTITUTE HOUSE BILL NO. 1855,

ENGROSSED HOUSE BILL NO. 1884,

HOUSE BILL NO. 1929,

ENGROSSED HOUSE BILL NO. 1936,

SUBSTITUTE HOUSE BILL NO. 1993,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4036,

HOUSE JOINT MEMORIAL NO. 4045, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1339 by Committee on Judiciary (originally sponsored by Representatives H. Sommers, Armstrong, Baugher, Padden, Silver, Lewis, Sanders, Kremen, Braddock, Heavey, Zellinsky, Betzoff, Peery, Bristow, Crane, Holm and K. Wilson)

Increasing penalties for the illegal transfer of food stamps.

Referred to Committee on Law and Justice.

SHB 1429 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Patrick, P. King, Brough, Armstrong, Wang, McLean, Butterfield, Chandler, Fuhrman, Doty, Todd, Silver, Moyer and Brekke)

Providing for home detention under the sentencing reform act.

Referred to Committee on Law and Justice.

EHB 1430 by Representatives Holland, Peery, Schoon, Rayburn, Walker, Cole, Betrozoff, Ebersole, Fuhrman, Holm, Taylor, Pruitt, Butterfield, Rasmussen, Spanel, Cooper, P. King, Rust, Valle, Appelwick, Todd and Silver

Allowing the superintendent of public instruction to appoint a designee to the board of natural resources.

Referred to Committee on Environment and Natural Resources.

SHB 1432 by Committee on Judiciary (originally sponsored by Representatives Crane, Butterfield, P. King, Patrick, Cantwell, Basich, Cooper, Baugher, Jones, Todd, Zellinsky, Padden, Hargrove, Appelwick, Peery, Meyers, Kremen, Dorn, Betrozoff, Holland, McLean, May, Fuhrman, B. Williams, Brough, Hankins, Jesernig, Silver, Moyer, Rasmussen and Winsley)

Revising criminal mental defenses.

Referred to Committee on Law and Justice.

HB 1504 by Representatives P. King, Padden and Meyers

Making technical corrections to trust and estate law.

Referred to Committee on Law and Justice.

ESHB 1513 by Committee on Health Care (originally sponsored by Representatives Braddock, Lewis, Bumgarner, Day and Dellwo)

Providing for certification of dietitians and nutritionists.

Referred to Committee on Health Care and Corrections.

HB 1578 by Representatives Zellinsky, Waik, Meyers, Baugher, Ebersole, Ballard, McLean, Miller, Sayan, B. Williams, Schmidt, Sanders, Vekich, Silver and Lewis

Allowing antique vehicles to operate without fenders in dry weather.

Referred to Committee on Transportation.

ESHB 1586 by Committee on Human Services (originally sponsored by Representatives Jones, Brekke, Anderson, Crane, P. King and Rust)

Revising rules for dependency proceedings.

Referred to Committee on Children and Family Services.

EHB 1587 by Representatives Rayburn, Leonard, Moyer, Anderson, Crane, Dellwo, Rust and Lux

Providing for open adoptions.

Referred to Committee on Children and Family Services.

EHB 1588 by Representatives Anderson, Winsley, Brekke, Leonard, Jacobsen, Cole, Crane and Rust

Revising certain procedures governing dependency proceedings.

Referred to Committee on Children and Family Services.

2SHB 1589 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives K. Wilson, Ferguson, Walk, Winsley, Crane, Haugen, Cantwell, Scott, Wineberry and Armstrong)

Establishing plans for treating high-risk youth.

Referred to Committee on Children and Family Services.

HB 1686 by Representatives Nealey, Fisher, Belcher, Walker, Chandler, Beck, Grant, Silver, Fuhrman, May, Rasmussen, Moyer, Sanders, McLean and Miller

Regulating the use of the state seal.

Referred to Committee on Governmental Operations.

ESHB 1726 by Committee on Local Government (originally sponsored by Representatives Hine, Ferguson, Nelson, Brough, H. Sommers, Valle, Holland, Rust, Appelwick, Locke, Heavey, Miller, May, Lux, Brekke, Todd, O'Brien, Patrick, Wineberry, Crane, Cantwell, Anderson, Jacobsen, J. Williams, Leonard, Armstrong, P. King, Barnes, Betzoff, Cole, Haugen, Fisher, Nutley and Unsoeld)

Revising membership on metropolitan councils.

Referred to Committee on Governmental Operations.

HB 1760 by Representatives Chandler, Winsley, Nutley, Todd, Ferguson, Lux, Betzoff, Hargrove and Sanders

Revising provisions for industrial loan companies.

Referred to Committee on Financial Institutions and Insurance.

EHB 1786 by Representatives Holland, Cole, Leonard, Lux, Pruitt, Taylor, Dorn, Todd, Ferguson, Miller, Wineberry, Winsley, Nealey, Rasmussen and Ebersole

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

Referred to Committee on Education.

EHB 1796 by Representatives Padden, Winsley, Brough and D. Sommers

Requiring specific access service for "976" information-access telephone services.

Referred to Committee on Energy and Utilities.

HB 1819 by Representatives Unsoeld, Belcher, Holm, Sayan, Brough, Haugen, Appelwick, Crane, Dellwo and Ebersole

Revising the property tax exemption for houses for the aged.

Referred to Committee on Health Care and Corrections.

HB 1836 by Representatives Hargrove, Wineberry, Schoon, Vekich, Braddock, Brekke, Sanders, Winsley, Lewis and Todd

Encouraging economic self-sufficiency through self-employment of families receiving aid to families with dependent children.

Referred to Committee on Economic Development and Labor.

SHB 1855 by Committee on Commerce and Labor (originally sponsored by Representatives Doty, Heavey, Patrick, Rasmussen, Walker, Wang, Brough, Cole, Ballard, Day, May, Leonard, Miller, Fuhrman, Hankins, Butterfield, Nealey, Silver, D. Sommers, Brooks, Moyer, Ferguson and Amondson)

Regulating employment in house-to-house sales.

Referred to Committee on Economic Development and Labor.

EHB 1884 by Representatives Prince, Nealey and D. Sommers
Permitting legal loads from other states to move in border areas.
Referred to Committee on Transportation.

HB 1929 by Representative Rayburn
Extending the effective date of certain emergency drought relief laws.
Referred to Committee on Agriculture.

EHB 1936 by Representatives Brough, K. Wilson and Sanders
Providing for group fishing permits for groups supervised by health care facility or hospital staff.
Referred to Committee on Environment and Natural Resources.

SHB 1993 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn and Lewis)
Providing for drought relief.
Referred to Committee on Agriculture.

SHJM 4036 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, May, Brekke, Jacobsen, Pruitt, Anderson, Todd, Lux and Ferguson)
Requesting a Western States Recycling Coalition.
Referred to Committee on Environment and Natural Resources.

HJM 4045 by Representatives Bumgarner, Sutherland, Silver, Brooks, Cole, Grant, Moyer, Haugen, D. Sommers, K. Wilson, Nealey, Hargrove, Sanders, Doty, Padden, Meyers, Amondson, Fuhrman and Taylor
Urging Congress to fund fully the Lower Snake River Fish and Wildlife Compensation Plan.
Referred to Committee on Environment and Natural Resources.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9177, Anne S. Blair, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF ANNE S. BLAIR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCain, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 44.

Absent: Senators Conner, Owen, Smith, Wojahn - 4.
Excused: Senator Sellar - 1.

MOTION

On motion of Senator Bender, Senators Conner and Owen were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9181, Cherry L. Jarvis, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

Senator Kiskaddon spoke to the confirmation of Cherry L. Jarvis as a member of the Board of Trustees for Shoreline Community College.

APPOINTMENT OF CHERRY L. JARVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Absent: Senator Williams - 1.

Excused: Senators Conner, Owen, Sellar - 3.

SECOND READING

SENATE BILL NO. 6667, by Senator Nelson (by request of Department of Licensing)

Revising special fuel user's report filing frequency.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6667.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6667, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Conner, Owen, Sellar - 3.

SENATE BILL NO. 6667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6668, by Senator Nelson (by request of Department of Licensing)

Revising special fuel bonding requirements.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6668 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6668.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6668, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Deccio, Metcalf - 2.

Excused: Senators Conner, Owen, Sellar - 3.

SENATE BILL NO. 6668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6376, by Senators Nelson, McMullen, Metcalf and Bender (by request of Governor Gardner)

Perpetuating the additional motor vehicle excise tax credited to the Puget Sound ferry operations account.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6376 was substituted for Senate Bill No. 6376 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, could you advise what's contemplated on the long-range planning on the ferry system? This is going to be a study committee to make long-range plans. Do you know if they're contemplating doing any bridging which we must have?"

Senator Nelson: "Senator Rasmussen, this study is intended to only address the uses of the motor vehicle excise taxes—their level and the recipients as to how much they're receiving in relationship to the other sources of revenue that they receive.

"May I give you an example, sir? An example would be the amount of motor vehicle excise tax that is used to support the marine division in relationship to other funds whether they be general fund revenues or passenger fares. The same thing would be analyzed with respect to the transit systems of the state of Washington.

"There is no study requirement relative to bridging or any other alternative as far as trying to establish, for the department or local government, the needs for some alternative means of transportation. We simply want to analyze exactly how much the motor vehicle excise tax is as a burden on each of the respective vehicle owners across the state of Washington, whether they're trucks or passenger automobiles and then how much money is coming in and where it's going."

Senator Rasmussen: "Thank you, Senator Nelson. Apparently we're not going to have long range planning and I think that we should. The ferry system, of course, is costing more and more. There should be some long range planning, because this twenty-one million is only a drop in the bucket that this gas tax is raising now and will go up more and more, as transportation and the ability to bridge it is very great.

"It used to be, back in the days when we used to consider bridging, it was very expensive and couldn't be accomplished, but now with the engineering and the technical improvements that we have, they can do that. I would hope that some place along the line that somebody would make that study."

REMARKS BY SENATOR PATTERSON

Senator Patterson: "Thank you, Mr. President. Senator Rasmussen, I would like to respond to your concern. It's very legitimate. Many of us in the transportation area have, for a number of years, and primarily Senator Sam Guess—who's no longer here—have discussed those possibilities of once again taking a look at the probability and where you might place a bridge across the Sound and thereby, hopefully, eliminating some of the problems that we have in the maintenance of the ferry fleet.

"There is a bill coming from the House, this time, that is a study of the ferry system as well as what some of the alternatives might be to expansion of the fleet to accommodate the traffic that is going across the Sound. I would suggest that we are aware of it and that I'm hopeful that we can get into it in a real way within the

next couple of years and possibly come up with something that will take care of a deteriorating situation in Puget Sound with our ferry system. I hope that can happen, Senator."

Further debate ensued.

POINT OF INQUIRY

Senator Warnke: "Senator Patterson, this is a tax increase of about one hundred twenty-five million through 1995. Is there any study or a solution being researched to try and make the ferries self-supporting, rather than coming out of the budget like this?"

Senator Patterson: "Senator Warnke, that's what the whole study is about. I think all of you are aware of the fact that there is a motor vehicle excise tax. The primary use that comes out of the general fund on an annual basis is the subsidy that goes to the operation of our transit systems in this state. They get a call on one percent of the motor vehicle excise tax that goes into the general fund. That call means that the transit systems are being subsidized in this state at the rate of about eighty/twenty. The ferry system in this state--at the fare box--is operating at seventy/thirty. Many of us feel that this is not an equitable way to address the issue of two transit systems: one, the state's ferry system and the other, the transit systems of this state. That is the purpose of the study--to take a look at the use of the motor vehicle excise tax in the various ways that this Legislature has established through the years as a way of helping the transit systems.

"We have a study coming over from the House, as I understand it, which will take a look at some of the ways that we might be able to reduce the cost of operation of the ferry system. Through this study, the one we're talking about now, and the study of the House, hopefully we can make some sense out of all of the subsidies that are going on in this state. I just think that it's unfair to suggest to the people that live across Puget Sound, that they have to pay at the gate--at the fare box--eighty percent or seventy percent of their costs of operation where people can ride transit systems in this state for eighteen percent at the fare box. That just doesn't seem right to me and that's the purpose, at this point in time, to take a look at that motor vehicle excise tax. It's a study that will be between the two Transportation Committees--Senate and House--and the two Ways and Means Committees and OFM.

"In other words, we hope to have everyone involved, so that when we come out of this thing that we may be able to make a recommendation to this body that provides for equity and treatment of our transit systems in this state. I hope that you would certainly go along with what we are trying to do on this particular bill, at this time. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6376.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6376, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Patterson, Rinehart, Sellar, Smitherman, von Reichbauer, Zimmerman - 27.

Voting nay: Senators Barr, Bauer, Garrett, Gaspard, Halsan, Hansen, Madsen, Moore, Niemi, Pullen, Rasmussen, Saling, Smith, Stratton, Taimadge, Vognild, Warnke, West, Williams, Wojahn - 20.

Excused: Senators Conner, Owen - 2.

SUBSTITUTE SENATE BILL NO. 6376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Fleming served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 6376 passed the Senate.

SECOND READING

SENATE BILL NO. 6192, by Senators Patterson, Owen, Conner, Hansen, von Reichbauer, Craswell and McMullen

Exempting from sales and use tax fuel purchased for marine use by the state ferry system.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, this sounds familiar. Didn't we pass this?"

Senator Patterson: "Senator Rasmussen, the answer is yes, we did."

Senator Rasmussen: "What happened to it?"

Senator Patterson: "Well, it went through the House and it went to the Governor's office. The Governor felt that was too much of a bite out of the general fund of the state of Washington, so he vetoed it and that's why it is back before you today."

Senator Rasmussen: "Is this a request bill then of the Governor? Has he changed his mind?"

Senator Patterson: "I have no idea. All I'm trying to do is to make the ferry system operate a little bit more in the black than so much in the red. That's all I'm trying to do."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6192.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6192, and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Bauer, Fleming, Garrett, Gaspard, McCaslin, McDonald, Niemi, Stratton, Warnke - 9.

Excused: Senators Conner, Owen - 2.

SENATE BILL NO. 6192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Hansen was excused.

SECOND READING

SENATE BILL NO. 6291, by Senators von Reichbauer, Bender, Sellar, Johnson and Gaspard (by request of Department of Transportation)

Expanding state relocation assistance and realty purchase policies.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6291.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6291, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Conner, Hansen, Owen - 3.

SENATE BILL NO. 6291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6723, by Senators Patterson and Garrett

Studying the issuance of specially designed license plates.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, I don't understand that cost. Maybe you could enlighten us. On the personalized plates, I thought they were making money on them. Of course, the profits are going into the game fund for the bird watching. What other plates do we have? I know that you proposed that we have mascot plates for Washington State and you—"

Senator Patterson: "I didn't propose that."

Senator Rasmussen: "Somebody did."

Senator Patterson: "Senator West proposed that."

Senator Rasmussen: "West did? It was my understanding that we were going to pay just like personalized plates and always we've been informed that the cost—I guess they're still making them over at the work house—that the cost there was running only about, at the most fifty or sixty cents a plate. Now, where do the other costs come in? As we have gone through, we did give the ham operators and the disabled, but they pay and then, also, the prisoner of war ones were passed last time. That's sort of an honor for them in the services, which the figure I have on that is a very minimal amount. What other ones and where does the cost come from? That I fail to understand because each time we—"

Senator Patterson: "Well Senator, I guess, you know I'm not an expert in determining the cost on these. All I know, is that the department has indicated to us—they gave us two different figures. OFM gave us two different figures on the costs of the requests to have the National Guard license plates. One of them was ninety-five thousand dollars and then later on a substantially greater figure came in. So, we just felt rather than just moving ahead on this thing, we ought to try to determine—just slow down a little bit—and determine exactly what the costs would be so the department can kind of get organized and know what information will be available to organizations.

"Frankly, I don't think that it should be necessary once you know the rules of the game. I don't think it should be necessary for us to make a determination on every group that should receive a license plate.

"In other words, if it's at no cost to the state of Washington, I think we ought to accommodate as many people as we can, but we can't do that until the department does a study and takes a look at what some other states are doing in this. That's all—we're trying to take a breath here before we launch into several others. We had seven requests this time and it's very difficult to determine who should get them and who shouldn't and what the cost should be."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6723.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6723, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Moore - 1.

Excused: Senators Conner, Hansen, Owen - 3.

SENATE BILL NO. 6723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6295, by Senators Garrett and Patterson

Updating the Model Traffic Ordinance.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6295.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6295, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Moore - 1.

Excused: Senators Conner, Owen - 2.

SENATE BILL NO. 6295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 6399, by Senators Barr, Patterson, Anderson, Vognild, Rasmussen, Conner, Bauer, Zimmerman and Smith

Exempting farmers and loggers from certain special fuel reporting requirements.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6399 was substituted for Senate Bill No. 6399 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6399.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6399, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Conner, Moore, Owen - 3.

SUBSTITUTE SENATE BILL NO. 6399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6494, by Senators Patterson, Conner, Metcalf, Hansen, Owen, DeJarnatt, Barr, Bender and Sellar

Revising provisions for motor vehicle license fees.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Garrett, my understanding is that the application comes from the state for your tabs?"

Senator Garrett: "That's right, Senator Rasmussen. You get this in the mail and, incidentally, you get it about two to three months before you have to pay it, so if you don't look too close at the date, you'll pay this and they get their money back in, so they'll be using it a long time before you do. You get this from the Department of Licensing, you sign your name on the back of it and that's all you have to do. If you mail it in to the County Auditor, they'll mail you the sticker, but if you go to the sub-agent, then it costs you four dollars."

Senator Rasmussen: "Well, that was my question. This tab comes from the state to us at our home or business, then it's sent by us to the County Auditor--a twenty-two cent stamp--then he, in turn, puts a stamp on it and sends it back. Where is the tremendous cost involved in the handling of that?"

Senator Garrett: "I didn't hear too much defense of that in the Transportation Committee, Senator Rasmussen. They admitted that in the large counties like King, Pierce, and large counties, that it was a profit and they were making out all right. Apparently, in some of the smaller counties, maybe they don't own enough automobiles, I don't know, but they also said they had to keep the crew there, whether they're doing anything or not."

Senator Rasmussen: "It's a revenue source rather than a cost?"

Senator Garrett: "No question."

POINT OF INQUIRY

Senator Warnke: "Senator Garrett, how much do you think, or do you know, will it cost the consumers and auto owners in the state of Washington, annually, with this increase?"

Senator Garrett: "I don't know. I'm sure the proponents of the bill must, but however many cars there are licensed in the state of Washington, why that's how many dollars that is out of the consumer's pocket. I wouldn't hazard a guess on that. Senator Bender says about a million dollars a year, so this would be about a million dollars a year increase in taxes."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6494.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6494, and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Deccio, DeJarnatt, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, McMullen, Metcalf, Nelson, Patterson, Saling, Sellar, Smith, Vognild, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Cantu, Craswell, Fleming, Garrett, Gaspard, Halsan, Kreidler, Madsen, McCaslin, Niemi, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Warnke, Williams, Wojahn - 20.

Absent: Senator Newhouse - 1.

Excused: Senators Conner, Moore, Owen - 3.

SENATE BILL NO. 6494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6217, by Senator Benitz

Requiring the department of ecology to sell its interest in the Prosser well at the Washington State University research center.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6217 was substituted for Senate Bill No. 6217 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 6217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6217.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6217, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Conner, Moore, Owen - 3.

SUBSTITUTE SENATE BILL NO. 6217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:49 a.m., on motion of Senator Newhouse, the Senate recessed until 1:15 p.m.

At 10:49 a.m., the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

WASHINGTON STATE MEDAL OF MERIT AWARD CEREMONY

The Sergeants at Arms of the House and Senate announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms to escort the President of the Senate John A. Cherberg, the President Pro Tempore Alan Bluechel, the Vice President Pro Tempore Ellen Craswell, the Majority Leader Jeannette Hayner and the Democratic Leader Larry Vognil to seats on the rostrum.

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

Speaker King: "Welcome. It is a pleasure for me to give to you, Governor Cherberg, the gavel to preside over this Joint Session. It is indeed our pleasure again to host the award ceremony for the winners of the Washington State Medal of Merit. We welcome you, Governor Cherberg, our colleagues from the Senate, the state elected officials, the members of the Supreme Court, the medal recipients and all other guests who are with us today. At this point, again, it gives me a great deal of pleasure to turn the gavel over to Lieutenant Governor John A. Cherberg."

The Speaker presented the gavel to President Cherberg.

The Clerk of the Senate called the roll of the Senate.

The Clerk of the House called the roll of the House.

The President appointed Senators McCaslin, Stratton, Cantu and DeJarnatt and Representatives Anderson, Fisher, Bumgarner and Fuhrman as a special committee to advise His Excellency, Governor Booth Gardner, that the Joint Session had assembled and to escort him to a seat on the Rostrum of the House.

The President appointed Senators Metcalf, Bender, Lee, Bauer and von Reichbauer and Representatives Heavey, Leonard, Lewis, Dick King and Moyer as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President appointed Senators Benitz, Garrett and Barr and Representatives Locke, Holm and Doty as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced the Supreme Court Justices and the State Elected Officials.

The President introduced distinguished guests seated in the gallery including Mrs. Nell H. Carlson, wife of Mr. Edward E. Carlson; Ms. Lynn Himmelman, friend of Mr. Edward E. Carlson and former United Airlines board member; Ms. Barbara Himmelman; Mrs. Charlotte Hutchinson, wife of Dr. William B. Hutchinson; Ms. Mary Duphorne, Pacific Northwest Research Foundation associate; Ms. Virginia Iverson, Pacific Northwest Research Foundation associate; Mr. Peter Jackson, son of Senator Henry M. Jackson; Mr. Brian Corcoran, former Press Secretary to Senator Henry M. Jackson; and Mrs. Melvia Corcoran.

The President introduced Governor Booth Gardner.

President Cherberg: "The purpose of the Joint Session is to present the Medal of Merit Awards for the second time to three deserving Washington State citizens who have been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and the state of Washington."

The President introduced Representative Joseph E. King, Speaker of the House of Representatives.

Speaker King: "Thank you, Governor Cherberg. Ladies and gentlemen, distinguished guests and members of the House and Senate. Before I introduce the first Medal of Merit award winner today, I would like to say a special word of thanks to Speaker John O'Brien, who had the vision to pass the original legislation that called for the establishment of this Medal of Merit. The Legislature was originally skeptical about the effort, but as I remember last year when we had the first Medal

of Merit Award Ceremony, it was one of the most proud moments, one of the nicest moments, in the hectic sessions we sometimes face. Let's all give thanks to Speaker John O'Brien.

"Today's first recipient of the Medal of Merit Award is a living example of America's spirit, ambition and tireless commitment to the public good. Most of us in this Chamber are trying to make a contribution to society through elective office. Ed Carlson has demonstrated that a private citizen can do more for his fellow man than many of us would ever dream of. For most of his life, Ed Carlson has given his time and vision to helping make Washington a better, more liveable state. Through his considerable accomplishments in the business world and in the effort he has given to many civic activities, Mr. Carlson has established himself as one of the true leaders, in every sense of the word, of this state.

"Upon graduating from the University of Washington, Mr. Carlson worked his way up in the hotel business to become the President and Board Chairman of what is now the Westin Hotel chain. He later became President and Chief Executive Officer of United Airlines. His business and civic accomplishments have earned him many honors and awards over the years. Putting Seattle on the map as Chairman of the 1962 Seattle World's Fair helped earn him the city's First Citizen Award in 1966. He is also the past recipient of the Horatio Alger Award, the Legion of Honor Award, the American Tourism Award and many others, too numerous to mention here.

"He has now supposedly retired, and I'm not sure how many retirements Ed Carlson has been through. He remains an active participant in public affairs. He continues to serve on various advisory boards and panels, including the University of Washington Board of Regents. Ladies and gentlemen, will you join me in welcoming and honoring one of Washington's foremost citizens, Edward E. Carlson."

The Speaker presented the Medal of Merit to Mr. Edward E. Carlson.

Mr. Carlson: "Thank you, Mr. Speaker. Governor Gardner, Lieutenant Governor Cherberg, Mr. Speaker, distinguished members of the Legislature, ladies and gentlemen. At a time like this, Mrs. Carlson and I have much to be thankful for—a host of friends across the country, good health, with my many commitments and opportunities for extensive travel across the world, and always the fascinating and sometimes frustrating challenges of an active life in the corporate world. Now, in what I call the harvest years of my life, I am honored to share this podium with Dr. William Hutchinson, Mrs. Henry Jackson and Governor Gardner before a joint meeting of the State Legislature as one of the recipients of the Medal of Merit.

"Forgive me now for a few moments of reflection. I have often thought how fortunate I am to have been born in this country where there is no limit on opportunities, where—with a little luck and the willingness to work—men and women can enjoy the mental stimulation and the satisfaction of successes in the business world and civic affairs, where people can dream and make things happen, where the doers and the doubters can be separated. I have often said the doers make things happen; the doubters sit on the sidelines and carp with seldom any positive thoughts, yet always ready to say, 'I told you so.'"

"Opportunities and challenges come in different ways. Although I have never been elected to a public office, I have been privileged to respond to the invitations of Governors of this state and to Presidents of the United States to serve as a member of a number of commissions. Those experiences give me the greatest admiration for those of you in public life who commit your skills, your energy and your intellect to matters essential to the public good. In my judgment, these commitments and your debates are essential to continued emphasis on a number of things, but may I mention particularly education and a sense of compassion to the disadvantaged of our society. I wish you well in that continued effort.

"Governor Gardner, on behalf of my family, let me express my sincerest appreciation for this recognition today. I am deeply humbled and forever grateful to you. Thank you."

President Cherberg: "Honorable ladies and gentlemen, it is indeed a rare and wonderful honor at this point to present the Medal of Merit to Dr. William B. Hutchinson as a pioneer in the field of medical research. As President and Founding Director of the Pacific Northwest Research Foundation, Dr. Hutchinson has

earned international recognition in research on bio-medical problems not currently understood, which relate to human disease. As the builder, the organizer and the President of the Fred Hutchinson Cancer Center--which honors his brother Fred, the great baseball player--Dr. Hutchinson established a facility which has further widened medical research programs in our region. I happen to know that Dr. Hutchinson was also a terrific baseball player in his own right and one who could have been a great success in major league baseball had he chosen to do so. Dr. Bill is a true son of Washington State and a remarkable organizer and research genius and well deserving of this honor, the Medal of Merit. It is my great honor and high pleasure to present to this distinguished audience, Dr. William Hutchinson."

President Cherberg presented the Medal of Merit to Dr. William B. Hutchinson.

Dr. Hutchinson: "Lieutenant Governor Cherberg, distinguished members of the Supreme Court, the Senate and House of Representatives, members of the selection committee, and ladies and gentlemen. As I receive the Medal of Merit, I feel most humble, as I represent that wonderful group of people from all strata of our society who have given so liberally of their precious time, effort and financial substance to what I consider an important reality.

"In my opinion, it has been my duty, as a knowledgeable person in surgery and in the bio-medical sciences, to see that their trust in me has not been misplaced. We have put together two private bio-medical research institutions, the Pacific Northwest Research Foundation in 1955, which is the parent organization of the Fred Hutchinson Cancer Research Center founded in 1972, from which I resigned in January 1, 1985. Senator Magnuson, the champion for cancer research, obtained five million dollars from the U.S. Senate, which was to be matched by two million dollars from the Pacific Northwest Research Foundation, to construct that facility. We also hosted the Thirteenth International Cancer Congress at Pacific Auditorium in Seattle in 1982 where ninety-one hundred delegates from eighty-nine countries assembled for one week of study. Over two thousand Washington State citizen volunteers helped make this a memorial event, illustrating the cooperative nature of our citizens. The state gift from Governor Ray made this event the success for which it is remembered. At present, we, the citizens of this state, can for a variety of reasons take our rightful place with Massachusetts, New York, Texas and Washington, D.C., as leaders in medical advancements.

"We must work diligently and intelligently to maintain this posture. I shall attempt to do this. God willing, in my small niche at the Pacific Northwest Research Foundation. As we mature in life, we recognize how fortunate we have been to be the recipients of the tremendous sacrifices our not-too-distant forebearers made on our behalf. Thus recognized, it must create an inner desire in most of us to want to leave our successors a more decent and healthy society. This body of dedicated people is a living example of this truth. Often unappreciated, maligned and ridiculed, you push forward, attempting to make our democratic system work. You are the leaders, and we must all hold you in the highest esteem, for you often put personal considerations and gain--both financial and political--aside if the system and you are to succeed. It is self-evident that no one wants an increase in taxes, but if we are to enjoy improvements, they must be paid for. Morally, our duty in the research field is to be certain that such tax money is well directed and prudently used when the research programs are fortunate enough to be the recipients. Washington State has produced some outstanding legislators.

"Again, I wish to thank you all for honoring me. I will humbly accept this honor on behalf of all those who made it happen to me. Thank you."

The President of the Senate introduced Governor Booth Gardner.

Governor Gardner: "To the rest of the county, he was Senator Henry Jackson, one of the most powerful men ever to walk the floor of the United States Senate. But here in Washington, he was always 'Scoop.' His well-earned reputation as one of this nation's greatest foreign policy experts, his chairmanship of the Senate Interiors Committee and almost forty-three years in the U.S. Congress gave Senator Jackson political power that we will likely never see again. Despite the fact that he was a valued advisor to eight different Presidents, Scoop never lost his down-home

charm, a charm that won the hearts of citizens throughout this state. It didn't matter whether you were a Democrat or a Republican, conservative or liberal, white collar or blue collar, woman or man, you were attracted to Scoop for his combination of fairness and sensibility. Senator Jackson left us more than four years ago, but his legacy will live in Washington State for centuries--in the forests he saved, in the students he enabled to obtain a college education, to thousands upon thousands of jobs that he brought to the state of Washington. He was a man both bigger than life and down to earth, a rare combination, but a combination that worked to make this state a tremendous place to live. To you, Helen, Peter and Ann Marie, who couldn't be with us today, thank you for sharing Scoop with all of us in the state of Washington."

Governor Gardner presented the Medal of Merit to Mrs. Henry Jackson for the late U.S. Senator Henry M. Jackson.

Mrs. Jackson: "Governor Gardner, Lieutenant Governor Cherberg, Mr. Speaker, members of the Senate and the House. I am very pleased to accept this award on behalf of my husband. Scoop loved the Northwest, and he would be proud that the state of Washington honors him with its highest award, the Medal of Merit.

"Born in Everett, Scoop--as many of you know--was the son of Norwegian immigrants. His parents were drawn to this state by its promise of a better life, its natural beauty so reminiscent of their homeland, and by its resourceful and strong-minded people who shared a sense of caring and community responsibility. Growing up in Everett, Scoop learned the values of hard work, frugality and self-reliance. He witnessed firsthand the toil of working men and women, the pain of economic hard times, and the courage and strength of his fellow citizens. His greatest joys in those days were to explore the back roads of Snohomish County and to camp in the wilderness around Monte Cristo.

"So deep were his roots in Washington State, that many of Scoop's legislative achievements can be traced to his experiences as a young man coming of age in the Pacific Northwest. For example, his championship of the major economic and social legislation of the post-war period grew out of his early career as a social worker during the Depression when, as he used to tell me, he saw women with good faces rummaging in garbage cans to feed their families. His unwavering support for the cause of labor can be traced to his father's strong union loyalty as a mason and cement worker in Snohomish County. Scoop's leadership, in advancing social justice and human rights at home and abroad, reflect his Scandinavian heritage of equality and independence. His pioneering role in the major environmental legislation of this century was influenced by the memory of those halcyon days spent climbing Mount Pilchuck and fishing in Puget Sound. Thus, he was determined to preserve our state's national parks and wilderness areas for future generations to enjoy and explore.

"Over the years, Scoop assumed an increasingly important role as an international statesman, as a defender of freedom and democracy throughout the world, as the national chairman of his party and as a candidate for the Presidency. Yet, never did he forget his paramount duty as representative of the people of Washington State. How well I remember the many evenings Scoop would come home with a stack of telephone messages, and sit up until late in the evening returning calls to people back home, or the long weekends in Everett, he would spend helping widows solve problems they had with Social Security, advising young people on their future careers, raising funds for scholarships in memory of his sister Gertrude, or visiting old friends in nursing homes.

"At the time of Scoop's death, I received more than seven thousand letters of condolence from people all over Washington, from places like Chimacum, Republic, Walla Walla, Tenino and Aberdeen, each relating to me some special kindness that Scoop had done for them. Even now, I am often approached by individuals who have a story to share about how Scoop had taken the time to help them with a personal problem, but then Scoop considered that to be his principle responsibility. His love for this state and its people was unending.

"The award of merit would have made Scoop very proud, and I thank you sincerely on his behalf."

President Cherberg: "Governor Gardner, you are certainly entitled to all the praise in the world for participating in the Medal of Merit Award Ceremony. We have such a wonderful group to receive the awards. Thank you so very much. Also, on behalf of the Legislature, thank you Eddie, Bill and Helen for being here today and for all of the wonderful things that you have done for the people, not only of this state, but internationally. Mr. Speaker, thank you and your group for the proceedings and the wonderful manner in which you have greeted us."

The President of the Senate instructed the special committee to escort Governor Gardner from the House Chamber.

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

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

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

MOTION

On motion of Representative Ebersole, the Joint Session was dissolved.

The Speaker instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the President of the Senate John A. Cherberg, the President Pro Tempore Alan Bluechel, the Vice President Pro Tempore Ellen Craswell, the Majority Leader Jeannette Hayner, the Democratic Leader Larry Vognild and the members of the Washington State Senate from the House Chamber.

The Senate was called to order at 1:37 p.m. by President Cherberg.

At 1:37 p.m., and there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 2:23 p.m. by President Cherberg.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9184, Richard K. Murakami, as a member of the Board of Trustees for Grays Harbor Community College District No. 2, was confirmed.

Senators DeJarnatt and McCaslin spoke to the confirmation of Richard K. Murakami as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

APPOINTMENT OF RICHARD K. MURAKAMI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SECOND READING

SENATE BILL NO. 6269, by Senators Owen, von Reichbauer, Kreidler, Warnke, Smitherman, Johnson and Conner:

Authorizing special license plates for National Guard members.

The bill was read the second time.

MOTIONS

On motion of Senator Halsan, the following amendment by Senators Halsan and Lee was adopted:

On page 2, after line 1, insert the following:

***NEW SECTION, Sec. 2.** The legislature recognizes that the Civil Air Patrol is a public service organization that fills a vital role in this state, and that its members perform many life-

saving services. As such, the members should be afforded special recognition, and therefore the legislature seeks to authorize special personalized license plates for members of the Civil Air Patrol.

NEW SECTION, Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:

(1) A resident of this state who is currently a member of the Civil Air Patrol may, in addition to the application required by RCW 46.16.040, apply to the department for a set of personalized license plates designed by the department to indicate that the recipient of the plates is a member of the Civil Air Patrol.

(2) In addition to the regular registration fee and any other fees and taxes required to be paid upon registration, the applicant shall pay a fee of thirty dollars. In addition to the regular renewal fee and any other fees and taxes required to be paid, the applicant for renewal of such plates shall pay an additional fee of twenty dollars. The additional fees shall be forwarded to the state treasurer and deposited to the credit of the motor vehicle fund.

(3) The plates shall be issued upon payment of the prescribed fees and furnishing proof satisfactory to the department that the recipient fulfills the requirements provided by subsection (1) of this section. Only one motor vehicle owned by the applicant may be so licensed at any one time.

(4) The plates shall remain with the recipient upon transfer or other disposition of the vehicle, and may be used on another motor vehicle registered to the recipient in accordance with the provisions of RCW 46.16.590 and 46.16.595 for such transfers.

(5) Upon separation from the Civil Air Patrol, the recipient shall return such plates to the department and shall relicense his or her vehicle within fifteen days as otherwise provided for in this chapter."

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 6269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6269.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6269, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 48.

Absent: Senator Williams - 1.

ENGROSSED SENATE BILL NO. 6269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6344, by Senators Barr, Hansen, Bailey and Anderson (by request of Department of Agriculture)

Revising provisions relating to agriculture.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6344 was substituted for Senate Bill No. 6344 and the substitute bill was placed on second reading and read the second time.

Senator Hansen moved that the following amendment be adopted:

On page 8, after line 36, insert the following:

"Sec. 14. Section 8, chapter 139, Laws of 1959 as last amended by section 4, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.080 are each amended to read as follows:

Any person applying for a commission merchant's license shall include in his or her application a schedule of commissions, together with an itemized list of all charges for services to be rendered to a consignor and shall post a copy of such charges on his or her premises in a conspicuous place where it is clearly visible and available to consignors. In addition to the posting of the itemized list of charges, such list shall be distributed to each consignor along with each contract entered into between the consignor and the commission merchant. Such commissions and charges shall not be changed or varied for the license period except by written contract between the consignor or his or her agent and the licensee or thirty days after written notice to the director, and proper posting of such changes, as prescribed by the director, on

the licensee's premises. Charges for services rendered and not listed on the schedule of commissions and charges filed with the director, or for increases in charges listed and filed which are directly caused by increases in labor rates or in cost of materials which occur after the signing of the contract by the grower, shall be rendered only on an actual cost to the licensee basis.

Sec. 15. Section 38, chapter 139, Laws of 1959 as last amended by section 33, chapter 296, Laws of 1981 and RCW 20.01.380 are each amended to read as follows:

Every dealer or cash buyer purchasing any agricultural products from the consignor thereof shall promptly make and keep for one year a correct record showing in detail the following:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The terms of the sale.
- (4) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (5) An itemized statement of any charges paid by the dealer or cash buyer for the account of the consignor.
- (6) The name and address of the purchaser: PROVIDED, That the name and address of the purchaser may be deleted from the record furnished to the consignor.
- (7) A copy of the itemized list of charges required under RCW 20.01.080 in effect on the date the terms of sale were agreed upon.

A copy of such record containing the above matters shall be forwarded to the consignor forthwith.

Livestock dealers must also maintain individual animal identification and disposition records as may be required by law, or regulation adopted by the director.

Sec. 16. Section 42, chapter 139, Laws of 1959 and RCW 20.01.420 are each amended to read as follows:

(When requested by his consignor:) A commission merchant shall, before the close of the next business day following the sale of any agricultural products consigned to him or her, transmit or deliver to the owner or consignor of the agricultural products a true written report of such sale, showing the amount sold, and the selling price.

Sec. 17. Section 46, chapter 139, Laws of 1959 as last amended by section 13, chapter 178, Laws of 1986 and RCW 20.01.460 are each amended to read as follows:

- (1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) and (3) of this section.
- (2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:
 - (a) Imposes false charges for handling or services in connection with agricultural products.
 - (b) Makes fictitious sales or is guilty of collusion to defraud the consignor.
 - (c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.
 - (d) Fails to comply with the payment requirements set forth under RCW 20.01.010(10), 20.01.390 or 20.01.430.
- (3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410 or 20.01.610 has committed a civil infraction."

Renumber the remaining sections and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hansen to Substitute Senate Bill No. 6344.

The motion by Senator Hansen carried and the amendment was adopted.

MOTION

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

On page 9, after line 2, insert the following:

***NEW SECTION.** Sec. 15. The legislature finds that the agricultural sector of the state's economy is under severe financial stress due to low farm commodity prices, continuing high interest rates, and reduced net farm income. It is the declared purpose of this chapter to establish an emergency program which will serve and promote the public welfare of the state of Washington by assuring the viability of farm operations, preventing erosion of the tax base in rural areas, reducing foreclosures on farm property, and enhancing the financial stability of the agricultural industry.

NEW SECTION. Sec. 16. As used in this chapter, unless the context indicates otherwise, the following definitions apply:

- (1) "Agricultural production" means the production of livestock, poultry, field crops, fruit, or other animal and vegetable matter for food or fiber.

- (2) "Agricultural property" means:
- Real property that is principally used for agricultural production; and
 - Personal property that is part of an agricultural production operation, including equipment, or used as security to finance such an operation.
- (3) "College board" means the state board for community college education.
- (4) "College" means the community college offering a program of financial consulting in closest proximity to the distressed farmer who applies for assistance under section 22 of this act.
- (5) "Farmer" means a person who owns or operates a farm or ranch primarily for the purpose of agricultural production.
- (6) "Mediator" means a person who has been trained under section 19 of this act in mediation and negotiation techniques, to serve as a negotiator between a farmer and a creditor as authorized under section 22 of this act.
- (7) "Financial consultant" means a person who is or has been involved in production agriculture and who has been trained under section 19 of this act in financial planning and peer counseling.
- (8) "Mediation process" means the agricultural assistance and consultation program provided in section 17 of this act.
- (9) "Creditor" means:
- The holder of a mortgage on agricultural property;
 - A vendor of a contract for deed of agricultural property;
 - A person with a statutory lien or a perfected security interest in agricultural property;
 - A judgment creditor with a judgment against a debtor engaged in agricultural production; or
 - A person who extends credit without perfected security interest to a farmer for the purchase of goods or services used in agricultural production.

NEW SECTION. Sec. 17. (1) The state board for community college education through the community college system shall establish an agricultural assistance and consultation program to aid financially distressed farmers in this state.

(2) The college board shall take reasonable measures to inform agricultural lenders and borrowers of this program.

(3) The college shall submit a mediation process, to be established at that college, to the college board for approval. As part of the mediation process, the college shall make available to farmers the following types of assistance:

(a) Financial consulting, farm management consulting, and voluntary debt mediation as provided for in section 22 of this act; and

(b) Referral services for mental health assistance and support counseling.

NEW SECTION. Sec. 18. For the purpose of establishing the program, the college may:

(1) Utilize the services of:

(a) A network of trained peer counselors who can directly assist financially distressed farmers;

(b) The cooperative extension service and the college of agriculture at Washington State University;

(c) State or federal agencies;

(d) Legal service corporations, the University of Washington law school, or private law firms;

(e) Community service organizations;

(f) Private business;

(g) Professional associations;

(h) Regional mental health corporations;

(i) Volunteer organizations; and

(j) Any other person or entity.

(2) Contract for services with qualified personnel, including peer counselors, farm management specialists, accountants, attorneys, and mental health professionals, to provide the assistance required under section 17 of this act.

NEW SECTION. Sec. 19. For the purpose of administering the program, the college board shall:

(1) Provide training for financial consultants and mediators who are to provide services under this chapter; and

(2) Compile a directory of services available through the program.

NEW SECTION. Sec. 20. The college board may accept monetary or in-kind contributions, gifts, and grants provided to support the program.

NEW SECTION. Sec. 21. The college board may establish reasonable fees to defray the cost of providing financial consulting services under this chapter. The college board shall apply to the United States secretary of agriculture for a matching grant for this program under Title V, subtitle A of the agricultural credit act of 1987.

NEW SECTION. Sec. 22. (1) A farmer who is in danger of foreclosure on agricultural property may apply for entrance into the mediation process by filing an application with the college on a form prescribed by the college board.

(2) A farmer who participates in the mediation process shall authorize the release to the college of any information held by a creditor.

(3) Upon receipt of a properly completed application into the mediation process, the college may assign the farmer to a financial consultant. If this action relieves the financially distressed situation, mediation shall not be sought.

(4) If, upon completion of the financial consulting program, mediation is desired and recommended by the financial consultant, the college shall direct a mediator to meet with the farmer and creditor to assist in mediation. For purposes of this section, a financial consultant may also act as mediator if trained under section 19 of this act.

(5) Subject to the provisions of subsection (6) of this section, the college shall immediately terminate an attempt at mediation if at any time it finds that a creditor does not agree to participate in mediation.

(6) If mediation involves more than one creditor and any one creditor does not agree to participate in mediation, the college shall terminate mediation only insofar as it relates to that creditor.

NEW SECTION. Sec. 23. (1) If an agreement is reached between the farmer and a creditor, the mediator shall draft a written mediation agreement to be signed by the farmer and the creditor.

(2) A farmer and any creditor who are parties to a mediation agreement:

(a) Are bound by the terms of the agreement;

(b) May enforce the mediation agreement as a legal contract; and

(c) May use the mediation agreement as a defense against an action contrary to the mediation agreement.

NEW SECTION. Sec. 24. If a mediation agreement cannot be reached, the mediator shall recommend to the college that the mediation be concluded and mediation terminated.

NEW SECTION. Sec. 25. (1) All materials, data, and information received by the college with respect to any request filed under section 22 of this act are confidential and are not subject to examination or disclosure as public information.

(2) No official, employee, or agent of the college may knowingly disclose any materials, data, or information concerning a mediation request without the consent of the farmer and the creditor.

NEW SECTION. Sec. 26. Meetings between a farmer and any creditor conducted by a mediator are confidential and are not subject to the provisions of the open meeting law.

NEW SECTION. Sec. 27. All parties who voluntarily enter into the mediation process as described in this chapter shall waive their right to take civil action against the state of Washington and the designated financial consultant and mediator and thereby release the state and the designated financial consultant and mediator from any civil liability which may result from such activities.

NEW SECTION. Sec. 28. This program shall cease to exist April 1, 1991, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 29. Sections 15 through 28 of this act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 30. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and sections 15 through 28 of this act shall take effect immediately."

MOTIONS

On motion of Senator Hansen, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, strike "and 15.88.100" and insert "15.88.100, 20.01.080, 20.01.380, 20.01.420, and 20.01.460"

On page 1, line 3 of the title, after "15.88.100;" insert "adding a new chapter to Title 7 RCW:"

On page 1, line 5 of the title, after "penalties;" strike "and" and after "date" insert "; and declaring an emergency"

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 6344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Warnke: "Senator Barr, we just adopted an amendment to your bill that you have been explaining, which sets up an entire new program of counseling--contract services--with our community colleges for farmers including the use of mental health experts. Do you have any idea how many people this is going to involve and what the cost of the establishment of this program is going to be in our community colleges?"

Senator Barr: "Thank you, Senator Warnke. That bill, without an appropriation on it, I assume would accomplish only what they could see fit to fit in, because it has no appropriation on it. That is probably a down-sight for the legislation. It originally started out with, I believe, three hundred thousand, but it doesn't have that on there, so it will just have to go on its merits and they can do it as authorized and they'll really just have to accomplish what they can accomplish, I guess."

REMARKS BY SENATOR ANDERSON

Senator Anderson: "Thank you, Mr. President. Senator Warnke, perhaps I could help clarify the situation a little bit. In discussing this program with the people of the community colleges, they felt with the monies that they are already expending at the community colleges in agriculture, that would be sufficient to attract the federal dollars for matching for this program."

MOTION

On motion of Senator Zimmerman, Senator Bluechel was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6344.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6344, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bluechel - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6380, by Senators Barr, Talmadge, Metcalf, Benitz, Moore, Zimmerman, Hansen, Bailey, Gaspard and Kreidler (by request of Governor Gardner)

Providing for a water use efficiency study.

MOTIONS

On motion of Senator Barr, Second Substitute Senate Bill No. 6380 was substituted for Senate Bill No. 6380 and the second substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendment by Senators Metcalf and Talmadge be adopted:

On page 3, after line 12, insert a new subsection as follows:

"(10) Development of recommendations for a public education program for efficient use of water."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Metcalf and Talmadge to Second Substitute Senate Bill No. 6380.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 4, after line 1, insert the following new subsections as follows:

"(l) One individual representing the interests of the recreational or commercial fishing interests; and

(m) One individual representing the interests of water oriented recreationists."

Debate ensued.

The President declared the question before the Senate to the adoption of the amendment by Senator Metcalf to Second Substitute Senate Bill No. 6380.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTIONS

On motion of Senator Hansen, the following amendment was adopted:
On page 4, line 31, strike "1988" and insert "1989"

On motion of Senator Barr, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6380.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6380, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bluechel - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6513, by Senators Barr, Hansen and Metcalf (by request of Department of Ecology)

Providing for water supply emergencies.

MOTIONS

On motion of Senator Barr, Second Substitute Senate Bill No. 6513 was substituted for Senate Bill No. 6513 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Second Substitute Senate Bill No. 6513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Hansen, I was looking at the bill, and I was wondering. There's a provision in the bill that says that these funds that are provided for in the referendum shall not be used for non-agriculture drought relief purposes unless there are no other capital budget funds available for these purposes. Does this mean that somehow, if we have the drought conditions that we've talked about on the West side, in a very serious way, that we're going to be precluded from access to money that used to be available to us before the passage of this bill?"

Senator Hansen: "No, this is referendum money. I think there was fifty million dollars put in for the purpose that you're looking at and that has been used. They used a higher percentage to participate. This one we have had a fifteen percent participation in. Now, they expanded the use, and so, I think, out of the four million dollars, there's--we agreed--that ten percent of it would be used for your purposes, the balance of it that was put out would be for the agriculture purposes and raise the percentage that agriculture could use and limiting it to ten percent of the funds available."

Senator Talmadge: "So, the monies that used to be available for non-agricultural drought relief were exhausted up until the time this bill became available and even with this, we are going to devote a little bit to non-agricultural drought?"

Senator Hansen: "Yes, that's right."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6513.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6513, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bluechel - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6526, by Senators Barr, Hansen, Bauer and Zimmerman

Authorizing conservation district assessments.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 6526 was substituted for Senate Bill No. 6526 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 6526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6526.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6526, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Rinehart, Sellar, Vognild, West, Williams, Zimmerman - 27.

Voting nay: Senators Anderson, Bender, Cantu, Craswell, Garrett, Halsan, Madsen, McMullen, Moore, Nelson, Niemi, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Wojahn - 21.

Excused: Senator Bluechel - 1.

SUBSTITUTE SENATE BILL NO. 6526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6608, by Senators Hayner, Hansen, Sellar, DeJarnatt, Bailey, Halsan, Madsen, Barr and Benitz

Increasing penalties for theft of livestock.

The bill was read the second time.

MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 6608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6608.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6608, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Lee, Smith - 2.

Excused: Senator Bluechel - 1.

SENATE BILL NO. 6608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6695, by Senators Craswell, Smith, Bailey, Owen, Pullen, Rasmussen, Conner, Benitz, Stratton, Patterson, Metcalf, Lee and Johnson

Bringing unapproved church schools within the approval process.

The bill was read the second time.

MOTION

Senator Saling moved that the following amendment be adopted:

On page 1, line 25, after "districts" insert "and chief administrative officers of church-approved private schools"

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Craswell, one of the things that has troubled me about this bill, is the absence of a definition of what constitutes a church for purposes of this bill. What is meant in this bill when you talk about a church approved private school—one that is approved by the governing body of a sponsoring church. What would qualify as a church under this legislation?"

Senator Craswell: "Senator Talmadge, I believe the term church is used throughout our RCWs, in fact, throughout other laws, too. The IRS has no difficulty deciding what a church is, but once you start trying to define a church, then you get into all kinds of difficulty. That has been interpreted by federal government and state government and I think we can go with that."

Senator Talmadge: "So, if I understand your answer correctly, Senator Craswell, if you had the Bhagwan, which is apparently recognized as a church by some, if you had Reverend Moon's Unification Church, if you had the New Age Ministry or something like that, all of those would qualify as a church insofar as they qualify as churches for purposes of the Internal Revenue Code?"

Senator Craswell: "That's true, Senator Talmadge. All of those would be able to start schools under the state approved private school law right now. They could be approved and still qualify."

Senator Talmadge: "But, under this legislation, they would qualify under the terms of this particular bill?"

Senator Craswell: "I believe that's probably true, although there are criteria for sham schools which are spelled out very clearly. The prosecuting attorneys have given me those criteria, and so if they're not truly educating the children, they said they would have no problem closing them down under present law or under this kind of a law."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Saling to Senate Bill No. 6695.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, Madsen, McMullen, Moore, Niemi, Rinehart, Saling, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 29.

MOTION

Senator Gaspard moved that the rules be suspended and that Senate Bill No. 5263, Senate Bill No. 6644, Senate Bill No. 6651 and Senate Bill No. 5624 be advanced to second reading and placed on the second reading calendar.

Debate ensued.

MOTION

Senator Newhouse moved that the motion to suspend the rules and advance Senate Bill No. 5263, Senate Bill No. 6644, Senate Bill No. 6651 and Senate Bill No. 5624 to second reading be laid upon the table.

PARLIAMENTARY INQUIRY

Senator Vognild: "A parliamentary inquiry, Mr. President. I believe it has been the ruling of the President that on a motion of this kind, that you would allow one speaker on each side to speak on it—on the suspension of the rules."

REPLY BY THE PRESIDENT

President Cherberg: "To lay on the table is not debatable. A motion to suspend the rules is. One on each side."

PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, a point of parliamentary inquiry, please. Doesn't a motion to suspend the rules have precedence over a motion to lay on the table?"

REPLY BY THE PRESIDENT

President Cherberg: "A motion to lay on the table is superior."

PARLIAMENTARY INQUIRY

Senator Pullen: "Is a motion to suspend the rules a privileged motion?"

REPLY BY THE PRESIDENT

President Cherberg: "Would you repeat your question?"

Senator Pullen: "I believe a motion to suspend the rules is a privileged motion. I just want to check."

President Cherberg: "Wait, I have too much confusion here."

PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, am I able to speak on the suspension of the rules?"

REPLY BY THE PRESIDENT

President Cherberg: "Your motion is not debatable, Senator, and Senator Newhouse's is not debatable."

PARLIAMENTARY INQUIRY

Senator Fleming: "Senator Gaspard made a motion to suspend the rules. Does he or does he not have an opportunity to explain why he made the motion, before the motion can be laid on the table?"

At 4:50 p.m., the President declared the Senate to be at ease.
The Senate was called to order at 5:04 p.m. by President Cherberg.

MOTION

On motion of Senator Newhouse, and there being no objection, the motion to lay the motion to suspend the rules on the table, was withdrawn.

REPLY BY THE PRESIDENT

President Cherberg: "The question before the Senate is a motion by Senator Gaspard to suspend the rules and place Senate Bill No. 5263, Senate Bill No. 6644, Senate Bill No. 6651 and Senate Bill No. 5624 on the second reading calendar for today. On the motion to suspend the rules, one speaker on each side of the question will be permitted to speak."

Debate ensued.

POINT OF ORDER

Senator Newhouse: "The Senator should address the motion, not talk about the issue that was before us before."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, if Senator Newhouse would be a little more patient, he would know that I would be getting to that very shortly."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Gaspard to suspend the rules and to advance Senate Bill No. 5263, Senate Bill No. 6644, Senate Bill No. 6651 and Senate Bill No. 5624 to second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard to suspend the rules failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

MOTION

On motion of Senator Newhouse, the Senate commenced consideration of Senate Bill No. 6449.

SECOND READING

SENATE BILL NO. 6449, by Senators Zimmerman, Bauer, Smith, Wojahn and Deccio

Providing a temporary rate-review exemption for certain hospitals.

The bill was read the second time.

MOTION

On motion of Senator Zimmerman, the rules were suspended, Senate Bill No. 6449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Zimmerman, most of the conversation here is making a reference to the border of Oregon and in the vicinity of Vancouver. I just want to make sure that the other areas bordering in Idaho and Oregon, such as the Lewiston-Clarkston area, the Pullman-Moscow area, are covered by this piece of legislation."

Senator Zimmerman: "This bill that we have before us, as it's unamended, includes the Lewiston-Clarkston, the Pullman-Moscow, the White Salmon-Hood River, as well as Portland-Vancouver area, so you are included on this bill as it stands."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6449.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6449, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Moore, Niemi, Talmadge - 3.

Absent: Senators Hayner, Metcalf - 2.

SENATE BILL NO. 6449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6505, by Senators McDonald, Rinehart, Bailey, Bender, Gaspard, Patterson and Hayner

Requiring the specific identification of levy reduction funds in the appropriations act.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6505 was substituted for Senate Bill No. 6505 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 6505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6505.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6505, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hayner, Metcalf, Smith - 3.

SUBSTITUTE SENATE BILL NO. 6505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5775, by Senator Sellar

Revising the seriousness level of vehicular homicide.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 5775 was substituted for Senate Bill No. 5775 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 5775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5775.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5775, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hayner, Metcalf, Smith - 3.

SUBSTITUTE SENATE BILL NO. 5775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6298, by Senators Zimmerman, Williams and Bluechel (by request of Department of Community Development)

Clarifying the ownership of abandoned property on submerged lands over which the state has sovereignty.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6298 was substituted for Senate Bill No. 6298 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, how do you define treasure troves?"

Senator Zimmerman: "Treasure troves? I really don't know a precise definition, but the general term treasure trove--meaning valuable items found in one place--would be considered in a ship as in this particular case. A treasure trove has just generally been a phrase that has been rather a generic phrase for valuable items all found in one place."

Senator Rasmussen: "Something that was valuable?"

Senator Zimmerman: "Yes."

Senator Rasmussen: "Then, this, as I read it, is anything that is abandoned for thirty years belongs to the state?"

Senator Zimmerman: "In terms of the bill, that's the way it states it."

Senator Rasmussen: "Well, that's why I'm reading it, leading up to the question that I wish an answer. A large barge sunk someplace in Puget Sound with 600,000 gallons of oil in it. It's been there for a great number of years. This would constitute a treasure trove and would, then, belong to the state of Washington after thirty years. Then, when it starts leaking, it is a leaking treasure trove, but still a treasure trove, so the state is responsible for the cleaning up. Is this correct?"

Senator Zimmerman: "You've gone beyond my ability to adequately respond to the details of this, but I think that is what we could well look ahead to see."

Senator Rasmussen: "I just forgot the exact figure, but I recall reading that divers had been down there many years ago and they just decided to leave it at

the bottom—600,000 gallons—a little more than what they have up at Rosario Strait. And the state wants to take possession of it after thirty years? I think we better take a look at that."

Senator Zimmerman: "I think the salvagers were available to participate in whether they thought there was a way in which they could benefit in whatever would be dug out. Of course, if it were this other matter and it became a problem, I'm sure that we would want somebody to see that it was properly handled."

Senator Rasmussen: "It is the same kind of a problem that Senator Benitz had when the tanks eventually started leaking. It is a treasure trove and maybe you better take another look on whether you want to take ownership of it."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6298.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6298, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Rasmussen, Warnke - 2.

Absent: Senators Hayner, Metcalf - 2.

SUBSTITUTE SENATE BILL NO. 6298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6396, by Senators West, Conner and Anderson (by request of Department of Labor and Industries)

Ending the use of apprentices' assumed wage rates for computing disability compensation payments.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 6396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6396.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6396, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hayner, Metcalf, Smith - 3.

SENATE BILL NO. 6396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Metcalf was excused.

SECOND READING

SENATE BILL NO. 6520, by Senators Bailey, Rinehart, Warnke, Bender, Bauer, Saling, Smitherman, Kiskaddon, Lee, Garrett and Anderson

Specifying that grants should include funding the incidental costs of support services in the schools.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6520 was substituted for Senate Bill No. 6520 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6520.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6520, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hayner, Smith - 2.

Excused: Senator Metcalf - 1.

SUBSTITUTE SENATE BILL NO. 6520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6512, by Senators Hansen, Barr, Halsan, Bailey and Rinehart

Exempting land enrolled in the federal conservation reserve program from state property and excise taxes.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6512 was substituted for Senate Bill No. 6512 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 6512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6512.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6512, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Hayner - 1.

Excused: Senators Metcalf, Smith - 2.

SUBSTITUTE SENATE BILL NO. 6512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6724, by Senators Barr and Hansen

Revising provisions on water resources.

MOTIONS

On motion of Senator Barr, Second Substitute Senate Bill No. 6724 was substituted for Senate Bill No. 6724 and the second substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendment by Senators Williams and Barr be adopted:

On page 3, line 18, after "Public" insert "and private hydropower generating".

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Williams and Barr to Second Substitute Senate Bill No. 6724.

The motion by Senator Williams carried and the amendment was adopted.

MOTION

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

On page 4, line 13, after "15," strike "1988" and insert "1989"

On page 4, line 22, after "31," strike "1988" and insert "1989"

On page 4, line 30, after "1," strike "1989" and insert "1990"

Senator Talmadge moved that the following amendment by Senators Talmadge and Hansen be adopted:

On page 8, after line 23, insert the following:

NEW SECTION. Sec. 9. A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall adopt rules pursuant to chapter 34.04 RCW incorporating a revised state plumbing code. The revised code shall be designed to achieve the maximum water conservation benefits relative to buildings constructed or remodeled in the state. The council shall adopt a revised code which requires low-volume plumbing fixtures in all new construction and all remodeling or repair involving replacement of plumbing fixtures. The revised code shall apply to all residential, hotel, motel, industrial, or commercial use buildings.

(2) The council shall publish the revised code as proposed rules pursuant to chapter 34.04 RCW and provide for the rules to become effective July 1, 1989. All cities, towns, and counties shall thereafter enforce the revised plumbing standards.

(3) The revisions adopted under this section shall supersede all local government codes. However, cities, towns, and counties may adopt more efficient water conservation plumbing fixture requirements.

NEW SECTION. Sec. 10. A new section is added to chapter 43.21A RCW to read as follows:

(1) The department of ecology, in cooperation with the departments of social and health services, fisheries, wildlife, and agriculture, and appropriate user groups shall develop model programs to guide the state's evaluation of conservation plans, economic incentives to promote conservation, and instream flow management options as they relate to water use and beneficial use studies. The model programs shall include the following:

(a) Methods to evaluate and implement water conservation programs for use by municipal and industrial water supply users. This analysis shall include preliminary estimates of future municipal and industrial water needs and the benefits to be gained from conservation.

(b) Methods to evaluate and implement water conservation programs for irrigation and other major out-of-stream water uses. This analysis shall include options to provide economic incentives for existing users to implement new irrigation technology.

(c) Methods to evaluate and implement instream conservation programs through seasonal flow management programs for all instream users. This analysis shall identify standard stream flow measurement and instream beneficial use evaluation procedures, and typical seasonal or use requirements for fisheries, recreation, aesthetic, and other instream use considerations. This analysis shall also include recommended procedures for a state, regional, and local priority use ranking system.

(2) The departments listed under subsection (1) of this section shall, under the coordination of the department of ecology, hold public hearings in developing the model programs. The first draft of the model programs shall be available for public review and comment by July 1, 1989. A user group committee shall be appointed by the director of ecology to advise the department of ecology in the development of manuals containing the program elements in each of subsections (1) (a), (b), and (c) of this section. The user groups shall advise the department on definitions, format, and methods to establish the framework for the continuation of data collection, management, and analysis. This information shall be integrated into the state's water resource management and allocation activities. If no agreement is reached among the agencies involved for each of the programs under subsections (1) (a), (b), and (c) of this section, a mediation method for establishing a state model program shall be used.

NEW SECTION, Sec. 11. A new section is added to chapter 43.20 RCW to read as follows:

(1) The department of social and health services shall develop elements relating to water conservation to be included in water system plans required under RCW 43.20.050. These elements shall be adopted by rule and shall include the provisions of the model program developed under section 10 of this act.

(2) The department of ecology shall require by rule the adoption of a water conservation program as an element of any sewer plan submitted by governmental agencies. In developing this requirement, the department shall use the provisions of the model program developed under section 10 of this act.

(3) For the purposes of this section, "conservation" means those measures that limit the amount of water used only to that which is reasonably necessary for the beneficial use to be served.

NEW SECTION, Sec. 12. A new section is added to chapter 43.21A RCW to read as follows:

The department of ecology shall annually prepare, and submit to the legislature, a report summarizing the status of water use and availability in each county and each of the state's sixty-two water resource inventory areas. The report shall be based on best available information. The first report shall be submitted in 1989. Each annual report shall include:

(1) A list of all valid water rights by size, source of supply, and use.

(2) An annual report on water right certificates that authorize the instantaneous withdrawal of one cubic foot per second, or 0.65 million gallons per day, or greater. The annual report shall include the total annual, maximum month total, and estimated maximum instantaneous peak withdrawal from each well or surface water diversion structure.

(3) An estimate of the aggregate total water use by user category for water right certificate holders not required to submit an annual report.

(4) An inventory of the annual, maximum and minimum month, and instantaneous yield of water availability from all surface and groundwater supplies from which one cubic foot per second, or 0.65 million gallons per day, of water withdrawal is authorized.

(5) An estimated 1990 inventory of available state water resources, and compare the availability with allocated water rights, existing use, and projected demand for the years 1990, 1995, 2000, 2010, and 2035."

Debate ensued.

POINT OF ORDER

Senator Barr: "Mr. President, a point of order. I respectfully challenge this amendment that it is not within the scope and especially the object of the bill, and would ask for a ruling from the President thereon."

MOTION

On motion of Senator Newhouse, and there being no objection, further consideration of Second Substitute Senate Bill No. 6724 was deferred.

SECOND READING

SENATE BILL NO. 6024, by Senators Halsan, Barr, Benitz and Hansen

Prohibiting restriction or denial of certain agriculturally related hydraulic project permits.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6024 was substituted for Senate Bill No. 6024 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 6024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6024.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6024, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Hayner - 1.

Excused: Senators Metcalf, Smith - 2.

SUBSTITUTE SENATE BILL NO. 6024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6181, by Senators Rinehart, Kiskaddon, Gaspard, Fleming, Bailey, Bender and Garrett

Revising the early childhood education and assistance program.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6181 was substituted for Senate Bill No. 6181 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, I read quite an article --well it was two articles--that we're forcing children into early childhood education much too fast. I don't know if you read that article or not. Would this be part of the program, forcing them into early education, when they should be maturing more? Well, what they claimed was, that we were driving children to become hyperactive by pounding this education into them too early. What is your answer?"

Senator Rinehart: "My answer is absolutely not. The articles to which you refer have to do with programs and with sets of plans for parents--flash cards, those kinds of things and rote sort of things--to try and teach children multiplication tables early, to try and get them to read early. That's totally different from the idea of the Early Childhood Assistance Program and the Headstart Program. These programs work with families and with the children.

"The idea is that a child in poverty is not going to have the opportunity, for instance, to know what the inside of a doctors office looks like. They're not going to have the opportunity, before the age of five, to be screened for hearing problems. There are wonderful examples from the Headstart right here in Olympia of children who had, with their parents, health screening. They had, for instance, hearing problems discovered, so that they could get the help that they need and not be forced to sit in school through kindergarten or first grade before anybody discovered the problem.

"So, I'm aware of the concern that you're expressing and it's one that I share with you, but this is a program done through the Department of Community Development. It's one of the few programs that we know for sure works. When you give a child and their family this experience, they will not be drop-outs, they will not be pregnant when they shouldn't be, they won't be in jail. It's a very different kind of program from that which you have expressed concern."

Further debate ensued.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6181.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6181, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Craswell - 1.

Absent: Senator Hayner - 1.

Excused: Senators McCaslin, Metcalf, Smith - 3.

SUBSTITUTE SENATE BILL NO. 6181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6569, by Senators West, Warnke and Anderson

Providing consumers with information on construction liens.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6569 was substituted for Senate Bill No. 6569 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended. Substitute Senate Bill No. 6569 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6569.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6569, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Hayner - 1.

Excused: Senators McCaslin, Metcalf, Smith - 3.

SUBSTITUTE SENATE BILL NO. 6569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6294, by Senators Newhouse, Vognild, Lee, Smitherman, Benitz, Saling, Deccio and Warnke (by request of Employment Security Department)

Establishing the special employer services account.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6294 was substituted for Senate Bill No. 6294 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6294.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6294, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Craswell, Hayner - 2.

Excused: Senators McCaslin, Metcalf, Smith - 3.

SUBSTITUTE SENATE BILL NO. 6294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6631, by Senators McCaslin and Smitherman

Requiring that employers offer an alternative to a dental care assistance plan that limits providers.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6631 was substituted for Senate Bill No. 6631 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6631.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6631, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Hayner - 1.

Excused: Senators Metcalf, Smith - 2.

SUBSTITUTE SENATE BILL NO. 6631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6419, by Senators Zimmerman and Rasmussen

Revising provisions relating to contracts by port districts.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6419 was substituted for Senate Bill No. 6419 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6419, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Moore - 1.

Absent: Senator Hayner - 1.

Excused: Senators Metcalf, Smith - 2.

SUBSTITUTE SENATE BILL NO. 6419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6742, by Senators Newhouse and Deccio

Authorizing an additional superior court judge in Yakima county.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6742 was substituted for Senate Bill No. 6742 and the substitute bill was placed on second reading and read the second time.

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

On page 1, after line 21, insert the following:

"Sec. 3. Section 1, chapter 126, Laws of 1913 as last amended by section 4, chapter 323, Laws of 1987 and RCW 2.32.180 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987 or the additional superior court judge authorized by section 1 of this 1988 act. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each class AA county shall be made by the majority vote of the judges in said county acting en banc; the appointments in class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take

an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington."

MOTIONS

On motion of Senator Newhouse, the following title amendment was adopted:
On page 1, line 1 of the title, after "2.08.063" and before the semicolon insert "and 2.32.180"

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 6742 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Hayner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6742.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6742, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Hayner, Metcalf, Smith - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6486, by Senators Owen, Metcalf and Warnke

Creating the Washington state firearm range committee.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6486 was substituted for Senate Bill No. 6486 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6486 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6486.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6486, and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Conner, Deccio, DeJarnatt, Gaspard, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Niemi, Owen, Rinehart, Sellar, Smitherman, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, Fleming, Garrett, Halsan, Hansen, McCaslin, Moore, Nelson, Newhouse, Patterson, Rasmussen, Saling, Stratton, Talmadge, von Reichbauer, West, Zimmerman - 20.

Absent: Senator Pullen - 1.

Excused: Senators Hayner, Metcalf, Smith - 3.

SUBSTITUTE SENATE BILL NO. 6486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6492, by Senators McCaslin, Warnke, Zimmerman, Bluechel, Saling, Conner, Lee, Smitherman, Garrett and Madsen

Changing provisions relating to requirements for factory-assembled structures.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6492.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6492, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Hansen - 1.

Excused: Senators Hayner, Metcalf, Smith - 3.

SENATE BILL NO. 6492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6603, by Senators Barr and Stratton

Revising air quality opacity limitations.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6603 was substituted for Senate Bill No. 6603 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6603 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6603.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6603, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Hansen - 1.

Excused: Senators Hayner, Metcalf, Patterson, Smith - 4.

SUBSTITUTE SENATE BILL NO. 6603, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6614, by Senators Warnke and Lee

Permitting vessel dealers to file security in lieu of bond for registration purposes.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6614 was substituted for Senate Bill No. 6614 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Smitherman: "Senator Lee, in reading through the bill, I concur with your remarks, but I was wondering with the new collection procedure they were talking about that they say would require, I think it was a couple of FTEs or a FTE and a half, and I could see how we would be spending money, but I don't see how any money is coming into the state from this. In other words, we're setting up procedures and it's good, but in fact does it pay for itself or what?"

Senator Lee: "The testimony before the committee from the agency said that it would pay for itself, because of the deposits that are made by those who are applying for the licenses themselves. In other words, it doesn't take any tax money."

Senator Smitherman: "I understand that, but the deposits being there, are we able to get the interest from the deposits or something like that to pay the administrative costs, because otherwise this would have a fiscal impact over a period of six years of six hundred twenty-one thousand dollars."

Senator Lee: "But, it's other than from the general fund—all of these licensing bills. A few years ago, we set it up in a manner so that we would not have to use general fund tax money in order to support these particular activities."

Further debate ensued.

MOTION

On motion of Senator Fleming, Senator Hansen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6614.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6614, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Taimadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Hansen, Hayner, Metcalf, Patterson, Smith - 5.

SUBSTITUTE SENATE BILL NO. 6614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8403, by Senators Garrett, Johnson, Peterson, Wojahn, Lee, Tanner, Warnke, Williams, Conner, Kiskaddon and Brauer (by request of Joint Select Committee on Disability Employment and Economic Participation)

Requiring the Legislature to include persons of disability as a minority group for affirmative action purposes.

MOTIONS

On motion of Senator Lee, Substitute Senate Concurrent Resolution No. 8403 was substituted for Senate Concurrent Resolution No. 8403 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Concurrent Resolution No. 8403 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Niemi was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8403.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8403, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Hansen, Hayner, Metcalf, Niemi, Patterson, Smith - 6.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8403, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6232, by Senators Anderson, Smitherman, Barr, Stratton, Lee, Wojahn, Bailey, Kiskaddon, Patterson, McCaslin, Smith, Fleming, Johnson and Conner

Seeking federal waivers for self-employed persons receiving aid to families with dependent children.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6232 was substituted for Senate Bill No. 6232 and the substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment be adopted:

On page 2, line 36, after "monthly" insert "grant" and after "payment" delete "standard"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson.

The motion by Senator Anderson carried and the amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6232, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Newhouse - 1.

Excused: Senators Hayner, Metcalf, Niemi, Patterson, Smith - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6404, by Senators Lee, Halsan, Bailey and Garrett (by request of Department of Community Development)

Authorizing loans for emergency public works projects.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6404 was substituted for Senate Bill No. 6404 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bender, Senator Stratton was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6404, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Kiskaddon - 1.

Excused: Senators Hayner, Metcalf, Niemi, Smith, Stratton - 5.

SUBSTITUTE SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6106, by Senators Metcalf, Lee, Zimmerman and Conner (by request of Interagency Committee for Outdoor Recreation)

Changing provisions relating to the interagency committee for outdoor recreation's comprehensive guide of public parks and recreation sites.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6106.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6106, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Hayner, Metcalf, Niemi, Smith, Stratton - 5.

SENATE BILL NO. 6106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6143, by Senators Pullen, Talmadge and Nelson

Revising provisions on real estate contract forfeitures.

The bill was read the second time.

MOTIONS

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

On page 12, line 12, after "notice" insert "as"

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 6143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6143, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smitherman, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Conner, Halsan, Hansen, Moore, Rasmussen, Talmadge - 6.

Excused: Senators Hayner, Metcalf, Niemi, Smith, Stratton - 5.

ENGROSSED SENATE BILL NO. 6143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:34 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Saturday, February 13, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 13, 1988

The Senate was called to order at 9:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Patterson and Smitherman. On motion of Senator Bauer, Senators Bender and Smitherman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Trina Cook and Andy Rolfs, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 12, 1988

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4441, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 11, 1988

Mr. President:

The House has passed:

HOUSE BILL NO. 36,

SUBSTITUTE HOUSE BILL NO. 332,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 655,

HOUSE BILL NO. 974,

ENGROSSED HOUSE BILL NO. 1273,

SUBSTITUTE HOUSE BILL NO. 1302,

ENGROSSED HOUSE BILL NO. 1309,

SUBSTITUTE HOUSE BILL NO. 1329,

SECOND SUBSTITUTE HOUSE BILL NO. 1353,

SECOND SUBSTITUTE HOUSE BILL NO. 1356,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1384,

ENGROSSED HOUSE BILL NO. 1387,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1391,

SUBSTITUTE HOUSE BILL NO. 1392,

SUBSTITUTE HOUSE BILL NO. 1445,

HOUSE BILL NO. 1468,

SUBSTITUTE HOUSE BILL NO. 1620,

ENGROSSED HOUSE BILL NO. 1629,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631,

SUBSTITUTE HOUSE BILL NO. 1660,

SUBSTITUTE HOUSE BILL NO. 1690,

SUBSTITUTE HOUSE BILL NO. 1696,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1702,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1740,

HOUSE BILL NO. 1990,

ENGROSSED HOUSE JOINT RESOLUTION NO. 4227, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 36 by Representatives Wang, Patrick, Sayan, Fisher, R. King, Lux and Belcher

Prohibiting employer retaliation for unemployment claims.

Referred to Committee on Economic Development and Labor.

SHB 332 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Allen, Crane, May, Rayburn, Rust, Sprengle, Unsoeld and Lux)

Requiring the department of ecology to implement and operate a waste exchange.

Referred to Committee on Environment and Natural Resources.

ESHB 655 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Wang, Cole, Sayan and Unsoeld) (by request of Employment Security Department)

Extending coverage of unemployment insurance to agricultural employees.

Referred to Committee on Economic Development and Labor.

HB 974 by Representative Fisch

Prohibiting the use of secret ballots at meetings required to be open to the public.

Referred to Committee on Governmental Operations.

EHB 1273 by Representatives R. King, Sayan, Winsley, Wang and Jones

Extending the effect of collective bargaining agreements.

Referred to Committee on Economic Development and Labor.

SHB 1302 by Committee on Judiciary (originally sponsored by Representatives Kremen, Patrick, Fisher, Rayburn, Lux, Cooper, Basich, K. Wilson, Lewis, Cole, Holm, Haugen, Brekke, Barnes, Holland, Nealey, Sutherland, Sprengle, Cantwell, Walker, Betrozoff, Meyers, Hargrove, Baugher, Rasmussen, Silver, Fuhrman, Spanel, Fox, Jones, Peery, Ebersole, Dellwo, Heavey, Leonard, Zellinsky, Day, Vekich, Crane, Moyer, Butterfield, D. Sommers, Braddock, Pruitt, Brough, Todd, Ballard, O'Brien, Winsley, Hine, May, Hankins, Miller, Schoon, Doty, Ferguson and P. King)

Establishing penalties for sexual offenses against developmentally disabled persons.

Referred to Committee on Law and Justice.

EHB 1309 by Representatives Lux and Wang

Authorizing collective bargaining for district and municipal court employees.

Referred to Committee on Economic Development and Labor.

SHB 1329 by Committee on Judiciary (originally sponsored by Representatives Crane, Brough, Sutherland, Lewis, Heavey, Padden, Nutley, Peery and Hargrove)

Changing provisions relating to the homestead exemption.

Referred to Committee on Law and Justice.

2SHB 1353 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Locke, Patrick, Dellwo, Baugher, Bumgarner, Meyers, Lewis, Rayburn, Gallagher, Armstrong, Holland, P. King, Silver, Belcher, Schoon, Schmidt, Amondson, Ferguson, Kremen, Winsley, Basich, Taylor, May, Wineberry, Zellinsky, Betrozoff, Pruitt, McLean, Ballard, Peery, Brough,

O'Brien, Dorn, Doty, Hankins, Miller, Fuhrman, Holm, Cooper and Todd) (by request of Association of Sheriffs and Police Chiefs)

Changing provisions governing seizures related to drug trafficking.

Referred to Committee on Law and Justice.

2SHB 1356 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Valle, Miller, Jacobsen, Wineberry, Silver, Belcher, Nelson, P. King and Hine)

Establishing a college savings bond program.

Referred to Committee on Higher Education.

ESHB 1384 by Committee on Human Services (originally sponsored by Representatives Leonard, Ebersole, P. King, May, Basich and Brekke)

Approving juvenile detention standards.

Referred to Committee on Law and Justice.

EHB 1387 by Representatives Leonard, J. Williams, Nutley, Sanders, Wineberry, Anderson, Valle, May, Nelson, Basich, Todd, Lux, Unsoeld and Brekke

Providing for housing security deposits for qualified homeless persons.

Referred to Committee on Economic Development and Labor.

ESHB 1391 by Committee on Environmental Affairs (originally sponsored by Representatives Haugen, S. Wilson, Fox, Zellinsky, J. Williams, P. King, May, Sanders, Unsoeld, Spanel and Ferguson)

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

Referred to Committee on Environment and Natural Resources.

SHB 1392 by Committee on Health Care (originally sponsored by Representatives D. Sommers, Braddock, Beck, Day, Betrozoff, Moyer, Sanders, Silver and Ferguson)

Exempting type A continuing care retirement communities from certificate of need requirements.

Referred to Committee on Health Care and Corrections.

SHB 1445 by Committee on Judiciary (originally sponsored by Representatives Wineberry, Armstrong, Padden, O'Brien, Cole, Crane, Anderson, Heavey, Brough, Valle, P. King, Lewis, Jacobsen, Patrick, Unsoeld, Baugher, Leonard, Meyers, Scott, Haugen, Zellinsky, Lux, Ebersole, Brekke, Kremen, Betrozoff, Pruitt, Ballard, May, Fuhrman, Doty, Sutherland, Sanders, Jesernig, Todd, Silver, Moyer, Locke, Rasmussen, Ferguson and Winsley)

Prohibiting drug-related activities in rental dwellings.

Referred to Committee on Law and Justice.

HB 1468 by Representatives Fisher, Winsley, Ferguson, Hine, Zellinsky, Moyer, Brooks, Baugher, Rayburn, Rasmussen, Doty, Sprengle, Jacobsen, Leonard, Walker, Locke and Brekke

Requiring helmets for all persons operating or riding on motorcycles.

Referred to Committee on Transportation.

SHB 1620 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Padden, Dellwo, Taylor, Day, Lux, Chandler, Crane, Miller and Winsley)

Requiring a study of group health insurance coverage continuation.

Referred to Committee on Financial Institutions and Insurance.

EHB 1629 by Representatives Schoon, Braddock, Brooks, Moyer, Kremen, D. Sommers, Sprenkle, May and Miller

Changing the definition of physician's assistant.

Referred to Committee on Health Care and Corrections.

ESHB 1631 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Nutley, Doty, Nelson, Cooper, Rayburn, Zellinsky, Jacobsen, Hine, Ferguson, May and Unsoeld) (by request of Washington State Local Governance Commission)

Authorizing development of local government service agreements.

Referred to Committee on Governmental Operations.

SHB 1660 by Committee on Transportation (originally sponsored by Representatives Meyers, Walk, Vekich, S. Wilson, Gallagher, Fisher, Hankins, Cantwell, Cooper, Day and Unsoeld)

Establishing a motorcycle skills program.

Referred to Committee on Transportation.

SHB 1690 by Committee on Housing (originally sponsored by Representatives Ferguson, Cooper, Winsley, Miller, Nutley, Crane, Baugher, Sanders, Lux, Haugen, Beck, Day, Meyers, Betzoff, Nelson and Cantwell)

Requiring cities and counties to review need for manufactured homes.

Referred to Committee on Governmental Operations.

SHB 1696 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Grant, Appelwick, Baugher, Nealey, Rayburn, Brooks and Kremen)

Revising excise tax exemptions on agriculture.

Referred to Committee on Agriculture.

ESHB 1702 by Committee on Local Government (originally sponsored by Representatives Nutley, Ferguson, Doty, Haugen, Brough and Nelson) (by request of Washington State Local Governance Commission)

Revising provisions for annexation for municipal purposes.

Referred to Committee on Governmental Operations.

ESHB 1740 by Committee on Transportation (originally sponsored by Representatives Prince, Unsoeld, Silver, Hankins, Lewis, Patrick, Dellwo, Brough, Sanders, Doty, Rayburn and Ferguson)

Providing for informational highway signs and traffic fatality markers.

Referred to Committee on Transportation.

HB 1990 by Representatives Braddock and Sprenkle

Revising provisions on assessments under the health insurance coverage access act.

Referred to Committee on Financial Institutions and Insurance.

EHJR 4227 by Representatives Haugen, Brough, Nutley, Doty, Nelson, Cooper, Rayburn, Zellinsky, Anderson, Hine, Ferguson, May and Unsoeld (by request of Washington State Local Governance Commission)

Amending the state Constitution to allow restructuring of local governments.

Referred to Committee on Governmental Operations.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9186, Howard H. Pryor, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

Senator Sellar spoke to the confirmation of Howard H. Pryor as a member of the Board of Trustees for Wenatchee Valley Community College.

APPOINTMENT OF HOWARD H. PRYOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Patterson - 1.

Excused: Senators Bender, Smitherman - 2.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9187, W. David Shaw, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF W. DAVID SHAW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Smitherman - 2.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9190, Jack Watkins, Jr., as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

APPOINTMENT OF JACK WATKINS, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Smitherman - 2.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6724 and the pending amendment by Senators Talmadge and Hansen on page 8, line 23, deferred February 12, 1988.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Barr, the President finds that Second Substitute Senate Bill No. 6724 is a measure providing for a study to assess and recommend to the Legislature the requirements of a water resource policy for the state of Washington.

"The amendment proposed by Senators Talmadge and Hansen provides for the state building code council to adopt rules to assure maximum water conservation and for the Department of Ecology to develop programs to evaluate conservation plans.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Talmadge and Hansen to Second Substitute Senate Bill No. 6724 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Barr, I'm very much in favor of this bill and I think you handled it very well. One of the things that concerns me though, is that I know that the Department of Ecology has a plan already developed. In the event that this bill, for some reason or other, does not get through the Legislature, do they have the authority to adopt the plan—a plan—right now?"

Senator Barr: "They cannot. They agreed and it's spelled out in this legislation, that they cannot adopt water policy plans and do it by the WACs until the Legislature has acted on this measure."

Senator Hayner: "What you're saying, is that it's very important to get this bill through both houses of the Legislature?"

Senator Barr: "That's right, it is extremely important and I urge the passage."

POINT OF INQUIRY

Senator Talmadge: "Senator Barr, the question I have about freezing the authority of the Department of Ecology to do anything, is if there is an emergency as we all anticipate this summer on the west side of the mountains and on the east side of the mountains. To what extent, can the Department of Ecology really take any meaningful action to deal with those drought conditions that may be experienced by people on both sides of the mountains?"

Senator Barr: "This measure does not deal with that kind of an issue at all. This just deals with long-range basic priority policies for the state of Washington. The drought that's coming up next year, and like I said in the presentation, it will not interfere, in any way, with the ongoing process under current law, including any drought situation. The drought bill, that we passed yesterday, set up a cooperative method by all people who may be affected--the municipalities, the industry--and that set that up and gave them all a piece of the limited amount of money that will be available for that, but this bill will not in any way affect that."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, you rang a bell when you mentioned cloud seeding. I recently read where the Russians were having a festival or something in the city and they seeded the clouds outside of the city, so it would not rain. What ever happened to our cloud seeding program? I remember a few years back we had quite a lot of activity in it? Could you tell me?"

Senator Hansen: "Well, where it has been used and monitored, it raised the rainfall from about eleven inches a year to seventeen inches a year which was pretty good. The biggest part of it--the rainfall falls more in Idaho and Montana than stops here when we seed."

Senator Rasmussen: "We still have a program though?"

Senator Hansen: "I haven't heard anything about it since Dixie Lee Ray was Governor and we had that seeding program at that time."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6724.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6724, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Kreidler, Moore, Niemi, Rinehart, Talmadge, Vognild - 6.

Excused: Senators Bender, Smitherman - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:37 a.m., on motion of Senator Newhouse, the Senate recessed until 10:05 a.m.

The Senate was called to order at 10:08 a.m. by President Pro Tempore Bluechel.

There being no objection, the Senate resumed consideration of Senate Bill No. 6695, under consideration on second reading February 12, 1988.

MOTION

Senator Bailey moved that the rules be suspended and that Senate Bill No. 6695 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6695 was deferred.

SECOND READING

SENATE BILL NO. 6546, by Senators Benitz, Madsen, Bluechel, Owen, Stratton and Williams

Specifying restriction on use of low-level radioactive waste surveillance fees.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6546 was substituted for Senate Bill No. 6546 and the substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendment be adopted:

On page 1, line 19, strike everything after "sources" through "fee" on line 27

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Williams to Substitute Senate Bill No. 6546.

The motion by Senator Williams failed and the amendment was not adopted.

MOTION

Senator Williams moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 383, Laws of 1985 as amended by section 2, chapter 2, Laws of 1986 and RCW 70.98.085 are each amended to read as follows:

((†)) The agency is empowered to suspend and reinstate site use permits consistent with current regulatory practices and in coordination with the department of ecology, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility.

(2) ~~Until January 1, 1988, the agency shall collect a surveillance fee ((as an added charge on each cubic foot of low-level radioactive waste disposed of at the disposal site in this state which shall be set at a level that is sufficient to fund completely the radiation control activities of the agency which are not otherwise covered by cost recovery programs including, but not limited to, any funds from federal sources: PROVIDED, That the surveillance fee shall not exceed four percent of the basic minimum fee charged by an operator of a low-level radioactive waste disposal site in this state. The basic minimum fee consists of the disposal fee for the site operator, the fee for the perpetual care and maintenance fund administered by the state, the fee for the state closure fund, and the tax collected pursuant to chapter 82.04 RCW. Site use~~

permit fees and surcharges collected under chapter 43-260 RCW are not part of the basic minimum fee. The fee shall also provide funds for other state agencies that incur expenses as a result of the control and management of the disposal of low-level radioactive waste in the state of Washington. Disbursements for these purposes to other state agencies shall be by authorization of the secretary of the department of social and health services or the secretary's designee. The agency may adopt such rules as are necessary to carry out its responsibilities under this section).

NEW SECTION. Sec. 2. A new section is added to chapter 70.98 RCW to read as follows:

(1) Beginning January 1, 1988, the agency shall charge a license fee to the operator of a low-level radioactive waste disposal site in the state. The license fee shall be set so as to recover, but shall not exceed, the state's low-level radioactive waste surveillance costs.

(2) As used in this section, "low-level radioactive waste surveillance costs" means the costs to the state related to or caused by the operation of a low-level radioactive waste disposal site in the state. The costs include, but are not limited to, the costs of issuing, amending, and ensuring compliance with the license of the site operator, suspending and reinstating site use permits, inspecting waste shipments, monitoring the disposal site, and related administrative and technical costs.

(3) The fee in subsection (1) of this section shall apply retroactively from the effective date of this section to January 1, 1988. Its implementation shall be coincident with the elimination of the surveillance fee in RCW 70.98.085.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax the amount paid by the operator of a low-level radioactive waste disposal site as license fees under section 2 of this act.

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

POINT OF ORDER

Senator Benitz: "Mr. President, members, a point of order. I'd challenge this amendment on scope and object. This is a totally different approach. It goes to a license fee and has some new language in there, which exempts the license fee from the B&O tax, and I suggest that is not appropriate."

MOTION

On motion of Senator Benitz, and there being no objection, the point of order on scope and object of the striking amendment by Senator Williams to Substitute Senate Bill No. 6545 was withdrawn.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Williams to Substitute Senate Bill No. 6546.

The motion by Senator Williams failed and the amendment was not adopted.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6546.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6546, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsam, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Smitherman - 2.

SUBSTITUTE SENATE BILL NO. 6546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6438, by Senators Benitz, Stratton, Newhouse, Bluechel, Owen, Nelson, Pullen, Madsen, Williams and Talmadge

Permitting banded rate tariffs for natural gas and electric services.

CONFLICT OF INTEREST

Senator Madsen: "Senate Bill No. 6438 would allow regulated utilities a system of imposing banded rates. I presently work for a regulated utility which can take advantage of the banded rates. If I vote on this bill, is that conflict of interest?"

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Madsen, Senate Rule 22 and Joint Rule 1 requires that a legislator shall only be excused from voting when a personal interest is direct and the legislator has reason to believe or expect that a direct monetary gain or loss will be derived by reason of the legislator's official activity.

"The President believes that the rules contemplate the member must make the decision his or herself based upon the facts as the member believes them to exist.

"Joint Rule 1 clearly states that a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation or group to a greater extent than any other member of such business, occupation or group.

"The President hopes that this explanation will help the Senator and all members in decisions about potential conflicts of interest."

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6438 was substituted for Senate Bill No. 6438 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Williams: "Senator Benitz, competitively-driven arrangements are one step in the transition to a more competitive marketplace. Such pricing flexibility can benefit all utility customers and are appropriate, even in an otherwise regulated industry. What standards would be used to determine the minimum and maximum rate?"

Senator Benitz: "Senator Williams, the standards will be set by the UTC based on input from the parties. At the low end of the rate ban, the rate should be at least cover-cost so that monopoly rate payers do not subsidize competitive service. At the high end, the rate should prevent monopoly pricing."

Senator Williams: "Senator Benitz, I want to clarify something. The bill indicates that to prove effective competition, a utility must show competition from energy sources not regulated by the UTC. Is that intended to include consumer-owned utilities such as municipals, public utility districts, cooperatives or mutuals?"

*Senator Benitz: "It does not."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6438, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Smitherman - 2.

SUBSTITUTE SENATE BILL NO. 6438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

*Senator Benitz: "The second question which Senator Williams asked me for the record, I did not have a description of, and the answer is the opposite that I gave, so that we have it clear on the record, 'it does not.'"

EDITOR'S NOTE: "The correction was made in the printed colloquy by Senators Williams and Benitz.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced Miss Roxanne Bare, a special guest of Senators Warnke and Gaspard who was seated on the rostrum. Miss Bare is a senior at White River High School and the Pierce County League Cross-County Champion.

SECOND READING

SENATE BILL NO. 6515, by Senators Benitz, Pullen, Smitherman and Hayner

Granting civil immunity to members of hazardous materials planning committees.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Williams: "Senator Pullen, is the Senate Energy Committee the correct committee to deal with Senate Bill No. 6515?"

Senator Pullen: "The Law and Justice Committee staff did look the bill over and, admittedly, attorneys can disagree among themselves so one should not necessarily take one attorney's opinion or the opinion of a staff as necessarily the final answer or even one hundred percent correct answer. When the Law and Justice Committee staff looked the issue over, they did not see a problem with the bill or with the immunity question."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6515.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6515, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Smitherman - 2.

SENATE BILL NO. 6515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6676, by Senators Smith, Zimmerman, West and McCaslin

Allowing consumers to elect not to receive information delivery telephone services.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6676 was substituted for Senate Bill No. 6676 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Garrett: "Senator Williams, you said the telephone companies used to say that there was a tremendous cost on this. Now, they say there's no cost or that the rest of the customers in the state will absorb whatever cost that does come from this?"

Senator Williams: "Several years ago when we proposed this kind of legislation, I don't remember the exact figures, but they projected some very high costs for implementing the blocking-kind of system. Since then, costs, certainly, in California for instance, have been shown to be much lower than they said the costs were. In any case, obviously, I think there's some cost involved. What those costs are exactly, I don't know, but my understanding would be that would go into the whole rate base, so that all of us would pay for that blocking service. An individual who wants the blocking service, would not be required to pay for it."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6676.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6676, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Smitherman - 2.

SUBSTITUTE SENATE BILL NO. 6676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6342, by Senators Lee and Talmadge

Requiring tax breakdown in customer billings by light and power businesses.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6342 was substituted for Senate Bill No. 6342 and the substitute bill was placed on second reading and read the second time.

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

On page 1, following line 5, strike lines 6 through 12 and insert the following:

"Any customer billing issued by a light or power business or gas distribution business that serves a total of more than five thousand customers and operates within the state shall include the following information:

(1) The rates and amounts of taxes paid directly by the customer upon products or services rendered by the light and power business or gas distribution business; and

(2) The rate, origin and approximate amount of each tax levied upon the revenue of the light and power business or gas distribution business and added as a component of the amount charged to the customer.

NEW SECTION. Sec. 2. This act shall take effect on January 1, 1989."

MOTIONS

On motion of Senator Lee, the following title amendments were considered simultaneously and adopted:

On page 1, line 1, following "bills;" strike "and"

On page 1, line 2, following "RCW" insert "; and providing an effective date"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6342.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6342, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Smitherman - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6408, by Senators Benitz, Bender, Newhouse, Vognild and Garrett

Revising provisions on the state energy code.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6408.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6408, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Vognild, von Reichbauer, Warnke, West - 37.

Voting nays: Senators DeJarnatt, Fleming, Kreidler, Moore, Niemi, Patterson, Rinehart, Talmadge, Williams, Wojahn, Zimmerman - 11.

Excused: Senator Smitherman - 1.

SENATE BILL NO. 6408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6745, by Senators Williams and Benitz

Requiring disclosure of services provided by alternate operator services companies.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6745.

ROLL CALL

The Secretary called the roll on the final passage Senate Bill No. 6745, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Smitherman - 1.

SENATE BILL NO. 6745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6565, by Senator Owen

Prohibiting interference with public servants' telecommunications.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6565 was substituted for Senate Bill No. 6565 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6565.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6565, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Fleming, Talmadge - 2.

Excused: Senator Smitherman - 1.

SUBSTITUTE SENATE BILL NO. 6565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6147, by Senators Pullen, Niemi, Rasmussen, Craswell and Nelson

Revising the criminal definition of "substantial bodily harm."

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6147 was substituted for Senate Bill No. 6147 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, on page 5, line 15, I see the word 'torture.' It seems to me the word 'torture' is not defined in the bill nor does the definition appear anywhere else in the revised code of Washington, to my knowledge. If that

is indeed the case, how would you define 'torture' other than working on Saturday and listening to the bills we've listened to so far?"

Senator Pullen: "Senator Talmadge, you are correct, 'torture' is not defined in either the bill or the Revised Code of Washington. I would offer the following definition of 'torture.' 'Torture' means the infliction of pain and severe emotional distress on a victim, in a manner not requested or desired by the victim, thereby causing agony to the victim for the purpose of forcing the victim to do something against his or her will or for the purpose of gratification of the torturer."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6147.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6147, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Smitherman - 1.

SUBSTITUTE SENATE BILL NO. 6147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6695, deferred on second reading earlier today after no action was taken on the motion by Senator Bailey to advance the bill to third reading and final passage.

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 1, after line 11 insert:

NEW SECTION. Sec. 2. The higher education coordinating board and the office of the superintendent of public instruction shall report to the legislature by January 1, 1989 on the impact of this act on assessment of the qualifications of students attending church-approved schools for admission to state institutions of higher education.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard to Senate Bill No. 6695.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Saling, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 26.

Excused: Senator Smitherman - 1.

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 3, after line 33 insert:

*Sec. 3. Section 6, chapter 215, Laws of 1971 as amended by section 4, chapter 92, Laws of 1974 ex. sess. and RCW 28A.02.230 are each amended to read as follows:

Any private school may appeal the actions of the state superintendent of public instruction or state board of education as provided in chapter 34.04 RCW.*

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Gaspard to Senate Bill No. 6695.

The motion by Senator Gaspard carried and the amendment was adopted.

MOTIONS

On motion of Senator Saling, the following title amendment was adopted:
On page 1, line 1 of the title, after "schools;" insert "amending RCW 28A.02.230;"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

PERSONAL PRIVILEGE

Senator Gaspard: "Mr. President, a point of personal privilege. In remarks by Senator Stratton I think she is attributing or at least implied to remarks that I made on the Senate Floor about statistics of children who were individuals who were in correctional facilities or who had some adult problems that required services. She seemed to imply, at least in my remarks, that they were from church schools. I did not say that. I think it was incorrect, but what I did say is that when you go into the backgrounds of those individuals you'll look and see that--"

POINT OF ORDER

Senator Newhouse: "Mr. President, a point of order. The issues, the measures under discussion are not supposed to be addressed under a point of personal privilege."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, when remarks from the floor are incorrectly interpreted, I think the person has an opportunity and responsibility of restating how those remarks are made and that is what I'm trying to do."

FURTHER REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, I just want to let people know that those remarks were not made to make any interpretation that those only applied to church-related schools. Those education difficulties are in all education parameters, whether they be public, private, unimproved, whatever."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6695.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6695, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Saling, Talmadge, Vogtild, Warnke, Williams, Wojahn - 21.

Excused: Senator Smitherman - 1.

ENGROSSED SENATE BILL NO. 6695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:10 p.m., on motion of Senator Nelson, the Senate recessed until 12:35 p.m.

The Senate was called to order at 12:37 p.m. by President Pro Tempore Bluechel.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9199, Kate B. Webster, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF KATE B. WEBSTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Absent: Senators Johnson, Owen, Vognlid, Wojahn - 4.

MOTION

On motion of Senator Bender, Senator Williams was excused.

SECOND READING

SENATE BILL NO. 6601, by Senators McDonald, Talmadge, Kiskaddon, Stratton and Deccio

Providing for caseload forecasts.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6601 was substituted for Senate Bill No. 6601 and the substitute bill was placed on second reading and read the second time.

Senator Warnke moved that the following amendment be adopted:

On page 2, line 35, after "offenders," insert "unemployment compensation claimants, unemployment compensation claimants who exhaust their unemployment compensation benefits."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Warnke to Substitute Senate Bill No. 6601.

The motion by Senator Warnke failed and the amendment was not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6601.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6601, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Zimmerman - 45.

Voting nay: Senators Gaspard, Rinehart, Wojahn - 3.

Excused: Senator Williams - 1.

SUBSTITUTE SENATE BILL NO. 6601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6316, by Senators Pullen, Madsen, Zimmerman, Vognild, Bailey, Saling, Johnson, Talmadge, Metcalf, Bauer and West

Providing for the seizure of assets in drug cases.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6316 was substituted for Senate Bill No. 6316 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the following amendments by Senators Pullen and Talmadge were considered simultaneously and adopted:

On page 4, line 9, strike "and".

On page 4, line 14, after "property" and before the period insert "; and

(iv) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission"

Senator Talmadge moved that the following amendment be adopted:

On page 4, beginning on line 15, strike all material down to and including line 18 and insert the following:

"(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until the hearing on the forfeiture is held, whichever is later. Seizure of personal property without process may be made if:"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge to Substitute Senate Bill No. 6316.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 6316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, this bill requires that there be a substantial nexus between the commercial production or sale of the controlled substance and the real property before there can be a seizure and forfeiture of the property. Could you offer examples of activities that would create a substantial nexus between the illegal production or sale and the real property? Could you also describe a scenario that would not constitute the kind of substantial nexus intended by the language in the bill?"

Senator Pullen: "Two especially clear examples come to mind, Senator Talmadge, with respect to illegal drug production or sale that would result in a substantial nexus between the activity and the property. The first would be the situation where the home contains a laboratory operation for the manufacturing or processing of substances like amphetamines, hallucinogens, or cocaine. In addition, if there were a large grow operation on the property, either in the house or on the surrounding land, that would certainly result in the substantial nexus required for the forfeiture of the property.

"Secondly, if the house were being used as a sanctuary for the ongoing illegal sale of drugs, then the substantial nexus would be established between the drug-dealing and the property in question. As for a situation that would not constitute a substantial nexus, I would use the example of the well-intentioned, but somewhat overzealous, law enforcement agent who might get himself or herself invited into someone's home, and there ensues a casual sale involving a controlled substance. This would not constitute the substantial nexus required for forfeiture."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6316.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6316, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 48.

Excused: Senator Williams - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6171, by Senators Pullen, Talmadge, McCaslin, Nelson and Saling

Revising sexual offenses.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following amendment by Senators Pullen, Talmadge and Metcalf was adopted:

On page 16, line 31 after "first" insert "or second"

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6171.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6171, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 48.

Excused: Senator Williams - 1.

ENGROSSED SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6402, by Senators Pullen, Moore, Bluechel, Newhouse, Bauer, DeJarnatt and Hansen

Revising venue requirements in civil actions in district court.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6402 was substituted for Senate Bill No. 6402 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6402, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 48.

Excused: Senator Williams - 1.

SUBSTITUTE SENATE BILL NO. 6402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Ellen Craswell assumed the chair.

SECOND READING

SENATE JOINT RESOLUTION NO. 8228, by Senators Pullen, Madsen, Zimmerman, Rasmussen and Gaspard (by request of Attorney General)

Proposing a constitutional amendment creating crime victim's rights.

MOTIONS

On motion of Senator Pullen, Substitute Senate Joint Resolution No. 8228 was substituted for Senate Joint Resolution No. 8228 and the substitute resolution was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 1, line 12, after "rights," insert "The legislature shall make ample provision for the funding of victims' assistance programs."

Debate ensued.

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

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge to Substitute Senate Joint Resolution No. 8228.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Excused: Senator Williams - 1.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute Senate Joint Resolution No. 8228 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Resolution No. 8228.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8228, and the resolution passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Voting nay: Senators Vognild, Williams - 2.

Absent: Senator Kreidler - 1.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8228, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6363, by Senators Pullen, McCaslin, Rasmussen and Owen

Permitting parents and guardians to use reasonable and moderate force to discipline a child.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6363 was substituted for Senate Bill No. 6363 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the following amendment by Senators Pullen and Talmadge was adopted:

On page 1, line 28, after "moderate" strike "corporal punishment" and insert "physical discipline"

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 6363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6363.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6363, and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Halsan, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Vognlid, von Reichbauer, Warnke, West, Zimmerman - 37.

Voting nay: Senators Fleming, Garrett, Kiskaddon, Kreidler, Moore, Nelson, Niemi, Rinehart, Smitherman, Talmadge, Williams, Wojahn - 12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6219, by Senators Kreidler and Kiskaddon

Changing the review standard for consent to adoption.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 6219 was substituted for Senate Bill No. 6219 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kiskaddon, the rules were suspended, Substitute Senate Bill No. 6219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6219, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 6219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6364, by Senators Pullen, McCaslin and Madsen

Adding requirement for sentencing of certain felons.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6364 was substituted for Senate Bill No. 6364 and the substitute bill was placed on second reading and read the second time.

Senator Madsen moved that the following amendment be adopted:

On page 7, after line 36, insert the following:

"Sec. 2. Section 16, chapter 219, Laws of 1979 ex. sess. and RCW 7.68.240 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to ~~((this act))~~ RCW 7.68.200 through 7.68.280, the department shall immediately pay over fifty percent of any moneys in the escrow account to such person or his legal representatives and fifty percent of any moneys in the escrow account to the fund under RCW 7.68.035(4)."

POINT OF ORDER

Senator Pullen: "Madam President, I rise to the point of order that this amendment expands the scope and object of the bill. It may fit within the title of the bill, but it certainly doesn't fit within the scope of the bill. I see several other good amendments coming. Some of these look like good amendments, but they, too, exceed the scope and object of the bill. Sometimes, we just have to scope amendments that otherwise would be good amendments, just because they otherwise could end up sending the bill into that deep, black hole known as the Ways and Means Committee. I suggest we put the bill down and that the President have time to look at all the other amendments, too, on which I will raise scope and object at this time, if that's in order. Then, that will save time when we can get back to the bill."

POINT OF ORDER

Senator Halsan: "A point of order, Madam President. In regards to the, I guess, the claim by Senator Pullen, that the amendments that are not before the body, exceed the scope and object. I would believe when, in fact, they are before the body, that would be in order to raise that question and that would allow, on each amendment, the proponent of the amendment and the proponent of the scope and object objection to speak on each amendment as to the scope and object. I would request that privilege."

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Craswell: "That is correct, Senator Halsan."
Further debate ensued.

POINT OF ORDER

Senator Halsan: "Madam President, I fail to see how if we reserve the argument on the point of order question until after the President has reviewed them to determine what the result of the point of order questions are--that is an appropriate point of order. I would think that the arguments relative to the points of order should precede the determination of the answer to the question."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Madam President, I just want to make clear that we're trying to give you every courtesy and yet not preclude you from presenting all of your amendments. If we were to take one today and wait a day and come back, then you present another one and then we challenge that one, the bill would be

beyond the deadline for its consideration. We're just serving notice, according to the maker of the motion, that he is asking the attorneys to view all amendments."

REMARKS BY SENATOR HALSAN

Senator Halsan: "I'm certain the President will keep an open mind and, if in fact, after the review, the arguments are quite valid, that will be taken into consideration in the making of the determination."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6364 was deferred.

SECOND READING

SENATE BILL NO. 6151, by Senator Pullen, Johnson, Rasmussen and Talmadge (by request of Public Disclosure Commission)

Revising campaign finance reporting law.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and adopted:

On page 24, line 30, after "No" insert "earmarked"

On page 24, line 32, strike "given" and insert "earmarked"

On motion of Senator Pullen, the following amendment by Senators Pullen and Talmadge was adopted:

On page 19, line 22, after "~~((twenty-five))~~" insert "more than"

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 6151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Pullen, sub (10) on page 3, lines 4 and 5, where it says, 'Or labor for which the individual is not compensated by any person and performed outside of the person's normal employment hours if any.' That would mean somebody who had a sign shop—a local business—could do all your work during normal working hours and it would not be a contribution. Is that correct?"

Senator Pullen: "You're suggesting that a person who has a sign shop who donates his labor, would not have to be reported? In a situation like that, I would say that it would have to be reported, because the labor plus the materials together are going into producing signs which is something that has tangible value. Like any other in-kind contribution, that would have to be reported. The intent of this particular language is to deal with a person who comes in to support you by—like doorbelling for you, or stuffing envelopes or other similar types of labor."

Senator McCaslin: "Well, I can understand where the sign material and the paint and the silk screen might be charged off as a contribution, but it specifically states that the labor will not be charged as a contribution."

Senator Pullen: "In this particular situation, the labor would be lumped in to the final fair-value cost for the production of the signs."

Senator McCaslin: "You think it would under the way this is written?"

Senator Pullen: "I believe it would be."

MOTION

On motion of Senator Zimmerman, Senators Benitz and Kiskaddon were excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6151.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6151, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, Kiskaddon - 2.

ENGROSSED SENATE BILL NO. 6151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6451, by Senators Pullen and Talmadge (by request of Public Disclosure Commission)

Modifying provisions relating to lobbying, political advertising, and public office funds.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6451 was substituted for Senate Bill No. 6451 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Pullen, would it presently be illegal for an individual or registered lobbying group to spend money to influence voters on a ballot proposition, if they failed to report the expenditures under the provision of the Public Disclosure Act pertaining to ballot issues or is an amendment to this bill necessary to make it illegal?"

Senator Pullen: "Senator Metcalf, you are correct, it would be illegal if they failed to report. The current law provides that any person who works for or against the ballot proposition must disclose expenditures in the manner provided by the Public Disclosure Act. Consequently, no amendment is necessary since it's already covered."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6451.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6451, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Hansen - 1.

Excused: Senators Benitz, Kiskaddon - 2.

SUBSTITUTE SENATE BILL NO. 6451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6563, by Senators Pullen, Madsen and McCaslin

Adopting the uniform federal lien registration act.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 3, line 5, after "effect" strike "((.....))" and insert "July 1, 1988"

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 6563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6563.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6563, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Vognild, Warnke - 2.

Excused: Senators Benitz, Kiskaddon - 2.

ENGROSSED SENATE BILL NO. 6563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6656, by Senator Pullen

Making criminal possession of a motor vehicle a class C felony.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6656 was substituted for Senate Bill No. 6656 and the substitute bill was placed on second reading and read the second time.

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

On page 1, after line 22, insert the following:

"Sec. 2. Section 3, chapter 115, Laws of 1983 as last amended by section 4, chapter 187, Laws of 1987 and by section 1, chapter 224, Laws of 1987 and RCW 9.94A.320 are each re-enacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
	Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020)

- Rape 2 (RCW 9A.44.050)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Selling heroin for profit (RCW 69.50.410)
- VII Burglary 1 (RCW 9A.52.020)
- Vehicular Homicide (RCW 46.61.520)
- Introducing Contraband 1 (RCW 9A.76.140)
- Statutory Rape 2 (RCW 9A.44.080)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Sexual Exploitation. Under 18 (RCW 9.68A.040(2)(b))
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
- Manslaughter 2 (RCW 9A.32.070)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b), (c), and (d))
- Incest 1 (RCW 9A.64.020(1))
- Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(α)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- V Criminal Mistreatment 1 (RCW 9A.42.020)
- Rape 3 (RCW 9A.44.060)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(α)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal Mistreatment 2 (RCW 9A.42.030)
- Statutory Rape 3 (RCW 9A.44.090)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)

- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- Burglary 2 (RCW 9A.52.030)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- ~~((Taking Motor Vehicle Without Permission (RCW 9A.56.070)))~~
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))"

MOTIONS

On motion of Senator Pullen, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "9A.56.070" and before the period, insert "; and reenacting and amending RCW 9.94A.320"

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute Senate Bill No. 6656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6656.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6656, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Kiskaddon, Vognild - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the chair.

SECOND READING

SENATE BILL NO. 6461, by Senator Nelson (by request of Sentencing Guidelines Commission)

Establishing seriousness levels for unranked felonies.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 2, line 34, strike "For one year after the effective date of an act creating a new felony, the court may set an appropriate sentence and shall consult with the sentencing guidelines commission to determine the seriousness level that will be recommended to the legislature."

Senator Halsan moved that the following amendment by Senators Halsan and Madsen be adopted:

On page 10, after line 10, insert the following:

*Sec. 3. Section 3, chapter 115, Laws of 1983 as last amended by section 4, chapter 187, Laws of 1987 and by section 1, chapter 224, Laws of 1987 and RCW 9.94A.320 are each re-enacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020) Rape 1 (RCW 9A.44.040) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Statutory Rape 1 (RCW 9A.44.070) Explosive devices prohibited (RCW 70.74.180) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a)) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020) Rape 2 (RCW 9A.44.050) Promoting Prostitution 1 (RCW 9A.88.070) Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020) Vehicular Homicide (RCW 46.61.520) Introducing Contraband 1 (RCW 9A.76.140) Statutory Rape 2 (RCW 9A.44.080) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b)) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
VI	Bribery (RCW 9A.68.010) Manslaughter 2 (RCW 9A.32.070) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2)) Endangering life and property by explosives with no threat to human being (RCW 70.74.270) Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b), (c), and (d)) Incest 1 (RCW 9A.64.020(1)) Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410) Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i)) Intimidating a Judge (RCW 9A.72.160)
V	Criminal Mistreatment 1 (RCW 9A.42.020) Rape 3 (RCW 9A.44.060)

- Kidnapping 2 (RCW 9A.40.030)
 - Extortion 1 (RCW 9A.56.120)
 - Incest 2 (RCW 9A.64.020(2))
 - Perjury 1 (RCW 9A.72.020)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
 - IV Burglary 2 (RCW 9A.52.030)
 - Robbery 2 (RCW 9A.56.210)
 - Assault 2 (RCW 9A.36.021)
 - Escape 1 (RCW 9A.76.110)
 - Arson 2 (RCW 9A.48.030)
 - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 - Malicious Harassment (RCW 9A.36.080)
 - Wilful Failure to Return from Furlough (RCW 72.66.060)
 - Hit and Run -- Injury Accident (RCW 46.52.020(4))
 - Vehicular Assault (RCW 46.61.522)
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(i) through (iv))
 - Influencing Outcome of Sporting Event (RCW 9A.82.070)
 - Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 - Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 - III Criminal Mistreatment 2 (RCW 9A.42.030)
 - Statutory Rape 3 (RCW 9A.44.090)
 - Extortion 2 (RCW 9A.56.130)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Assault 3 (RCW 9A.36.031)
 - Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
 - Harassment (RCW 9A.46.020)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Wilful Failure to Return from Work Release (RCW 72.65.070)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 - Escape 2 (RCW 9A.76.120)
 - Perjury 2 (RCW 9A.72.030)
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Tampering with a Witness (RCW 9A.72.120)
 - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(i))
 - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 - Theft of livestock 1 (RCW 9A.56.080)
 - II Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Livestock 2 (RCW 9A.56.080)
 - ((Burglary 2 (RCW 9A.52.030)))
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Computer Trespass 1 (RCW 9A.52.110)
 - I Theft 2 (RCW 9A.56.040)
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Forgery (RCW 9A.60.020)
 - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 - Vehicle Prowl 1 (RCW 9A.52.095)
 - Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)
 - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))*
- Renumber the sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order to question the scope and object of the amendment by Senator Halsan, in that this amendment deals with rank felonies by the Sentencing Guidelines Act, and the title is for unranked felonies that are not in the Sentencing Guidelines at the present time."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6461 was deferred.

SECOND READING

SENATE BILL NO. 6227, by Senators Pullen, Talmadge and Halsan

Revising provisions on acknowledgments.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Senate Bill No. 6227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6227.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6227, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Kiskaddon, Vognild - 3.

SENATE BILL NO. 6227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6498, by Senators Nelson, Newhouse, Talmadge, Halsan and Hayner

Reviewing and establishing standards for appointment of counsel for indigent persons.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6498 was substituted for Senate Bill No. 6498 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 8, after "(a)" strike "one member" and insert "~~(one member)~~ two members"

On page 1, line 17, after "(f)" insert "One member appointed by the Washington Association of Prosecuting Attorneys;" and renumber the remaining subsections consecutively.

Debate ensued.

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

PARLIAMENTARY INQUIRY

Senator McCaslin: "Mr. President, a parliamentary inquiry, the gavel struck before he asked for a division. Now, I assume that with the striking of that beautiful new heavy gavel you have, that means that that's it."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator McCaslin, I did not see Senator Talmadge rise to ask for a division. It's a courtesy here to ask for a division and we will adhere to that courtesy wherever possible."

Senator McCaslin: "Well, I like to be courteous too, but when all these attorneys start talking, we run into the late afternoon. I'm still under a parliamentary inquiry, but now I'll go to a point of personal privilege."

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. A Supreme Court Judge once said to one of my constituents, that only attorneys should be in this body. I was thinking as Senator Halsan, Senator Talmadge and soon to become a lawyer, Senator Nelson,—and of course—we've always accepted Senator Pullen as a lawyer, that if this body had forty-nine attorneys in it, we might get out one bill a session. He might not have had a bad idea."

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Talmadge to Substitute Senate Bill No. 6498.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Owen, Rasmussen, Smitherman, Stratton, Talmadge, Vognlid, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 26.

Excused: Senators Benitz, Kiskaddon - 2.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6498.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6498, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Saling, Sellar - 2.

Excused: Senators Benitz, Kiskaddon - 2.

SUBSTITUTE SENATE BILL NO. 6498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5538, by Committee on Ways and Means (originally sponsored by Senators Owen, Warnke, Stratton, von Reichbauer, Lee, Garrett and Moore)

Creating the major crimes investigation and assistance unit.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5538.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5538, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Zimmerman - 39.

Voting nay: Senators Bailey, Barr, DeJarnatt, Halsan, Niemi, Rinehart, Wojahn - 7.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, Kiskaddon - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:00 a.m., Monday, February 15, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 15, 1988

The Senate was called to order at 8:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Gaspard, Niemi, Owen, Rasmussen and Smitherman. On motion of Senator Vognild, Senators Bender, Gaspard, Niemi, Owen, Rasmussen and Smitherman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kirsten Shaner and Tony Fritz, presented the Colors. Sister Georgette Bayless, director of chaplains for St. Peter Hospital of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 12, 1988

Mr. President:

The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4430, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 13, 1988

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1564, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 12, 1988

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 178,
 SUBSTITUTE HOUSE BILL NO. 725,
 SUBSTITUTE HOUSE BILL NO. 752,
 SUBSTITUTE HOUSE BILL NO. 1170,
 HOUSE BILL NO. 1265,
 SUBSTITUTE HOUSE BILL NO. 1378,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388,
 SUBSTITUTE HOUSE BILL NO. 1389,
 SUBSTITUTE HOUSE BILL NO. 1442,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518,
 ENGROSSED HOUSE BILL NO. 1553,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1601,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,
 SUBSTITUTE HOUSE BILL NO. 1670,
 SUBSTITUTE HOUSE BILL NO. 1784,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1835,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,
 SUBSTITUTE HOUSE BILL NO. 1862,
 SUBSTITUTE HOUSE BILL NO. 1879,
 SUBSTITUTE HOUSE BILL NO. 1915,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4033, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 178 by Representatives Cole, Ebersole, Allen, Todd, H. Sommers, Peery, Madsen, Rust, Rasmussen, P. King, Holm, Niemi, Jacobsen, Nelson, Belcher, Wang, Unsoeld, Brekke and Winsley

Establishing the school district pay equity and job analysis assessment project.

Referred to Committee on Education.

SHB 725 by Committee on Education (originally sponsored by Representatives Cantwell, Rasmussen, Cole, Pruitt, Wang, Peery, Holland, Ebersole, Leonard, P. King, Unsoeld and Todd) (by request of Superintendent of Public Instruction and State Board of Education)

Providing a pilot program to provide health and assessment services before school begins.

Referred to Committee on Education.

SHB 752 by Committee on Judiciary (originally sponsored by Representatives Locke, Armstrong, P. King, Brough and Betrozoff) (by request of Sentencing Guidelines Commission)

Revising the definition of second degree assault.

Referred to Committee on Law and Justice.

SHB 1170 by Committee on Commerce and Labor (originally sponsored by Representative Patrick)

Changing requirements for physicians retained by the medical bureau of the department of labor and industries.

Referred to Committee on Economic Development and Labor.

HB 1265 by Representatives Armstrong, Crane, Brough, Butterfield, Leonard, Lewis, Miller and P. King

Revising provisions relating to homicide by abuse.

Referred to Committee on Law and Justice.

SHB 1378 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Winsley and P. King)

Establishing procedures for transfer of domicile by insurance companies.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1388 by Committee on Housing (originally sponsored by Representatives Nutley, J. Williams, Leonard, Sanders, Barnes, Wineberry, Padden, Heavey, Anderson, Jacobsen, Valle, May, Ballard, Nelson, Jesernig, Todd, Moyer, Lux, Unsoeld, Ferguson and Day)

Exempting temporary lodging for homeless persons from state and local excise taxation.

Referred to Committee on Ways and Means.

SHB 1389 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Nutley, J. Williams, Leonard, Sanders, Wineberry, Heavey, Anderson, Jacobsen, Valle, Nelson, Todd, Lux, Unsoeld and Ferguson)

Creating the emergency food and shelter program revolving account.

Referred to Committee on Ways and Means.

SHB 1442 by Committee on State Government (originally sponsored by Representatives Rust, Unsoeld, H. Sommers, Hine, Jacobsen and Brekke)

Transferring the state radiation control agency to the department of ecology.

Referred to Committee on Governmental Operations.

ESHB 1518 by Committee on Education (originally sponsored by Representatives Bristow and Grant)

Revising allocations for small school district capital construction.

Referred to Committee on Education.

EHB 1553 by Representatives Nutley, J. Williams, Leonard, Sanders and Padden

Limiting grants and loans from the housing trust fund.

Referred to Committee on Ways and Means.

E2SHB 1564 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Wineberry, Nutley, Locke, B. Williams, Ebersole, Schoon, Scott, Grimm, Cantwell, Brekke, Heavey, Leonard, Barnes, Hargrove, Todd, Wang, Anderson, Kremen, Lux, K. Wilson, Unsoeld and Butterfield)

Providing employment and self-sufficiency services for the homeless.

Referred to Committee on Economic Development and Labor.

ESHB 1601 by Committee on Housing (originally sponsored by Representatives Wineberry, Locke, Armstrong, Anderson, Hine, Ferguson, Nutley, Ebersole, Valle and Nelson)

Creating the low-income housing preservation task force.

Referred to Committee on Economic Development and Labor.

ESHB 1627 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Belcher, Brooks, Hargrove, Grimm, Sayan, Peery, Ebersole, Cole, Scott, Valle, Sprenkle, Brekke, Leonard and Locke)

Establishing a family life education program.

Referred to Committee on Education.

ESHB 1655 by Committee on Education (originally sponsored by Representatives Peery, Betzoff, Grimm, H. Sommers, Walker and D. Sommers)

Specifying the uses of capital funds by school districts.

Referred to Committee on Ways and Means.

SHB 1670 by Committee on Environmental Affairs (originally sponsored by Representatives Cooper, D. Sommers, Sprenkle, May, Meyers, Jacobsen, Ferguson, Fisher, Walker, Peery, Holland, Pruitt, Rust, Todd and Unsoeld)

Providing for the certification of operators of solid waste incinerators.

Referred to Committee on Environment and Natural Resources.

SHB 1784 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Pruitt, Sprenkle, Ferguson, Rust, D. Sommers, Unsoeld, Valle, Brekke, Jesernig and Todd)

Encouraging state purchasing of recovered materials.

Referred to Committee on Environment and Natural Resources.

E2SHB 1835 by Committee on Ways and Means (originally sponsored by Representatives Grant, Hankins, Jesernig, Brooks, Meyers, Ballard, Hine, Rayburn, Sayan, Silver, Appelwick, Moyer, Ebersole, Nealey, Dellwo, Miller, Jacobsen, S. Wilson, Grimm, Chandler, Fuhrman, Schoon, B. Williams, Ferguson, Doty, Day, Basich, P. King, Anderson, Pruitt and Todd)

Providing for economic diversification in the Tri-Cities.

Referred to Committee on Ways and Means.

ESHB 1858 by Committee on Human Services (originally sponsored by Representatives Sprenkle, Ferguson, Brekke, P. King, Winsley, Leonard, Sutherland, Locke and Anderson)

Requiring consideration of minority race or minority ethnic heritage in adoptions and foster care placements.

Referred to Committee on Children and Family Services.

SHB 1862 by Committee on Natural Resources (originally sponsored by Representatives Cole, Winsley, Sayan, Basich, Scott, Holland, Lux, Wineberry, Belcher, Nutley, Walker, Valle, Haugen, Dorn, Locke, Spanel, Anderson, K. Wilson, Jacobsen, Brekke, Nelson, Leonard and Fisher)

Providing for plans for the use of local beaches.

Referred to Committee on Environment and Natural Resources.

SHB 1879 by Committee on Housing (originally sponsored by Representatives Locke, Wineberry, Armstrong, Anderson, Hine, Nutley, Leonard and R. King)

Establishing procedures for prepayment of federal subsidies on multifamily rental housing developments.

Referred to Committee on Law and Justice.

SHB 1915 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Ebersole, Appelwick, Peery, Holm, Pruitt, Rasmussen and Todd)

Specifying school district levy bases and levy reduction funds.

Referred to Committee on Ways and Means.

EHJM 4033 by Representatives Jones, Vekich, Fisher, Schmidt, Baugher, Unsoeld, Prince, Walk, Walker, Lux, Hine, Crane, S. Wilson, Hargrove, Anderson, Leonard, Pruitt, Brough, Basich, Dorn, Day, Haugen, Sayan, Winsley, Cooper, Belcher, Nelson, May, Miller, Butterfield, Ferguson, Spanel and Nealey

Petitioning Congress to adopt legislation establishing a uniform closing time for polling places.

Referred to Committee on Governmental Operations.

ESHCR 4430 by Committee on Energy and Utilities (originally sponsored by Representatives Nelson, Barnes, P. King, Sutherland and Spanel)

Creating a joint select committee on nuclear affairs.

Referred to Committee on Energy and Utilities.

SECOND READING

SENATE BILL NO. 6260, by Senators Warnke, Smitherman, Garrett and Conner (by request of Pharmacy Board)

Changing requirements relating to sales of poisons.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6260.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6260, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Bender, Gaspard, Niemi, Owen, Rasmussen, Smitherman - 6.

SENATE BILL NO. 6260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6313, by Senators McDonald, Gaspard, Bailey, Zimmerman, Kreidler and Lee

Providing for retirement of loans from the resource management cost account to the forest development account.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 6313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6313.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6313, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Deccio - 1.

Excused: Senators Bender, Gaspard, Niemi, Smitherman - 4.

SENATE BILL NO. 6313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6405, by Senators Lee, Halsan, Zimmerman and Garrett (by request of Department of Community Development)

Revising provisions on state and local government bond issuance information.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6405.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6405, and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler,

Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Deccio, Smith - 2.

Excused: Senators Bender, Gaspard, Niemi, Smitherman - 4.

SENATE BILL NO. 6405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6433, by Senators Rinehart, Johnson, Moore, Deccio and von Reichbauer

Requiring health care insurance coverage for the food supplements necessary for the treatment of phenylketonuria.

MOTIONS

On motion of von Reichbauer, Substitute Senate Bill No. 6433 was substituted for Senate Bill No. 6433 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rinehart, the following amendments by Senators Rinehart and von Reichbauer were considered simultaneously and adopted:

On page 1, line 25, strike "food supplements" and insert "formulas"

On page 2, line 18, strike "food supplements" and insert "formulas"

On page 3, line 3, strike "food supplements" and insert "formulas"

On page 3, line 23, strike "food supplements" and insert "formulas"

On page 3, line 23, after "phenylketonuria," insert:

"Such formulas shall be covered when deemed medically necessary by the medical director or his or her designee of the health maintenance organization and if provided by the health maintenance organization or upon the health maintenance organization's referral. Formulas shall be covered at the usual and customary rates for such formulas, subject to contract provisions with respect to deductible amounts or co-payments."

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 6433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6433.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6433, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bender, Gaspard, Niemi, Smitherman - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6439, by Senators Pullen and Talmadge

Adding municipal court departments in cities over four hundred thousand.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6439 was substituted for Senate Bill No. 6439 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6439.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Madsen - 1.

Excused: Senators Bender, Gaspard, Niemi, Smitherman - 4.

SUBSTITUTE SENATE BILL NO. 6439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bauer, Senator DeJarnatt was excused.

SECOND READING

SENATE BILL NO. 6493, by Senators McCaslin, Lee, Conner, Warnke, Smitherman and Garrett

Requiring cities to review need for manufactured homes.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6493 was substituted for Senate Bill No. 6493 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6493.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6493, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Smith - 1.

Excused: Senators Bender, DeJarnatt, Gaspard, Smitherman - 4.

SUBSTITUTE SENATE BILL NO. 6493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6530, by Senators Pullen, Halsan, Nelson and Garrett (by request of Department of Labor and Industries)

Revising procedures for explosives licensing.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6530 was substituted for Senate Bill No. 6530 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6530.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6530, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Deccio, Lee, Smith - 3.

Excused: Senators Bender, DeJarnatt, Gaspard, Smitherman - 4.

SUBSTITUTE SENATE BILL NO. 6530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6491, by Senators McDonald, Warnke, Bailey, Fleming, Lee, Kiskaddon, von Reichbauer, Wojahn, Bender, Johnson, Niemi, Smith, Zimmerman, Smitherman, Conner, Talmadge, Deccio, Stratton and Bauer

Authorizing unclaimed lottery prizes to be deposited in the housing trust fund.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6491 was substituted for Senate Bill No. 6491 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 6491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6491.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6491, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Craswell, Deccio, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Cantu, Rasmussen - 2.

Excused: Senators Bender, DeJarnatt, Gaspard, Smitherman - 4.

SUBSTITUTE SENATE BILL NO. 6491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6671, by Senator Lee

Specifying funds that may be retained for administration of the housing trust fund.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 6671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6671.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6671, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Moore - 1.

Absent: Senator Smith - 1.

Excused: Senators Bender, DeJarnatt, Gaspard, Smitherman - 4.

SENATE BILL NO. 6671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:55 a.m., on motion of Senator Newhouse, the Senate recessed until 9:25 a.m.

The Senate was called to order at 10:10 a.m. by President Pro Tempore Bluechel.

SECOND READING

SENATE BILL NO. 6216, by Senators Gaspard and von Reichbauer

Providing compensated leave for Olympic athletes and officials.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6216 was substituted for Senate Bill No. 6216 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6216.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6216, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 6216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced Mr. Mark Johnson, a teacher in the Lake Washington School District, and a coach of the Olympics, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Johnson to address the Senate.

SECOND READING

SENATE BILL NO. 6605, by Senators Hayner, Rasmussen, Nelson, Moore, Saling, Smitherman, Newhouse, Vognil, von Reichbauer, Craswell and Bailey

Modifying pension portability provisions.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6605 was substituted for Senate Bill No. 6605 and the substitute bill was placed on second reading and read the second time.

Senator Hayner moved that the following amendment be adopted:

On page 1, line 3, after "41.54.070," strike "41.28.030."

PARLIAMENTARY INQUIRY

Senator Vognil: "Mr. President, a point of parliamentary inquiry. Are we talking about the amendment on page 1, line 3? I believe that is a title amendment and usually we do not consider a title amendment until the other amendments have been adopted."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Your point is well taken."

Further consideration of the amendment by Senator Hayner was deferred.

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 1, beginning on line 12, after "RCW:))" delete all material down to and including the period on line 16

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard to Substitute Senate Bill No. 6605.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognil, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

MOTION

Senator Gaspard moved that the following amendments be considered simultaneously and be adopted:

On page 2, beginning on line 31, after the period delete all material down to and including the period on line 32

On page 5, following line 6, insert a new section to read as follows:

"Sec. 5. Section 8, chapter 192, Laws of 1987 and RCW 41.54.080 are each amended to read as follow:

The benefits provided under (~~RCW 41.54.010 through 41.54.070~~) this chapter are not provided to employees as a matter of contractual right and the legislature retains the right to alter or abolish these benefits at any time prior to a member's retirement."

ReNUMBER the remaining sections consecutively.

MOTION

On motion of Senator Hayner, the question was divided and the amendments by Senator Gaspard to Substitute Senate Bill No. 6605 will be considered separately.

Debate ensued on the first amendment by Senator Gaspard on page 2, line 31, to Substitute Senate Bill No. 6605.

The President Pro Tempore declared the question before the Senate to be the adoption of the first amendment on page 2, line 31, by Senator Gaspard to Substitute Senate Bill No. 6605.

The motion by Senator Gaspard failed and the amendment was not adopted.

EDITOR'S NOTE: See action on the second amendment by Senator Gaspard on page 5, line 6, following the amendment by Senator Vognild on page 3, line 4.

MOTION

Senator Vognild moved that the following amendment be adopted:
On page 3, line 4, after "RCW" insert "and RCW 41.26.410 through 41.26.550"

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Vognild to Substitute Senate Bill No. 6605.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; nays, 23; absent, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Fleming - 1.

The President declared the question now before the Senate to be the adoption of the second amendment by Senator Gaspard on page 5, line 6, which was under consideration when the question was divided.

MOTION

On motion of Senator Gaspard, and there being no objection the second amendment on page 5, line 6, to Substitute Senate Bill No. 6605 was withdrawn.

MOTION

Senator Gaspard moved that the following amendments be considered simultaneously and be adopted:

On page 3, following line 4, delete all material down to and including the period on line 6

On page 18, following line 12, add a new section to read as follows:

"NEW SECTION. Sec. 10. Section 6, chapter 192, Laws of 1987 and RCW 41.54.060 are hereby repealed."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Gaspard to Substitute Senate Bill No. 6605.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 26.

MOTION

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

On page 4, line 2, after "member's" insert "average"

MOTION

Senator Hayner moved that the following amendment be adopted:
On page 5, line 7, strike section 5, and renumber the remaining sections consecutively"

POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, your amendment does not prohibit city employees from coming in and asking if they can do that? Spokane, Tacoma and Seattle could come in to PERS and come in at the lower rate?"

Senator Hayner: "They could come in and stay in the PERS system. What we are trying to avoid---the cities can come into the PERS system---we don't want to go the other way. They can come into the PERS system, but they want to stay in the city system and have the PERS system pay for it."

Further debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hayner to Substitute Senate Bill No. 6605.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 22; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalif, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 26.

Voting nay: Senators Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Absent: Senator Bauer - 1.

There being no objection, the Senate resumed consideration of the title amendment on page 1, line 3, by Senator Hayner, which had been moved earlier.

The President Pro Tempore declared the question before the Senate to be the adoption of the title amendment by Senator Hayner on page 1, line 3, to Substitute Senate Bill No. 6605.

The motion by Senator Hayner carried and the title amendment was adopted.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 6605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6605.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6605, and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalif, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, West, Zimmerman - 30.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn - 19.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4441.

SECOND READING

SENATE BILL NO. 6418, by Senators Halsan and Sellar

Requiring a proposal for a senior development program for local government managers.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6418.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6418, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Anderson - 1.

SENATE BILL NO. 6418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6203, by Senators Deccio, Niemi, Kreidler and Smith

Requiring a report on state care of developmentally disabled persons.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6203 was substituted for Senate Bill No. 6203 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6203.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6203, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:34 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:24 p.m. by President Pro Tempore Bluechel.

SECOND READING

SENATE BILL NO. 6379, by Senators Hayner, Halsan, Smith, Rasmussen, Lee, Sellar, Zimmerman, Johnson, Craswell, Barr, Kiskaddon, Bauer, Bender, Hansen, McMullen, Gaspard, Stratton, Garrett and Vognild (by request of Governor Gardner)

Extending the excise tax deferral and credit programs for manufacturing and research and development activities.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6379 was substituted for Senate Bill No. 6379 and the substitute bill was placed on second reading and read the second time.

Senator Halsan moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 21, after "effects" insert "including the number of jobs lost through activities for which deferrals or credits are granted under this chapter or chapter 82.60 RCW"

On page 4, after line 26, insert the following:

NEW SECTION, Sec. 5. A new section is added to chapter 50.20 RCW to read as follows:

Any individual who has been terminated or received a notice of termination from employment from any recipient of a tax deferral under chapter 82.60 or 82.61 RCW, and the termination resulted from the acquisition of new machinery or equipment or other modernization activity under the eligible investment project, then the individual shall be deemed a dislocated worker as defined in RCW 50.04.075. Any such individual under this section shall be considered to be in training with the approval of the commissioner for the purposes of RCW 50.20.043 if he or she is making satisfactory progress in a training program approved by the commissioner. The commissioner shall approve any reasonable request by any such individual to participate in a commissioner-approved training program.

NEW SECTION, Sec. 6. A new section is added to chapter 82.60 RCW to read as follows:

The department of trade and economic development shall report annually to the legislature about any job displacement resulting from eligible investment projects under this chapter.

NEW SECTION, Sec. 7. A new section is added to chapter 82.61 RCW to read as follows:

The department of trade and economic development shall report annually to the legislature about any job displacement resulting from eligible investment projects under this chapter."

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I raise the question of scope and object on the amendments by Senator Halsan. This bill deals with extending the credits—the tax credits, for both the B&O tax and the sales tax deferral on a program for expansion of plants. The amendments that Senator Halsan has proposed refer to a section of RCW that is totally outside of the scope—scope referring to RCW 82.61 and 82.62. This refers to RCW 50.04, that is employment security and has to do with employment benefits, or unemployment benefits. The object is certainly expanded and the scope is expanded. Therefore, I would argue that these amendments should not be before us."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6379 was deferred.

SECOND READING

SENATE JOINT RESOLUTION NO. 8229, by Senators McDonald, Niemi, McCaslin, Owen, Craswell, Smitherman, Moore, Bailey, Stratton, Johnson, Rasmussen, Conner, Smith, Hansen, Kiskaddon, Anderson, West, von Reichbauer, Hayner, Zimmerman and Barr

Establishing an emergency reserve fund.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Joint Resolution No. 8229 was substituted for Senate Joint Resolution No. 8229 and the substitute resolution was placed on second reading and read the second time.

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

On page 1, line 13, after "equivalent of" strike "eight" and insert "five"

On page 1, line 14, after "of" strike "eight" and insert "five"

MOTION

On motion of Senator McDonald, the rules were suspended. Engrossed Substitute Senate Joint Resolution No. 8229 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognild: "A point of parliamentary inquiry, Mr. President. How many votes will it take to pass this measure?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "This is a Constitutional Amendment. It takes thirty-three votes to pass the measure."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Joint Resolution No. 8229.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8229, and the resolution failed to received the constitutional majority by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 29.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 20.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8229, having failed to receive the constitutional two-thirds majority, was declared lost.

SECOND READING

SENATE BILL NO. 6221, by Senators Deccio, Kreidler, Johnson, Niemi, Smith, Wojahn, Zimmerman, Hayner, Vognild and Talmadge

Modifying provisions relating to sexually transmissible diseases.

MOTIONS

On motion of Senator Deccio, Second Substitute Senate Bill No. 6221 was substituted for Senate Bill No. 6221 and the second substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendments by Senators Anderson, and Nelson be considered simultaneously and be adopted:

On page 3, beginning on line 14, strike ", especially the common schools,"

On page 3, after line 20, insert the following:

"NEW SECTION, Sec. 202. A new section is added to chapter 70.24 RCW to read as follows:

All material directed to children in grades kindergarten through twelve and providing education regarding any contagious, infectious, communicable, or dangerous disease transmitted by sexual contact, including but not limited to acquired immunodeficiency syndrome, human immunodeficiency virus, or any other sexually transmitted disease, that is written, published, distributed, or used by or for any public entity and paid for, in whole or in part, with any public moneys shall emphasize sexual abstinence outside lawful marriage."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Anderson and Nelson to Second Substitute Senate Bill No. 6221.

The motion by Senator Anderson carried and the amendments were adopted.

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 3, line 19, after "abstinence" insert ", sexual fidelity."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Pullen to Second Substitute Senate Bill No. 6221.

The motion by Senator Pullen carried and the amendment was adopted.

MOTION

On motion of Senator Deccio, the following amendments by Senators Deccio, Bailey and Kreidler were considered simultaneously and adopted:

On page 5, line 7, after "program" strike all material down to and including "services." on line 9 and insert "either (a) are the model curriculum and resources under subsection (3) of this section, or (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in section 602 of this act."

On page 5, line 14, after "program." insert "The model curriculum shall be reviewed for medical accuracy by the office on AIDS established in section 602 of this act within the department of social and health services."

MOTION

Senator Smith moved that the following amendment be adopted:

On page 5, line 23, after "guardian" strike ", having attended one of the district presentation."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Smith to Second Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; nays, 30; absent, 1.

Voting yea: Senators Anderson, Barr, Benitz, Cantu, Craswell, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Pullen, Rasmussen, Saling, Sellar, Smith, West, Zimmerman - 18.

Voting nay: Senators Bailey, Bauer, Bender, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Moore, Niemi, Owen, Patterson, Rinehart, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 30.

Absent: Senator Newhouse - 1.

MOTION

Senator Smith moved that the following amendment be adopted:

On page 4, line 34, after "prevention." strike everything through "twelve." on line 35

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Smith to Second Substitute Senate Bill No. 6221.

The motion by Senator Smith failed and the amendment was not adopted.

MOTION

Senator Nelson moved that the following amendment be adopted:

On page 6, line 21, strike "infection with human immunodeficiency virus" and insert "exposure to and transmission of sexually transmitted diseases"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Nelson.

The motion by Senator Nelson carried and the amendment was adopted.

MOTION

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

On page 6, line 32, after "shall" strike "provide education" and insert "make information available"

On page 7, line 6, after "shall" strike "provide education" and insert "make information available"

On page 7, line 15, after "shall" strike "provide education" and insert "make information available"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Saling and Deccio to Second Substitute Senate Bill No. 6221.

The motion by Senator Saling carried and the amendments were adopted.

MOTION

Senator Williams moved that the following amendments be considered simultaneously and be adopted:

On page 11, line 1, after "RCW;" strike "or"

On page 11, line 3, after "RCW" insert "; or

(c) Convicted of an offense involving hypodermic syringes, needles, or other objects used, or intended for use, or designed for use in parenterally injecting controlled substances into the human body under chapter 69.50 RCW"

POINT OF INQUIRY

Senator Pullen: "Senator Williams, at the end of the third line of your amendment to page 11, line 3, you use a word, 'parenterally.' What does that word mean?"

Senator Williams: "You know when the amendment was drafted for me, it was explained to me and I frankly can't remember what it means. It's good language though, I can tell you. Marty Brown drafted it for me and it's intended to do exactly what I said, but I quite frankly can't tell you what the definition is."

Senator Pullen: "Maybe one of the Senators that graduated from an Ivy League college can clarify that. I hate to vote on an amendment which has a word that I don't know what it means. Does any one know what it means?"

REMARKS BY PRESIDENT PRO TEMPORE BLUECHEL

President Pro Tempore Bluechel: "For Senator Pullen's sake, the word means not digested."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Williams to Second Substitute Senate Bill No. 6221.

The motion by Senator Williams carried and the amendments were adopted.

MOTION

Senator Owen moved that the following amendment by Senators Owen, Conner and Bailey be adopted:

On page 12, after line 14, insert the following:

"NEW SECTION. Sec. 707. By January 1, 1989, the secretary of the department of corrections shall report to the legislature on the necessity of an AIDS-related segregation policy for all facilities under the direction of the secretary."

POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, at the present time the Secretary of the Department of Corrections can segregate if he wants to. Would the adoption of this amendment mean that he couldn't until we had a report?"

Senator Owen: "It wouldn't be, in my opinion, that this would change anything that's status quo right now. It would just provide for more direct attention on that particular issue."

Senator Rasmussen: "It's not your intention to stop him from segregating at the present time?"

Senator Owen: "It's not my intent to stop anything that is presently status quo."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen, Conner and Bailey to Second Substitute Senate Bill No. 6221.

The motion by Senator Owen carried and the amendment was adopted.

MOTION

On motion of Senator Deccio, the following amendment by Senators Deccio and Kreidler was adopted:

On page 12, line 28, strike "including" and insert "excluding"

MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 16, line 25, strike "actual or perceived HIV infection status of an individual" and insert "any sensory, mental, or physical handicap which is caused by any sexually transmitted disease, including HIV infection"

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Rasmussen, how would your striking of those three words, 'actual or perceived,' apply to innocent victims who acquire AIDS--hemophiliacs, children through transfusions, or any other person in that category--someone who is not knowingly or should have known that they could get the disease through a certain act? How does that apply to those innocent victims?"

Senator Rasmussen: "They would still be physically handicapped and would have all the benefits of a physically handicapped or disabled person."

POINT OF INQUIRY

Senator Niemi: "Senator Talmadge, does the Anti-Discrimination Law, at this time, apply to perceived disabilities?"

Senator Talmadge: "My understanding, Senator Niemi, is that it does. There is case law from the Washington Appellate Court system which suggests that in circumstances where someone is perceived to have a disability, even if they don't have it, they are covered by the law against discrimination."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen to Second Substitute Senate Bill No. 6221.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTION

Senator Smith moved that the following amendment be adopted:

On page 23, line 1, before "reasonable" strike "all"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Smith to Second Substitute Senate Bill No. 6221.

The motion by Senator Smith carried and the amendment was adopted.

MOTION

Senator Smith moved that the following amendment be adopted:

On page 26, line 13, after "delay," insert

"The court after issuing an order of continuance shall place a temporary restraining order upon the applicant. The applicant shall be restrained from engaging in conduct which has been determined by the board in rule to endanger the public health. The restraining order shall remain in effect until the conclusion of the hearing."

POINT OF INQUIRY

Senator Talmadge: "Senator Smith, could you tell me how this restraining order would be enforced?"

Senator Smith: "Actually, like any other restraining order. If the public health officer found out this person was acting in a way, such as prostitution, going to public bath houses, whatever they've been told not to do, then they would be told they would probably be put in jail or restrained as simple as that."

Senator Talmadge: "So we'd have the public health officers in the bedrooms or in the bath houses or wherever, doing the examination to make sure that the restraining order was being complied with?"

Senator Smith: "I think it's like any other restraining order. It's when it's brought to the attention of the court or the public health officer. Throughout the bill, the public health officer would not be following these people around, it would be after a report or substantial information was given on the infraction. Most likely, what you would find, is the person out on the street corner again, or around the school yard again, and this is what would bring about the judge filing a restraining order or bringing them back in on a restraining order."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Smith to Second Substitute Senate Bill No. 6221.

The motion by Senator Smith carried and the amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 28, beginning on line 31, strike all material down to and including line 6 on page 29 and insert the following:

"Sec. 917. Section 4, chapter 257, Laws of 1986 and RCW 9A.36.011 are each amended to read as follows:

(1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers to or causes to be taken by another, poison, the human immunodeficiency virus as defined in chapter 70.24 RCW, or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, as I understand it, you struck line 29. It isn't struck on the back and I assume that it should have been."

Senator Talmadge: "It should have been, Senator Deccio. I noticed that you and some others have worked on a different criminal section and that looked to be far more acceptable than what I was working on."

Senator Deccio: "My question is, the way the bill reads now, it says, 'It shall be a class A felony for among other things, (d) transmits the AIDS virus to another.' I guess I haven't made up my mind as to whether your amendment makes this penalty, or this part of the bill, stronger or makes it weaker."

Senator Talmadge: "It actually makes this part of the bill narrower. As you can see from the amendment, it provides for Class A felony status only when someone with intent to inflict great bodily harm administers to or causes to be taken by another, poison, the human immunodeficiency virus as defined in Chapter 70.24 RCW, or any other destructive or noxious substance. It's basically the section of the Class A felony assault of provisions in the code that deal with situations like the adulterated Tylenol capsule that occurred in south King County."

Senator Deccio: "Well, let me ask you, would this also include AIDS transmitted by sexual intercourse or by IV—someone forced with an IV injection and the other things that clearly stand out in sub (d) where transmits means in any way—transmits the AIDS virus to another."

Senator Talmadge: "My sense is, that it would not. The next section that you've been working on, deals with the circumstances where someone transmits it through

sexual intercourse. This is calculated to deal only with circumstances where somebody, for example, introduces the AIDS virus into blood with the knowledge that it was going to be injected into another person, which was an actual case that some prosecutors had to deal with."

Senator Deccio: "Senator Talmadge, I guess I'm just reading the last line of my amendment, which I forgot. We've accepted the HIV or AIDS virus, so with that, provided you adopt my next amendment, I'll go along with yours."

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, I just wanted to clarify your amendment. You had two amendments, the first one dealt with Sections 917 and 918. You now have a second amendment marked 'revised' and at the bottom of page 1, the first several lines of Section 918 are crossed out and on the back page, nothing is crossed out."

Senator Talmadge: "That should be deleted also, Senator Pullen, as I mentioned to Senator Deccio."

Senator Pullen: "So, your intent is to just amend Section 917 with your revised amendment?"

Senator Talmadge: "Exactly."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge to Second Substitute Senate Bill No. 6221.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Deccio, the following amendment by Senators Deccio and Kreidler was adopted:

On page 29, beginning on line 7, strike all material down through "person." on line 11
Renumber the remaining sections consecutively

Senator Barr moved that the following amendment be adopted:

On page 32, line 5, strike "including" and insert "excluding"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Barr to Second Substitute Senate Bill No. 6221.

The motion by Senator Barr failed and the amendment was not adopted.

MOTION

Senator Craswell moved that the following amendment be adopted:

On page 31, after line 10, insert the following:

"NEW SECTION, Sec. 1003. The results of any HIV testing performed on a newborn infant shall be reported to the parents or legal guardian of the infant."

Renumber the remaining sections consecutively

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, you are as close to the medical doctor that we have here on the floor. I would like to ask you this. You said it would take more than a year before it would show up in a baby diagnosed as having AIDS. If it takes that long, how can they test blood where it shows--what they tell us will determine if blood has the AIDS virus. Of course, there were a lot of people transfused with blood that had the AIDS virus that was supposed to be tested, but that didn't turn out to be perfect. Can they tell immediately when they test a baby for AIDS or do they have to wait for the year that you said?"

Senator Kreidler: "The fact of the matter is, the infant at birth could test positive or it wouldn't. The tests we have available right now, might not reveal a positive test for up to a year after the birth of that child. That's one of the unfortunate aspects of this particular virus."

Senator Rasmussen: "The same thing would be true of testing blood? That's a blood test they take from the baby, isn't it?"

Senator Kreidler: "That's true for any of the standard tests that are available today. We don't have a way of detecting the virus when it's at certain levels. It has to have been present a certain length of time before a person will test positive."

POINT OF INQUIRY

Senator Williams: "Senator Craswell, based on this newspaper article, I was curious if you had talked with Doctor William Lafferty about this program and knew whether he would approve of this particular amendment or not?"

Senator Craswell: "No, I have not. I only saw the article late last night and I talked with attorneys early this morning and they were trying to find out for me more information on it and whether or not there was some sort of prohibition. To this point, we have not found there was any prohibition and I noticed, if the article is accurate, that the test that they are doing is all tests with blood that's left over from other medical tests that they are already running. I can't see that it would interfere at all with what he is doing. It's just a matter of--since he's got the results--of letting the parents know."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Craswell.

The motion by Senator Craswell carried and the amendment was adopted.

MOTIONS

Senator Nelson moved that the following amendment be adopted:

On page 29, line 7, insert the following:

NEW SECTION, Sec. 918. A new section is added to chapter 70.24 RCW to read as follows:

It is unlawful for any person who has a sexually transmitted disease, when such person knows he or she is infected with such a disease and when such person has been informed that he or she may communicate the disease to another person through sexual intercourse, to have sexual intercourse with any other person, unless such other person has been informed of the presence of the sexually transmitted disease."

Senator Hayner moved that the following amendment to the amendment by Senator Nelson be adopted:

On line 6 of the Nelson amendment, after "any other person", delete all material down to "disease." on line 9.

POINT OF ORDER

Senator Pullen: "Mr. President, my point of order is that I cannot tell from the basic amendment by Senator Nelson, whether he intends to supplant Section 918 with the language he is proposing or whether he is intending to add a New Section 918 and renumbering the other sections accordingly."

REMARKS BY SENATOR NELSON

Senator Nelson: "Thank you, Senator Pullen, for asking that question. It turns out that in the preceding activity of this body that we have already stricken Section 918 and I'm simply putting in a new Section 918. I believe that the Senate Majority Leader has, in fact, strengthened the amendment. In the hurried process of trying to get something before the bar of the Senate, I took the existing language that had been there. I believe that the language is cleared up and I would certainly adopt the amendment to the amendment as presented orally."

Further debate ensued.

MOTION

On motion of Senator Hayner, further consideration of the amendment to the amendment by Senator Nelson was deferred.

Debate ensued.

There being no objection, further consideration of Second Substitute Senate Bill No. 6221 was deferred.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "A parliamentary inquiry, Mr. President. Would it be possible to give the help a pit stop for five minutes?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Good suggestion. With the consent of the Senate, we will have a five minute recess."

At 4:04 p.m., and there being no objection, the Senate was declared to be at ease.

The Senate was called to order at 4:12 p.m. by President Pro Tempore Bluechel.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6221, and the pending amendment by Senator Hayner on line 6, to the amendment by Senator Nelson on page 29, line 7, deferred just before the Senate went at ease.

MOTION

On motion of Senator Nelson, and there being no objection, the amendment by Senator Hayner and the amendment by Senator Nelson were withdrawn.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson moved to reconsider the vote by which the amendment by Senator Talmadge on page 28, line 31, to Second Substitute Senate Bill No. 6221 was adopted earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion to reconsider the vote by which the amendment by Senator Talmadge on page 28, line 31, was adopted earlier today.

The motion by Senator Nelson for reconsideration of the amendment by Senator Talmadge carried.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment to Second Substitute Senate Bill No. 6221 by Senator Talmadge on page 28, line 31, on reconsideration.

The amendment by Senator Talmadge, on reconsideration, failed on a rising vote.

MOTION

Senator Deccio moved that the following title amendment be adopted:

On page 1, line 1 of the title, after "sexually" strike "transmissible" and insert "transmitted"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the title amendment.

The motion by Senator Deccio carried and the title amendment was adopted.

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Deccio, where the section says that it shall be taught in public schools as part of the curriculum, what is the intent of this measure through--"

Senator Deccio: "Give me the reference, Senator Barr. Where are you reading from, Senator Barr? Would you give me the reference?"

Senator Barr: "I just had a simple question. What is the intent for the funding to the schools if they are mandated to do certain things? Where are they going to get the money?"

Senator Deccio: "Senator Barr, Bruce Mrkwicka from the SPI's office came to see me the other day and indicated that they would keep the three hundred and thirty thousand dollars, which is supposedly in the supplemental budget, which would go for this purpose. It includes federal funds, which we did not address in this bill, and we did not address any other kinds of appropriation, because as I indicated

this is not an appropriations bill. The money that is in this bill is to set up a system setting up an office on AIDS and all the other things that go with it. I guess that's the explanation, Senator Barr."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, if we vote, 'no,' how is the House going to be able to correct the mistakes?"

Senator Talmadge: "Well, Senator, I'm counting on you for your affirmative vote in favor of dealing with the problem of AIDS."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6221, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Fleming, Kreidler, Moore, Niemi, Pullen, Rinehart, Smitherman, Talmadge, Vognild - 10.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6117, by Senator Kiskaddon

Creating a pilot program of volunteer support for families with a developmentally disabled child.

The bill was read the second time.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 6117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6117.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6117, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6441, by Senator Kiskaddon

Requiring day care providers and workers to have training in recognizing and reporting child abuse and prohibiting corporal punishment by day care providers.

MOTIONS

On motion of Senator Kiskaddon, Substitute Senate Bill No. 6441 was substituted for Senate Bill No. 6441 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 21, after "positive discipline" insert "and training in recognizing and reporting child abuse"

Senator Talmadge moved that the following amendment be adopted:

On page 1, after line 4, strike all material through page 1, line 24 and insert the following: "Sec. 1, Section 3, chapter 172, Laws of 1967 as last amended by section 14, chapter 486, Laws of 1987 and by section 13, chapter 524, Laws of 1987 and RCW 74.15.030 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) Training on child abuse recognition and reporting of all day care providers and workers;

(d) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

~~((c))~~ (e) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

~~((e))~~ (f) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

~~((f))~~ (g) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

~~((g))~~ (h) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons;

(4) On reports of child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including day care centers and family day care homes, to determine whether the abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION, Sec. 2. A new section is added to Chapter 74.15 RCW to read as follows:

The department of social and health services shall provide training to day care providers and workers in recognizing and reporting child abuse. The training shall be developed to meet licensing requirements established under RCW 74.15.030.

NEW SECTION, Sec. 3. A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall collect and disseminate to day care providers information and training materials on positive discipline techniques to substitute for corporal punishment. This information shall be developed following a policy that promotes dignity and respect for day care children, workers, administrators, and all other employees and assures orderly centers and a positive learning environment."

Renumber the remaining sections consecutively.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, do you see your amendment having the same goal as the original bill?"

Senator Talmadge: "Yes."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge to Substitute Senate Bill No. 6441.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Substitute Senate Bill No. 6441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6441.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6441, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Moore, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Craswell, McCaslin, McDonald, Metcalf, Newhouse, Saling, Smith - 9.

Absent: Senator Deccio - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6470, by Senators Deccio, Niemi, Kreidler and Johnson (by request of Department of Licensing)

Providing a voluntary substance abuse program for health care licensees.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6470 was substituted for Senate Bill No. 6470 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6470.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6470, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6518, by Senators Deccio, Fleming, Johnson, Garrett, Niemi and Smith

Licensing adult family homes.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6518 was substituted for Senate Bill No. 6518 and the substitute bill was placed on second reading and read the second time.

Senator Nelson moved that the rules be suspended and Substitute Senate Bill No. 6518 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

POINT OF ORDER

Senator Fleming: "Mr. President, my point of order is I wanted to ask a question before this bill was advanced--before it was advanced to third reading."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: Senator Fleming, the bill has not been advanced. Please ask your question."

POINT OF INQUIRY

Senator Fleming: "Senator Deccio, the question is, in the substitute bill, we made a study of this measure--"

Senator Deccio: "Senator Fleming, I've been off the floor. You're going to have to give me a number."

Senator Fleming: "It's Senate Bill No. 6518, Adult Family Homes. The original bill was to license these adult family homes and the substitute is another study and I was just wondering what the reasons were behind not moving on it and making a study out of it?"

REMARKS BY SENATOR NELSON

Senator Nelson: "Senator Fleming, I think, in reading about the involvement of adult family homes, one will realize that there has not been a lot of legislative authority over these entities in the past. They are providing a form of long-term care to adults, some elderly, and those with developmentally disabled conditions, so it was felt that the Legislative Budget Committee should go in and do a performance evaluation of exactly what are the kinds of care being provided by adult family homes and put that in relationship with nursing homes and other types of medical settings and come back to this Legislature by December 30 of 1988, and provide to the Legislature some model language that would effectively provide some form of license or regulation to put them on a more even basis with the other health care providers in the state of Washington."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Nelson to suspend the rules and advance Substitute Senate Bill No. 6518 to third reading and final passage.

The motion by Senator Nelson carried and Substitute Senate Bill No. 6518 was advanced to third reading and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6518.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6518, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6523, by Senators Kiskaddon, Kreidler, Williams and Bauer
Permitting naturopaths to continue manual manipulation.

The bill was read the second time.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and Newhouse be adopted:

On page 1, line 12, after "includes" strike "manual manipulation (mechanotherapy)" and insert "~~((manual manipulation (mechanotherapy)))~~ mechanotherapy"

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, I agree one hundred percent with what you're attempting to do here and you have my full support. The only technical question I have for you is whether mechanotherapy is defined anywhere. I can't see mechanotherapy defined in the bill and I would question whether it's defined anywhere else in statute. If we leave only the word mechanotherapy in there, which is undefined, it could still be construed, perhaps by some, to allow chiropractic manipulation or adjustments of the articulations of the spine. I was wondering if you knew whether mechanotherapy is defined anywhere?"

Senator Vognild: "Senator, I did not check a medical dictionary. I would assume that we would find a definition in a medical dictionary. The fact that it has been used and was, in fact, a part of law would make me believe that there is a definition, but I did not check it."

Senator Pullen: "At least we can say, that part of the intent of your amendment is to make certain that the existing language dealing with manual manipulation could in no way be construed as allowing a chiropractic adjustment or adjustments of the articulations of the spine?"

Senator Vognild: "Senator, that definitely would be my intention, unless the doctor involved completed the normal chiropractic training and the number of hours training."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild and Newhouse to Senate Bill No. 6523.

The motion by Senator Vognild failed and the amendment was not adopted.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 6523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Kiskaddon, there's been some questions to what mechanotherapy really means or involves. Could you give us some specific examples of mechanotherapy?"

Senator Kiskaddon: "I'm not well versed on their practice. Naturopaths do a deep muscle therapy and as part of that, they are working along the spine and sometimes then they will be aligning parts of the neck. It is similar to the mechanical manipulation of the spine, so with that into two words there, it is a type of manual manipulation of the spine. From there on, I don't have any other full words. It's something they've been doing in their practice for years."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6523 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378, by Committee on Health Care and Corrections (originally sponsored by Senators Wojahn and Kreidler)

Licensing laboratories conducting prenatal test.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5378 was substituted for Engrossed Substitute Senate Bill No. 5378 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Second Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Wojahn, can you make a clarification on this bill, please? I've not followed this since we heard it last year in committee and as it appeared last year, it was asking for only certain labs in the state to be certified to do this type of test. Has the bill changed considerably since then, so we are no longer on that vein?"

Senator Wojahn: "Yes, Senator Anderson, we have chosen to go the other route, asking the various professionals to come together and write the rules and regulations to be used by the lab, so that there will be uniformity among them. Then, there will be more labs to take care of this, but not until the group has established the rules and regulations."

Senator Anderson: "Senator Wojahn, are the people that were concerned about the original labs not being able to perform accurate testing, part of the study committee now—those people that brought this to us last year?"

Senator Wojahn: "The last part of the study committee. The laboratory technicians opposed it; the gentlemen from Swedish Hospital opposed it. They are on board now and they will be a part of the study committee."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5378, and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Cantu, Craswell, McCaslin, McDonald, Nelson, Pullen, Rasmussen, Smith - 8.

SECOND SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator West was excused.

SECOND READING

SENATE BILL NO. 6638, by Senators Niemi, Johnson, Deccio, Wojahn, Smith and Kreidler

Providing conditional scholarships for nursing students.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6638.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6638, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator West - 1.

SENATE BILL NO. 6638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6672, by Senators Lee, Conner, Warnke, Smitherman, McMullen, Deccio and Zimmerman

Requiring the development of comprehensive international trade strategies.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6672 was substituted for Senate Bill No. 6672 and the substitute bill was placed on second reading and read the second time.

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

On page 1, after line 25, insert the following:

NEW SECTION, Sec. 2. The legislature finds that in order to promote international trade and investment, it is vital that Washington state have a comprehensive information network that can serve information requests of potential investors or trading partners and provide data on potential markets to state businesses. Additionally, information on trends in trade and investment is of considerable assistance to the legislature in developing and evaluating state trade policies and programs. Section 3 of this act is enacted in order to meet this need.

NEW SECTION, Sec. 3. (1) The department of trade and economic development shall establish an international trade and investment information program. The program shall act as a centralized location for the assimilation and distribution of trade and investment information, including:

(a) International trade leads and potential trade opportunities which may assist Washington businesses in the export of their products and services;

(b) International investment leads and potential opportunities which may assist in attracting investments to Washington state;

(c) A listing of trade-related organizations in Washington state providing background information on their location, services, and calendar of events. The list shall be developed and distributed in cooperation with participating organizations;

(d) A listing of businesses in Washington state involved in international trade and of businesses that have the potential to engage in international trade with background information on their products and services;

(e) A listing of international trade shows and opportunities for participation by Washington state businesses;

(f) Information on trade tariffs, quotas, and other trade restrictions encountered by Washington products in major international markets;

(g) Export and import statistics which will assist the private and public sector in identifying economic trends and the cost-effectiveness of state trade and investment programs; and

(h) A state-wide industrial site inventory to assist in the location of businesses throughout the state including but not limited to information on site costs, land use requirements, proximity to labor markets, and the availability of transportation and utilities. The department of ecology and department of community development shall, on request, assist the department in developing the industrial site inventory.

(2) State and local government agencies involved in international trade or investment shall on request assist the department in compiling and distributing the information outlined in this section.

(3) The department shall actively promote the distribution and use of the information listed in this section. The director shall report to the legislature by December 1, 1989, on the program's activities, the effectiveness of the program in promoting international trade and investment, and legislative recommendations concerning the program.

NEW SECTION. Sec. 4. The department may contract out the activities of the trade and investment information network.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 6. The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the surplus funds in the state trade fair fund, as provided in RCW 43.31.832, to the department of trade and economic development for the purposes of sections 2 through 4 of this act.

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

MOTIONS

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

On page 1, beginning on line 1 of the title, strike "and creating a new section" and insert "adding new sections to chapter 43.31 RCW; creating a new section; making an appropriation; and declaring an emergency"

On motion of Senator Lee, the rules were suspended, Engrossed Substitute Senate Bill No. 6672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6672.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6672, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator West - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8432, by Senators Lee, Conner, Warnke, Smitherman, McMullen, Deccio, Fleming and Zimmerman

Directing a joint legislative study of state programs for development of international trade, tourism, and investment.

MOTIONS

On motion of Senator Lee, Substitute Senate Concurrent Resolution No. 8432 was substituted for Senate Concurrent Resolution No. 8432 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Concurrent Resolution No. 8432 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Lee, what is the difference in this Joint International Trade Committee versus the one that was already in statute, other than the fact that you have the entire committee of each House serving on here?"

Senator Lee: "Senator Fleming, I think you have put your finger on the major difference as this really involves the committees that will have to hear the pieces of legislation and it is just an ad hoc group, also."

Senator Fleming: "Just an ad hoc group? So, the Lieutenant Governor and the International Trade Committee, which he chairs--he will no longer chair that committee and is removed by this legislation?"

Senator Lee: "No sir, we do not change any of the existing statutory committees. This is an adjunct to that particular group to look at legislation specifically for the next session."

POINT OF INQUIRY

Senator Fleming: "Senator Warnke, you know we serve on a committee and the Lieutenant Governor is the chair of it. Does this do away--replace that? Are you going to have two committees looking at the same thing?"

Senator Warnke: "Senator Fleming, no, I don't believe there is any conflict between the two committees. I view the statutory committee that is chaired by Governor Cherberg to be a long-term, long-viewing committee, that will bring us back and help establish a long-term state policy. This is a joint select committee that is only going to be in operation for two years--well one year now--and will come back to us with what we hope will be some cooperative efforts among the agencies on a short-term basis."

POINT OF INQUIRY

Senator Moore: "Senator Lee, on one of those, I think it's on line 16 of the bill, it talks about, 'The legislative committees shall by majority vote establish sub-committees to review in detail specific work force issues and advisory committees to obtain the expertise of individuals from the public and private sector.' Is it the intention of this legislation to appoint people from the private sector who can really make this thing go or is this another one of these situations where we're going to be chasing our tails again?"

Senator Lee: "Senator Moore, I wouldn't be supporting a measure, particularly one in which I'd be likely to serve, if I didn't feel it was going to be an effective group. It is intended that it be effective and that we come back and expedite legislation that might otherwise take us a long period of time to get up to speed on, if we did not do this during the interim."

Senator Moore: "So, this will be purely a legislative committee, I take it?"

Senator Lee: "As it is established in the statute it is, but it does quite clearly have the ability to ask other individuals to be advisory to us, as we do in our standing committees, we quite frequently do that."

Senator Moore: "They would behave in an ad hoc position, I suppose?"

Senator Lee: "That is correct."

Further debate ensued.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8432.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8432, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognd, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8432, having received the constitutional majority, was declared passed.

MOTION

At 6:07 p.m., on motion of Senator Newhouse, the Senate recessed until 6:40 p.m.

The Senate was called to order at 6:38 p.m. by President Pro Tempore Bluechel.

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

MOTION

On motion of Senator Rinehart, the following resolution was adopted:

SENATE RESOLUTION 1988-8712

by Senators Rinehart, Stratton, Wojahn, Lee, Niemi, Hayner, Anderson, Smith, Kreidler, Halsan, McCaslin, Smitherman, Metcalf, Cantu, Moore, Bailey, McMullen, Gaspard, Bender, Madsen, Garrett, Talmadge, Pullen, Fleming, DeJarnatt, Newhouse and Zimmerman

WHEREAS, Susan B. Anthony, one of the early advocates of equal rights for women, made an outstanding contribution to the cause of women's rights through her unremitting efforts to educate the American people that women are entitled to equal rights under the law and to change the laws, so that women would have the right of suffrage; and

WHEREAS, Born on February 15, 1820, in Adams, Massachusetts, and inspired by her father's deep social conscience, at an early age Susan B. Anthony was aware of the legal bondage of blacks and women under the United States Constitution and the laws of the states, and became an indefatigable worker in the movements to abolish slavery and give women the right of suffrage; and

WHEREAS, Susan B. Anthony campaigned first in New York and then across the country for the right of women to control their own property, to have guardianship of their children in case of divorce, to have equal educational opportunities, and ultimately, to have the right to vote; and

WHEREAS, In 1860, she delivered an address to the New York Assembly, and persuaded the Assembly to pass the Married Women's Property Bill, an event of great importance in this country's history of the movement for equal rights for women; and

WHEREAS, From 1892 to 1900, she served as President of the National American Women's Suffrage Association; and

WHEREAS, In 1920, fourteen years after her death, the suffrage movement, in which she had played such a major role, achieved its primary objective with the ratification of the Nineteenth Amendment to the United States Constitution, which provides simply that "The right of citizens of the United States to vote shall not be denied or abridged on account of sex.":

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate recognize Susan B. Anthony for her outstanding contribution to the laws of this country providing for the civil rights of women, particularly the right of suffrage, and her efforts to achieve equal rights and treatment for women.

Senators Metcalf and Rasmussen spoke to Senate Resolution 1988-8712.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

MOTION

On motion of Senator Metcalf, Senator Anderson was excused.

SECOND READING

SENATE BILL NO. 6284, by Senators Bender, West, Lee, Conner, Anderson, McMullen, Warnke, Smitherman, Saling and Johnson

Establishing the office of capital projects.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6284 was substituted for Senate Bill No. 6284 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6284.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6284, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 6284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6379 and the pending amendments by Senator Halsan on page 4, line 21, and page 4, after line 26, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator McDonald, the President finds that Substitute Senate Bill No. 6379 is a measure which extends until 1990 the sales and use tax and business and occupation tax deferrals for construction of new buildings and acquisition of new equipment for qualifying businesses and extends the number of reports due on the effects of these particular deferral programs.

"The amendment proposed by Senator Halsan, on page 4, line 21, would add a reporting requirement for tax deferrals for investment projects in distressed areas.

"The amendment proposed by Senator Halsan, on page 4, after line 26, would, among other things, define individuals who have been terminated from employment as a result of modernization activity due to tax deferrals as 'dislocated workers' for the purposes of the unemployment compensation statutes.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senator Halsan to Substitute Senate Bill No. 6379 were ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6379.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6379, and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 42.

Voting nay: Senators Anderson, McDonald, Metcalf, Moore, Niemi, Pullen, Williams - 7.

SUBSTITUTE SENATE BILL NO. 6379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6548, by Senators Lee, Warnke, Smitherman, Rasmussen and Fleming (by request of Employment Security Department)

Providing funding for the targeted jobs tax credit program.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6548 was substituted for Senate Bill No. 6548 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rinehart: "Senator Lee, in the bill books we are given two pages of the bill, but not the conclusion of the bill. The last line on page two reads, 'There is appropriated from the' and that's the end of what's in our bill book. Would you share with us?"

Senator Lee: "There is appropriated from the'---lets see, I'd better get the substitute bill and not the original. The original bill was from the Federal Interest Trust Fund, but we changed that to, 'There is appropriated from the Unemployment Compensation Administration Fund to the Employment Securities Department for the period ending June 30, 1989, the sum of one million seven hundred six thousand eighty-nine dollars or so much thereof as may be necessary.'"

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6548.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6548, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6538, deferred February 5, 1988.

There being no objection, further consideration of Substitute Senate Bill No. 6538 was deferred.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 6523, deferred on third reading earlier today.

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

POINT OF INQUIRY

Senator Vognild: "Senator Kiskaddon, I want to make sure I clearly understand this. In your presentation earlier, you indicated that with the passage of this bill, that you would restore exactly what they've been doing, and you indicated that they have been doing and are doing, manipulations of the neck--the upper back and neck?"

Senator Kiskaddon: "A manipulation, in terms of the manual manipulation, is working on the back of the neck. The term--it's a different style from what the chiropractor does. It's part of a complete whole body massage working with the whole body that does include manipulating the back of the neck."

Senator Vognild: "It does include manipulating of the upper back and neck?"

Senator Kiskaddon: "That manual manipulation is part of that, yes."

POINT OF INQUIRY

Senator Warnke: "Senator Kiskaddon, I was trying to find one of the definitions that are in the bill. I am somewhat confused on--and I don't have the bill in front of me--I'm sorry, because I was working some other bills on the agenda. Under manipulation, in the RCWs or in the WACs, is there any conflict or definition of those terms now of the manipulation, in statute and if so, what is this going to do to DL&I and the medical area of DL&I?"

Senator Kiskaddon: "In the statute now, the one that we passed last year, there was a recodification of their 1919 Act. Manual manipulation or mechano therapy means manipulation of a part or the whole of the body by hand or mechanical means. That is the definition that's in the WACs or that's in the statute as this present time."

Senator Warnke: "And the second part of my question, what is that going to do then under the DL&I on the medical claims?"

Senator Kiskaddon: "It does not change anything from this current status quo. This is what's been happening with the profession for years and years."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, you spoke of the impact on the L&I with the naturopathic doctors. What's been the impact in the past years? This has been in effect all along."

Senator Warnke: "The information that I'm trying to gather, Senator, and I had a phone call on it, and I was trying to gather the information on the definitions to see whether or not there was an impact. In the changing of this statute and striking and inserting that terminology, there are two sections now in the RCWs or WACs that do define the manipulation and I was trying to find out whether or not this bill really was going to place under DL&I medication, a broadening of the scope of claims under DL&I--certainly no intention to hold up the bill. I simply want to find out the amount that was going to affect the DL&I claim fund before I voted on the bill. It's obvious I'm not going to be able to get that, but I just wanted to caution people here that my first information is, there may be an impact on DL&I."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6523.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6523, and the bill passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Niemi, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Bauer, Bender, Fleming, Garrett, Hansen, Newhouse, Owen, Pullen, Vognlid, Warnke, West - 11.

SENATE BILL NO. 6523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6538, deferred earlier today.

MOTIONS

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

On page 2, line 1, after "decisions" insert "and for the use of labor organizations and researchers in their research and decision-making"

On motion of Senator Lee, the following amendments by Senators Lee and Vognlid were considered simultaneously and adopted:

On page 2, beginning on line 2, strike everything down to and including "cent." on line 31 and insert:

"NEW SECTION. Sec. 2. The commissioner may establish a user fee at a sufficient level to defray the costs of establishing and operating the computerized labor market information system as described in section 1 of this 1988 act. The fee shall be established by the commissioner by rule."

On page 3, beginning on line 4, strike everything down to and include "act." on line 9
Renumber the remaining section consecutively

MOTIONS

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

On page 1, line 2 of the title, after "system:" strike all material down to and including "appropriation;" on line 3 and insert "creating new sections;"

On motion of Senator Lee, the rules were suspended, Engrossed Substitute Senate Bill No. 6538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6538.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6538, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8431, by Senators Lee, Conner, Warnke, Smitherman, McMullen, Deccio and Fleming

Creating a joint select committee on workforce training and retraining.

The resolution was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Senate Concurrent Resolution No. 8431 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8431.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8431, and the resolution passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Hansen - 1.

SENATE CONCURRENT RESOLUTION NO. 8431, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6275, by Senators Smitherman, West, Fleming, Deccio, McMullen, Saling, Conner and Anderson

Providing for small business loans.

MOTION

On motion of Senator Lee, Second Substitute Senate Bill No. 6275 was substituted for Senate Bill No. 6275 and the second substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Lee, further consideration of Second Substitute Senate Bill No. 6275 was deferred.

SECOND READING

SENATE BILL NO. 6578, by Senators Lee, Vognild and Warnke

Permitting certain sales of nonliquor food products by licensed wine and beer wholesalers.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 6578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, we once had a Governor that could read legislation and understood it very well. She declared that unless it was a real emergency, she was not going to agree to the emergency clause and vetoed the emergency clause off of several bills. She read the bills very carefully. Could you tell me what was the real emergency on this that has to go into effect immediately?"

Senator Lee: "Yes, I can. It's because of Section two being repealed. Section two, in the bill, is repealing the Act which was passed last year which was only for snack food items. With that kind of repealer, there would then be a hiatus, a period in which they wouldn't have any kind of procedure, so the Liquor Board actually asked to have the emergency clause put on, so that they could have a uniform procedure for the whole plethora of things that are non-liquor items that can be purchased. It was at their request that this was done so that they would all come under the same rules and regulations and not have two separate ones—one for peanuts and one for pretzels."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6578.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6578, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Craswell, Metcalf - 2.

SENATE BILL NO. 6578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6275, deferred on second reading earlier today.

MOTION

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

On page 7, line 24, after "department" insert ", local private industry councils, local labor unions, or other employment or placement agencies. These agreements shall require the borrowers to interview prospective employees from a list of the unemployed supplied by the employment or placement agencies and hire any qualified candidates on the list before hiring any candidates not on the list. The first-source hiring agreements shall require the borrower to: (a) Provide a job description for each position; (b) provide a description of the skills each position requires; and (c) provide a salary range for each position.

The first-source hiring agreements shall require the employment or placement agency to provide a list of candidates who have expressed interest in each available position and who meet the skill requirements of each position. No fees may be charged of the unemployed candidates on the list supplied by the employment or placement agency."

MOTION

On motion of Senator Lee, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Cantu, you indicated you thought that this was an unconstitutional loaning of the state's credit. Is that correct?"

Senator Cantu: "Senator Rasmussen, that is my opinion. Last year we had a bill and I asked for an Attorney General's opinion on the bill. They said that in their opinion, it was unconstitutional. The bill went out of here anyway. This year it has been tightened up some. In my opinion, when the state puts up fifty percent into a reserve to make up in the event of a default on the loan, we're putting up state money. In my opinion sir, that is the lending of the state credit."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6275.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6275, and the bill passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Nelson, Newhouse, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 38.

Voting nay: Senators Cantu, Craswell, Hayner, McCaslin, McDonald, Metcalf, Moore, Niemi, Pullen, Rasmussen, Williams - 11.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6277, by Senators Warnke, Smitherman, Fleming, Williams, Conner and Lee

Establishing the business and job retention program.

MOTIONS

On motion of Senator Lee, Second Substitute Senate Bill No. 6277 was substituted for Senate Bill No. 6277 and the second substitute bill was placed on second reading and read the second time.

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

On page 2, line 21, after "appoint" insert "by July 1, 1988, no more than twenty people to"

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

On page 3, line 18, after "centers," strike "local businesses, local labor organizations,"

On page 3, beginning on line 20, after "workers," strike "local private industry councils, and local governments." and insert "and local private industry councils."

POINT OF ORDER

Senator Vognild: "Mr. President, we've checked two of our floor books here and we do not have this bill. We have some rather substantial amendments coming up and I cannot find a copy of the bill."

After some study, the location of the bill in the floor books was announced.

MOTIONS

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

On page 5, line 25, after "ports," insert "local associate development organizations,"

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

On page 7, beginning on line 1, strike all material through "programs." on line 4 and insert the following:

NEW SECTION, Sec. 11. The state board for community college education and superintendent of public instruction shall provide coordination between the business and job retention program and the educational institutions providing the necessary academic, occupational and basic skills programs which are designated to train, upgrade, and retrain employees. These two state agencies will assist the business and job retention program in expanding partnerships between local educational institutions and the businesses and other employer groups who can benefit from the instructional programs and activities."

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

On page 7, after line 22, insert the following:

NEW SECTION, Sec. 14. A new section is added to chapter 50.13 RCW to read as follows:

(1) If information provided to the department by another governmental agency is held private and confidential by state or federal law, the department may not release such information.

(2) Information provided to the department by another governmental entity conditioned upon privacy and confidentiality is to be held private and confidential according to the agreement between the department and other governmental agency.

(3) The department may hold private and confidential information obtained for statistical analysis, research, or study purposes if the information was supplied voluntarily, conditioned upon maintaining confidentiality of the information.

(4) Persons requesting disclosure of information held by the department under subsection (1) or (2) of this section shall request such disclosure from the providing agency rather than from the department."

Renumber the remaining sections and correct any internal references accordingly.

MOTION

Senator Halsan moved that the following amendment by Senators Halsan and McMullen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

(1) Structural changes in the state's economy have resulted in the permanent loss of forty-four to fifty-five thousand jobs per year as a result of plant closures, business failures, and layoffs between 1979 to 1985.

(2) These permanent job losses and major changes in the state's industries and occupations has led to a large increase in the number of unemployment compensation claimants who

exhaust their benefits without finding a job. In 1979 less than 27,000 claimants exhausted their benefits without finding work. By 1986 the number of unemployment compensation exhaustees rose to more than 51,000.

(3) High levels of permanent job losses and unemployed workers exhausting their unemployment benefits have resulted in large increases in social costs such as unemployment compensation, public assistance, health programs, and lost taxes normally paid by workers and businesses. Local communities also suffer from increased social costs resulting from rising demands for services by long-term unemployed workers and their families.

(4) A significant percentage of the increase in the public assistance caseloads results from unemployed workers who exhaust their unemployment benefits without finding employment.

(5) Rising long-term unemployment increases the number of families with social, medical, emotional, and financial problems which require outside assistance and intervention.

(6) Many communities in the state have inadequate and poorly coordinated resources and programs to assist the unemployed in coping with their problems that are associated with unemployment.

(7) The lack of coordinated and effective services for the unemployed seriously hampers their ability to conduct an effective work search and may have the effect of prolonging their unemployment and increasing the possibility of exhausting their unemployment benefits and entering the public assistance caseloads.

(8) Businesses also suffer from rising levels of long-term unemployment as many of their customers are forced into bankruptcy and mortgage foreclosures.

NEW SECTION. Sec. 2. It is the intent of the legislature to develop a comprehensive, state-wide policy to reduce the levels of permanent job losses and the number of unemployment compensation exhaustees. It is the purpose of this act to:

(1) Authorize and fund the creation of a state-wide business and job retention program which places primary reliance on locally based business and job retention teams to assist businesses which are likely to close, fail, or experience a permanent mass layoff. The state's primary role in the business and job retention program is to provide continuing financial and technical assistance and training to the locally based business and job retention teams to ensure their success; and

(2) Develop a comprehensive policy to reduce the number of unemployment compensation exhaustees and the long-term unemployed. This goal can be achieved by providing an array of services to the long-term unemployed and older unemployed workers as defined in RCW 50.62.020.

NEW SECTION. Sec. 3. There is established within the department of trade and economic development the business and job retention program. An exempt position is hereby created at the division director level within the department of trade and economic development for the managing director of the business and job retention program. The managing director shall be appointed by the governor and shall serve under the direction of the director of trade and economic development at the governor's pleasure. In carrying out the purposes of this chapter, the managing director shall solicit volunteer assistance, work with the business assistance center, the small business development center, the department of community development's employee ownership program, local early warning programs, local reemployment centers, labor representatives, and other appropriate public and private agencies and organizations, and contract with private consultants, with the approval of the director of trade and economic development, for such services as the managing director deems advisable.

NEW SECTION. Sec. 4. The managing director shall appoint an advisory committee having equal representation from local businesses, local government, and local labor organizations, and representatives of higher education, community colleges, vocational technical institutes, associate development organizations, community based economic development organizations, private industry councils, local early warning programs, local reemployment centers, and other advocates for dislocated and unemployed workers. The managing director shall consult with the advisory committee in developing implementation plans for carrying out this chapter and shall monitor implementation and operations of the state and regional components of the program. Staff assistance shall be provided to the committee by the departments of trade and economic development, employment security, and community development. Members of the advisory committee shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. The managing director, after consultation with the advisory committee, shall:

(1) Designate service delivery regions in the state, each of which shall have no less than one county and no more than six counties.

(2) Establish business and job retention teams for each region. The managing director shall designate an associate development organization or other appropriate locally based organization as the team coordinator for each regional business and job retention team. Each team shall have equal representation from local businesses, local government, and local labor organizations. In addition, each team shall have representatives from local associate development organizations, local reemployment centers, local businesses, local labor organizations,

local educational institutions, community based organizations, advocates for the dislocated and unemployed workers, local private industry councils, and local governments. The team coordinator shall select appropriate marketing, management, training, and technical specialists to assist the team on any given project or group of projects. The department may subcontract with existing early warning or job retention programs to avoid duplication of effort in any region. The team coordinator shall be responsible for soliciting assistance from within the region from local chambers of commerce, private industry councils, colleges, universities, local early warning programs, local reemployment centers, and any other private, public, or non-profit group with appropriate expertise.

(3) Develop a model local business survey and assist the regional business and job retention team in administering in each region surveys of businesses, utilities, labor unions, employees, financial institutions, and community organizations in cooperation with any existing business retention programs, reemployment centers, and associate development organizations. The surveys will gather information about business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, and the availability of financing, and other appropriate information.

(4) Designate criteria for receipt of services offered to businesses, labor unions, employee groups, community groups, local governments, and port districts. Such criteria shall include the number of employees affected, the type of business involved, reemployment potential of employees, severity of problems affecting the business or workforce, skill level of workforce, availability of financing, and the social and economic costs of layoffs or closure.

(5) Be responsible for the development and implementation of training programs for the regional business and job retention team coordinators and teams. The training programs shall be designed to assist the teams in developing and coordinating local resources, assessing the need for outside resources, and locating other public and private resources needed to assist firms.

(6) Shall provide or coordinate the delivery of technical and managerial assistance upon request from the local business and job retention team coordinator in the areas of financial management, marketing, product development, production process analysis, training, and other business services.

NEW SECTION. Sec. 6. The business and job retention teams shall provide marketing, technical, managerial, and training assistance appropriate to client businesses, unions, employee groups, and workforces. The teams shall initiate contact with those firms or employees indicating the potential for closure, mass layoff, or relocation. For firms or employees not indicating such potential, the provision of services from the teams will be in response to direct requests from firms, labor unions, employee groups, community groups, local governments, and port districts. The team coordinator shall be responsible for conducting an initial assessment of firms or work forces to determine viability, problems, and skill levels, in cooperation with any early warning programs, reemployment centers, and associate development organizations. The assessment shall include but not be limited to the public and private costs of any potential closure or layoff, the potential for preventing a closure, business failure, business relocation, or mass lay-off, the potential for a change in ownership, including worker and community buy-outs of the firm, and the costs of keeping the facility in operation. Where appropriate, team coordinators shall assist local governments or organizations in applying for local development matching funds from the department of community development.

After the initial assessment, the team coordinator shall coordinate the delivery of technical, managerial, financial training, and other assistance. The team coordinator shall work with the employment security department and local reemployment centers to assess the need for and to ensure the provision of training services to client businesses, prelayoff services, and the establishment of programs for dislocated workers such as job clubs, retraining counseling, and the referral and delivery of social services.

NEW SECTION. Sec. 7. In addition to the responsibilities set forth in sections 3 through 6 of this act, the department of trade and economic development shall draw upon its existing resources, employment and economic data from the employment security department, and data from the department of licensing and the department of revenue and other sources, to do nonduplicative analyses of trends in the state's industries and workforces. The department shall make such analyses available to relevant businesses, labor organizations or workforces, local governments, economic development organizations, early warning programs, and business and job retention teams, and shall work with them to develop long-term strategies for economic growth and revitalization.

NEW SECTION. Sec. 8. The employment security department shall:

(1) Track numbers of dislocated workers and part-time workers in the state.

(2) Assess the number and causes of permanent mass layoffs and closures using a modified permanent mass layoff and plant closure data base which is presently funded by the federal government.

(3) Supply the managing director with data under subsections (1) and (2) of this section, which will allow the state and local components of the program to prioritize delivery of service to distressed, mature, and cyclical industries.

(4) Provide information and assistance to the program on training resources available through the department.

(5) Offer any businesses assisted by the program its first source hiring services.

(6) Work with the department of social and health services to track dislocated workers who exhaust their unemployment compensation benefits and begin collecting public assistance.

NEW SECTION. Sec. 9. The department of community development shall provide resources to the business and job retention teams through its various programs, such as the community development finance unit, the employee ownership program, the community revitalization team and the development loan fund.

NEW SECTION. Sec. 10. The state board for vocational education shall assist the business and job retention program through the development of partnerships between educational institutions and businesses that can benefit from job skills programs.

NEW SECTION. Sec. 11. The managing director shall publish an annual report which shall be made available to the senate and house ways and means committees, the senate commerce and labor committee, and the house committee on trade and economic development. The report shall include the following:

(1) The number of businesses, labor unions, employee groups, local governments, and port districts assisted under this chapter;

(2) The types of assistance provided; and

(3) The number of businesses and jobs retained through assistance rendered under this chapter.

These reporting requirements shall be disaggregated by county, standard industrial classification, and size of firm.

NEW SECTION. Sec. 12. A new section is added to chapter 42.17 RCW to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no financial or proprietary information supplied by businesses to the department of trade and economic development may be made available to the public.

NEW SECTION. Sec. 13. Sections 3 through 11 and 29 of this act shall constitute a new chapter in Title 43 RCW.

Sec. 14. Section 1, chapter 5, Laws of 1985 ex. sess. as amended by section 1, chapter 171, Laws of 1987 and by section 1, chapter 284, Laws of 1987 and RCW 50.62.010 are each reenacted and amended to read as follows:

The legislature finds and declares that:

(1) The number of persons unemployed in the state is significantly above the national average.

(2) Persons who are unemployed represent a skilled resource to the economy and the quality of life for all persons in the state.

(3) There are jobs available in the state that can be filled by unemployed persons.

(4) A public labor exchange can appreciably expedite the employment of unemployed job seekers and filling employer vacancies thereby contributing to the overall health of the state and national economies.

(5) The Washington state job service of the employment security department has provided a proven service of assisting persons to find employment for the past fifty years.

(6) Expediting the reemployment of unemployment insurance claimants will reduce payment of claims drawn from the state unemployment insurance trust fund.

(7) Increased emphasis on assisting in the reemployment of claimants and monitoring claimants' work search efforts will positively impact employer tax rates resulting from the recently enacted experience rating legislation, chapter 205, Laws of 1984.

(8) Special employment service efforts are necessary to adequately serve agricultural employers who have unique needs in the type of workers, recruitment efforts, and the urgency of obtaining sufficient workers.

(9) Study and research of issues related to employment and unemployment provides economic information vital to the decision-making process.

(10) Older workers and the long-term unemployed experience greater difficulty finding new employment at wages comparable to their prelayoff earnings relative to all unemployment insurance claimants who return to work.

(11) After a layoff, older unemployed workers and the long-term unemployed workers fail to find unemployment insurance-covered employment at a much higher rate than other groups of unemployment insurance claimants.

(12) Many older workers and the long-term unemployed are unable to find new employment at wages comparable to their prelayoff earnings due to a lack of job skills which are currently in demand or poor reading or writing skills.

The legislature finds it necessary and in the public interest to have a program of job service to assist persons drawing unemployment insurance claims to find employment, to assist the long-term unemployed and older unemployed workers who are unable to find employment at wages comparable to their prelayoff wages in obtaining the training and education necessary

to find new employment at wages comparable to their prelayoff earnings, to provide employment assistance to the agricultural industry, and to conduct research into issues related to employment and unemployment.

Sec. 15. Section 2, chapter 5, Laws of 1985 ex. sess. as amended by section 2, chapter 284, Laws of 1987 and RCW 50.62.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Job service" means the employment assistance program of the employment security department;

(2) "Employment assistance" means services to unemployed persons focused on and measured by the obtaining of employment;

(3) "Labor exchange" means those activities which match labor supply and labor demand, including recruitment, screening, and referral of qualified workers to employers;

(4) "Special account of the administrative contingency fund" means that fund under RCW 50.24.014 established within the administrative contingency fund of the employment security department which provides revenue for the purposes of this chapter.

(5) "Continuous wage and benefit history" means an information and research system utilizing a longitudinal data base containing information on both employment and unemployment.

(6) "Long-term unemployed" means demographic groups of unemployment insurance claimants identified by the employment security department pursuant to RCW 50.62.040(1)(e) which have the highest percentages of persons who have drawn at least fifteen weeks of unemployment insurance benefits or have the highest percentage of persons who have exhausted their unemployment insurance benefits.

(7) "Older unemployed workers" means unemployment insurance claimants who are at least fifty years of age.

(8) "Comparable wages" means average weekly wages adjusted for inflation which are at least eighty-five percent of average prelayoff weekly wages.

Sec. 16. Section 3, chapter 5, Laws of 1985 ex. sess. as amended by section 2, chapter 171, Laws of 1987 and by section 3, chapter 284, Laws of 1987 and RCW 50.62.030 are each reenacted and amended to read as follows:

Job service resources shall be used to assist with the reemployment of unemployed workers using the most efficient and effective means of service delivery. The job service program of the employment security department may undertake any program or activity for which funds are available and which furthers the goals of this chapter. These programs and activities shall include, but are not limited to:

(1) Giving older unemployed workers and the long-term unemployed the highest priority for all services made available under this section. The employment security department shall make the services provided under this chapter available to the older unemployed workers and the long-term unemployed as soon as they register under the employment assistance program;

(2) Conducting an assessment of the training and remedial education needed by older unemployed workers and the long-term unemployed to obtain employment at wages comparable to their pre-layoff weekly earnings;

(3) Referring older unemployed workers and the long-term unemployed who are unable to find employment at wages comparable to their prelayoff weekly earnings to appropriate educational and training institutions for programs which will improve their employability;

(4) Informing, verbally and in writing, the older unemployed workers and the long-term unemployed of their right to attend commissioner approved training pursuant to RCW 50.20.043;

(5) Supplementing basic employment services, with special job search and claimant placement assistance designed to assist unemployment insurance claimants to obtain employment;

~~((3))~~ (6) Providing employment services, such as recruitment, screening, and referral of qualified workers, to agricultural areas where these services have in the past contributed to positive economic conditions for the agricultural industry;

~~((4))~~ (7) Providing otherwise unobtainable information and analysis to the legislature and program managers about issues related to employment and unemployment; and

(8) To research and consider the degree to which the employment security department can contract with private employment agencies, private for-profit and not-for-profit organizations in the fields of job placement, vocational counseling, career development, career change and employment preparation on a fee for service-performance basis.

Sec. 17. Section 12, chapter 3, Laws of 1971 as last amended by section 1, chapter 40, Laws of 1985 and RCW 50.20.043 are each amended to read as follows:

No otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the commissioner, nor shall such individual be denied benefits with respect to any week in which the individual is satisfactorily progressing in a training program with the approval of the commissioner by reason of the application of RCW

50.20.010(3), 50.20.015, 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

An individual who the commissioner determines to be a dislocated worker as defined by RCW 50.04.075, or who the commissioner determines to be within the category of the long-term unemployed or to be an older unemployed worker as defined by RCW 50.62.020, and who is satisfactorily progressing in a training program approved by the commissioner shall be considered to be in training with the approval of the commissioner.

For all individuals within the categories specified in RCW 50.62.020(6) or (7), at the time the individual files an application for an initial determination, the department shall provide information concerning the individual's right to receive benefits while satisfactorily progressing in training approved by the commissioner.

NEW SECTION. Sec. 18. The department shall provide notice of the right to receive benefits while satisfactorily progressing in training approved by the commissioner to all individuals within the categories specified in RCW 50.62.020(6) or (7) who, as of the effective date of this section, have filed applications for an initial determination or who are receiving benefits.

NEW SECTION. Sec. 19. It is the intent of the legislature to assist in the creation of local reemployment support centers which would increase the capacity of local communities to aid their unemployed. The centers are intended to supplement but not supplant the efforts of the local job service centers of the employment security department. The legislature intends that the local reemployment support centers established by this chapter shall give first priority to those unemployed persons most likely to exhaust their unemployment compensation benefits or to become long-term unemployed.

NEW SECTION. Sec. 20. (1) The department of community development shall issue requests for proposals to nonprofit agencies or to local government agencies to serve as the local reemployment centers under this chapter. The requests for proposals shall authorize the selected agencies to receive funds pursuant to this chapter for a two-year period.

(2) The requests for proposals shall be issued for these five areas in the state:

(a) Eastern Washington, which for the purposes of this chapter shall include Spokane, Pend Oreille, Stevens, Ferry, Lincoln, Whitman, Garfield, Asotin, Columbia, and Adams counties;

(b) Central Washington, which for the purposes of this chapter shall include Klickitat, Grant, Douglas, Okanogan, Chelan, Kittitas, and Yakima counties;

(c) Southwest Washington and Peninsula, which for the purposes of this chapter shall include Skamania, Clark, Cowlitz, Wahkiakum, Lewis, Clallam, and Jefferson counties;

(d) South Puget Sound, which for the purposes of this chapter shall include Pierce, Thurston, Mason, and Kitsap counties; and

(e) Northwest Washington, which for the purposes of this chapter shall include Snohomish, Skagit, Whatcom, San Juan, and Island counties.

The department of community development shall select one agency from each of the five areas to serve as the reemployment support center in that area.

(3) The department of community development shall establish standards to govern the selection of the reemployment support centers. At a minimum, each local reemployment support center shall raise matching funds in an amount equal to the state grant.

NEW SECTION. Sec. 21. The local reemployment support centers shall provide direct or referral services to the unemployed. The referrals shall be made to agencies which provide any of the following services:

(1) Reemployment assistance;

(2) Medical services;

(3) Social services including marital counseling;

(4) Psychotherapy;

(5) Mortgage foreclosure and utilities problems counseling;

(6) Drug and alcohol abuse services;

(7) Credit counseling; and

(8) Other services as deemed appropriate.

The local reemployment support centers shall demonstrate the utilization of the services of volunteers to maximize the effectiveness of the centers' programs, and outreach efforts to encourage the unemployed to seek assistance.

NEW SECTION. Sec. 22. The employment security department and the department of social and health services shall each locate one or more workers on a full or part-time basis at each local reemployment support center in an effort to increase the effectiveness of the local reemployment centers.

NEW SECTION. Sec. 23. The department of community development shall require each local center which receives funds under this chapter to submit semiannual reports to the department which document the effectiveness of the center's activities.

NEW SECTION. Sec. 24. The referrals and services provided by the centers shall be confidential. Reporting and recordkeeping necessary to file the required reports with the department of community development shall be conducted in a manner which will maintain the confidentiality of the client-provider relationship.

NEW SECTION. Sec. 25. Each local reemployment support center designated by the department pursuant to this chapter shall receive a minimum of sixty thousand dollars for a one-year period.

Sec. 26. Section 2, chapter 107, Laws of 1987, section 1, chapter 337, Laws of 1987, section 16, chapter 370, Laws of 1987, section 1, chapter 404, Laws of 1987, and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulæ, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) ~~((Except as provided under section 2 of this 1987 act (1987 c 404 § 2);))~~ All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Records of local reemployment support centers established under chapter 50.— RCW (sections 19 through 25 of this 1988 act) if such records identify individual clients.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 27. Section 8, chapter 5, Laws of 1985 ex. sess. as amended by section 4, chapter 171, Laws of 1987 and RCW 50.24.014 are each amended to read as follows:

A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. Except as otherwise provided in this section, contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at the rate of ((two)) four one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Contributions received under this section equivalent to one one-hundredth of one percent of taxable wages shall be deposited in the business and job retention fund established under section 29 of this 1988 act.

Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW and sections 19 through 25 of this 1988 act, the commissioner shall direct that ~~((collection of contributions under this section be terminated))~~ the contribution rate under this section be reduced to one one-hundredth of one percent on the following January 1st.

Sec. 28. Section 60, chapter 35, Laws of 1945 as last amended by section 218, chapter 202, Laws of 1987 and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

- (1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title, except as otherwise provided by law,
- (2) interest earned upon any moneys in the fund,
- (3) any property or securities acquired through the use of moneys belonging to the fund,
- (4) all earnings of such property or securities,
- (5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
- (6) all money recovered on official bonds for losses sustained by the fund,
- (7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended.

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in this 1985 act.

NEW SECTION. Sec. 29. The business and job retention fund is hereby established in the custody of the state treasurer. The fund shall consist of such money as is directed for deposit therein by law. Money in the fund may be spent only for the purposes of the business and job retention program under this chapter. Disbursements from the fund shall be on the authorization of the director of trade and economic development or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 30. A new section is added to chapter 50.20 RCW to read as follows:

Claimants who are defined as long-term unemployed under RCW 50.62.020(6) shall be required to participate in the employment service activities under RCW 50.62.030 (2) through (5) to continue to be eligible for benefits.

Sec. 31. Section 5, chapter 205, Laws of 1984 as last amended by section 3, chapter 171, Laws of 1987 and RCW 50.29.025 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedule of Contribution Rates for Effective Tax Schedule					
From	To	Rate Class	A	B	C	D	E	F
0.00	5.00	1	0.40	0.50	0.90	1.40	1.80	2.40
5.01	10.00	2	0.40	0.70	1.10	1.60	2.00	2.60
10.01	15.00	3	0.50	0.90	1.30	1.70	2.20	2.80
15.01	20.00	4	0.70	1.10	1.50	1.90	2.40	3.00
20.01	25.00	5	0.90	1.30	1.70	2.10	2.60	3.10
25.01	30.00	6	1.10	1.50	1.90	2.30	2.70	3.20
30.01	35.00	7	1.30	1.70	2.10	2.50	2.90	3.30
35.01	40.00	8	1.50	1.90	2.30	2.70	3.10	3.50
40.01	45.00	9	1.70	2.10	2.50	2.90	3.30	3.70
45.01	50.00	10	1.90	2.30	2.70	3.10	3.50	3.90
50.01	55.00	11	2.20	2.50	2.90	3.30	3.70	4.00
55.01	60.00	12	2.40	2.70	3.10	3.50	3.90	4.20
60.01	65.00	13	2.60	2.90	3.30	3.70	4.10	4.40
65.01	70.00	14	2.80	3.10	3.50	3.90	4.30	4.60
70.01	75.00	15	3.00	3.30	3.70	4.10	4.50	4.70
75.01	80.00	16	3.20	3.50	3.90	4.30	4.60	4.80
80.01	85.00	17	3.40	3.70	4.10	4.50	4.80	4.90
85.01	90.00	18	3.60	4.10	4.50	4.80	4.90	5.10
90.01	95.00	19	4.20	4.50	4.90	5.00	5.10	5.30
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40
0.00	5.00	1	0.46	0.56	0.96	1.46	1.86	2.46
5.01	10.00	2	0.46	0.76	1.16	1.66	2.06	2.66
10.01	15.00	3	0.56	0.96	1.36	1.76	2.26	2.86
15.01	20.00	4	0.76	1.16	1.56	1.96	2.46	3.06
20.01	25.00	5	0.96	1.36	1.76	2.16	2.66	3.16
25.01	30.00	6	1.16	1.56	1.96	2.36	2.76	3.26
30.01	35.00	7	1.36	1.76	2.16	2.56	2.96	3.36
35.01	40.00	8	1.56	1.96	2.36	2.76	3.16	3.56
40.01	45.00	9	1.76	2.16	2.56	2.96	3.36	3.76
45.01	50.00	10	1.96	2.36	2.76	3.16	3.56	3.96
50.01	55.00	11	2.26	2.56	2.96	3.36	3.76	4.06
55.01	60.00	12	2.46	2.76	3.16	3.56	3.96	4.26
60.01	65.00	13	2.66	2.96	3.36	3.76	4.16	4.46
65.01	70.00	14	2.86	3.16	3.56	3.96	4.36	4.66
70.01	75.00	15	3.06	3.36	3.76	4.16	4.56	4.76
75.01	80.00	16	3.26	3.56	3.96	4.36	4.66	4.86
80.01	85.00	17	3.46	3.76	4.16	4.56	4.86	4.96
85.01	90.00	18	3.86	4.16	4.56	4.86	4.96	5.16
90.01	95.00	19	4.26	4.56	4.96	5.06	5.16	5.36
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be a rate equal to the average industry tax rate as determined by the commissioner; however, the rate may not be less than one percent: PROVIDED, That employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 32, Section 7, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.16.070 are each amended to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to

RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Unless otherwise provided by legislative appropriation, any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION. Sec. 33. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 34. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 35. The department of community development shall submit a report to the governor and to the commerce and labor committees of the house of representatives and the senate prior to the start of the 1989 legislative session. The report shall assess the effectiveness of the centers under sections 19 through 25 of this act and their service delivery approaches.

NEW SECTION. Sec. 36. Sections 19 through 25 of this act shall constitute a new chapter in Title 50 RCW."

POINT OF ORDER

Senator Lee: "Mr. President, I rise to a point of order to challenge the scope of this particular amendment. The mover has quite clearly already explained the enlargement that is in this particular act--a training program, an entirely different additional method of funding, setting up new state agencies, setting up putting employees in local areas. The original Senate Bill No. 6277 is merely a coordination act."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Second Substitute Senate Bill No. 6277 was deferred.

SECOND READING

SENATE BILL NO. 6354, by Senators Lee, Smitherman and McMullen (by request of Department of Labor and Industries)

Changing the definition of wages for industrial insurance purposes.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 6354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6354.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6354, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith,

Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6568, by Senator McCaslin

Requiring minimum payment to employees for reporting to work.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6568 was substituted for Senate Bill No. 6568 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6568.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6568, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 47.

Voting nay: Senator Zimmerman - 1.

Absent: Senator Barr - 1.

SUBSTITUTE SENATE BILL NO. 6568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6674, by Senators Lee, Bailey, Anderson, Benitz, Johnson, Zimmerman and Metcalf

Raising the state minimum wage.

The bill was read the second time.

MOTION

Senator Fleming moved that the following amendment by Senators Warnke, Fleming, Talmadge, Vognild, Williams, Connor, Moore and Niemi be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 294, Laws of 1959 as last amended by section 364, chapter 7, Laws of 1984 and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;
 (2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director;

(3) "Employ" includes to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) ((Any individual employed (1) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or

horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) Any individual employed in domestic service in or about a private home;

(c)) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(b) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by regulations of the director. However, those terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 28B.16 RCW for employees employed under their respective jurisdictions;

((d)) (c) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

((e)) (d) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

((f)) (e) Any newspaper vendor or carrier;

((g)) (f) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

((h)) (g) Any individual engaged in forest protection and fire prevention activities;

((i)) (h) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

((j)) (i) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

((k)) (j) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

((l)) (k) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

((m)) (l) All vessel operating crews of the Washington state ferries operated by the department of transportation;

((n)) (m) Any individual employed as a seaman on a vessel other than an American vessel.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Sec. 2. Section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020 are each amended to read as follows:

(1) Every employer shall pay to each of his or her employees who ((have)) has reached the age of eighteen years wages at a rate of not less than ((one dollar)) two dollars and ((sixty)) thirty cents per hour except as may be otherwise provided under ((subsections (2) through (7)) this section or as otherwise provided under this chapter. PROVIDED, That beginning the calendar year 1974, the applicable rate under this section shall be one dollar and eighty cents per hour, and beginning with September 1, 1975 the applicable rate under this section shall be two dollars and ten cents an hour, and beginning the calendar year 1976 the applicable rate under this section shall be two dollars and thirty cents an hour) this section. The minimum wage for employees under the age of eighteen years shall be seventy-five percent of the minimum wage payable under this section to persons eighteen years of age and older.

(2) ((Any individual eighteen years of age or older, unless exempt under the provisions of section 1(5)(k)(8) of this 1975 amendatory act, employed by the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars an hour, and beginning the calendar year 1976 at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour.

(3) Any individual eighteen years of age or older engaged in performing services in a nursing home licensed pursuant to chapter 18.51 RCW, shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour.

(4) Any individual eighteen years of age or older engaged in performing services in a hospital licensed pursuant to chapter 70.41 RCW, or chapter 71.12 RCW, shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour.

(5) Any individual eighteen years of age or older employed in a retail or service establishment and who is so employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour)) Beginning January 1, 1989, the state minimum wage shall be the amount calculated by the department of labor and industries as follows:

(a) Until January 1, 1990, the state minimum wage shall be the annual dollar figure for the poverty income guideline for a family of three persons as issued by the United States department of health and human services in 1987, as nine thousand three hundred dollars, divided by 2080 hours, and multiplied by ninety-five percent;

(b) Beginning January 1, 1990, through December 31, 1990, the state minimum wage shall be the annual dollar figure for the poverty income guideline for a family of three persons as issued by the United States department of health and human services in 1987, as nine thousand three hundred dollars, adjusted by the change in the consumer price index published by the bureau of labor statistics, United States department of labor, for the period beginning October 1, 1988, and ending on September 30, 1989, and divided by 2080 hours, and multiplied by one hundred five percent;

(c) Beginning January 1, 1991, through December 31, 1991, the state minimum wage shall be the amount calculated by the department under (b) of this subsection, adjusted by the change in the consumer price index published by the bureau of labor statistics, United States department of labor, for the period beginning October 1, 1989, and ending on September 30, 1990;

(d) Beginning January 1, 1992, the state minimum wage shall become on January 1st of every calendar year the amount calculated by the department under this section for the immediately preceding year, adjusted by the change in the consumer price index for the period beginning October 1 of the second calendar year preceding the new effective date and ending on September 30 of the previous calendar year.

(3) In addition to any other penalty provided by law, the director may assess a civil penalty against any employer who pays or agrees to pay wages at a rate less than the minimum rate required under this section or RCW 49.46.060. The civil penalty shall be the greater of: (a) One thousand dollars, or (b) the full amount of the applicable wage rate for employees paid less than the applicable rate, plus the full amount of the applicable wage rate for such employees less the amount actually paid to such employees. The director shall assess penalties under this subsection after a hearing in accordance with chapter 34.04 RCW and all penalties paid shall be deposited in the general fund and used solely for the administration of this chapter.

Sec. 3. Section 15, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.121 are each amended to read as follows:

The committee, or the director, may at any time inquire into wages, hours, and conditions of labor of minors employed in any trade, business or occupation in the state of Washington and may adopt special rules for the protection of the safety, health and welfare of minor employees ((such minimum wages not to exceed the state minimum wage as prescribed in RCW 49.46.020, as now or hereafter amended)). The minimum wage for minors shall be as prescribed in RCW 49.46.020. The committee shall issue work permits to employers for the employment of minors, after being assured the proposed employment of a minor meets the

standards set forth concerning the health, safety and welfare of minors as set forth in the rules and regulations promulgated by the committee. No minor person shall be employed in any occupation, trade or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian or other person having legal custody of the minor and with the approval of the school which such minor may then be attending.

NEW SECTION, Sec. 4. This act shall take effect January 1, 1989.*

POINT OF ORDER

Senator Lee: "Mr. President, I rise to a point of order to challenge the scope of the amendment. The bill before us amends only one section of the RCW, speaks only to the amount, not to the other issues as have been mentioned here, which include exemptions, automatic increases and so on."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6674 was deferred.

SECOND READING

SENATE BILL NO. 6670, by Senators Lee, Owen, Warnke and Smith

Revising provisions on public works projects involving certain trench excavations.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6670 was substituted for Senate Bill No. 6670 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6670.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6670, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Craswell assumed the chair.

SECOND READING

SENATE BILL NO. 6703, by Senators Benitz and Madsen

Changing provisions relating to underground facilities.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6703 was substituted for Senate Bill No. 6703 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Talmadge and Lee be adopted:

On page 2, after line 29 insert the following

NEW SECTION, Sec. 3. A new section is added to chapter 35.84 RCW to read as follows:

A city or town operating a municipal utility pursuant to this chapter, whether solely or in participation with any other entity in a joint undertaking, must bury, in accordance with

accepted industry standards, those portions of an electrical transmission or distribution line constructed outside the boundaries of the municipality if the line has a capacity of carrying two hundred kilovolts or more and if the line:

- (1) Is constructed in residential areas with a population density of one hundred persons per square mile or greater; and
- (2) Will pass within two thousand feet of any residence."

POINT OF ORDER

Senator Benitz: "Madam President, I raise the question of scope and object on this. I think it's far outside what was intended. This is originally designed as kind of a fibre optic bill and we've gone way up in the air and taken on highlines and going in the ground. I raise the question of scope and object."

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6703 was deferred.

SECOND READING

SENATE BILL NO. 6357, by Senators Lee and Smitherman (by request of Department of Labor and Industries)

Clarifying provisions relating to contractors' bonds and securities.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6357 was substituted for Senate Bill No. 6357 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6357.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6357, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6435, by Senators Lee and Owen

Changing provisions relating to disclosure by contractors.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 6435 was substituted for Senate Bill No. 6435 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 6435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6435.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6435, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McMullen - 1.

SUBSTITUTE SENATE BILL NO. 6435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6447, by Senators Owen, Warnke, Barr, Moore, Nelson and Smith

Strengthening the custodial interference law.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

On page 1, line 9, after "custody" insert " , or either parent having time with the child pursuant to the child's residential schedule"

POINT OF ORDER

Senator Talmadge: "Madam President, a point of order. We don't have Senate Bill No. 6447, or at least some of us don't, in our books. Is that somewhere special again?"

Debate ensued.

After study, the location of Senate Bill No. 6447 was located in the floor books.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment to Senate Bill No. 6447.

The motion by Senator Pullen carried and the amendment was adopted.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 11, after "person" strike "for a period of two hours or more"

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, line 13, after "custody" insert " , or either parent having time with the child pursuant to the child's residential schedule"

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 6447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6447.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6447, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 6447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6321, by Senators Zimmerman, DeJarnatt, Bauer, McCaslin and von Reichbauer

Increasing the threshold for requiring a building permit.

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators McCaslin and Rasmussen be adopted:

On page 1, line 7, after "county" insert "to provide separate living quarters within an existing detached residence for persons related by blood or marriage to the owner and principal occupant of the residence, for which the value of the material exceeds one thousand dollars, and for the construction or alteration of any building within the county for any other purpose"

POINT OF ORDER

Senator Talmadge: "Madam President, I rise to a point of order that the amendment expands the scope and object of the bill. To explain, the bill is a simple bill relating to the circumstances under which building permits may be granted and acculturating to building permits expands the costs from five hundred to fifteen hundred dollars for that purpose. This amendment, as has been explained by Senator McCaslin and Senator Rasmussen, is calculated to get us into the whole land use issue with respect to so called mother-in-law apartments. I think it expands the scope and object of the measure."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6321 was deferred.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5436, by Committee on Commerce and Labor (originally sponsored by Senator Warnke)

Revising unemployment compensation provisions on individuals with multiple employers.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Substitute Senate Bill No. 5436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5436.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5436, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 5436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6201, by Senators Rasmussen, Johnson and Saling

Expanding eligibility for special license plates for surviving spouses of deceased prisoners of war.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6201.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6201, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6736, by Senators Pullen, Talmadge, Nelson, Halsan and McMullen

Allowing reestablishment of tribal jurisdiction over crimes committed by tribe members within the tribal reservation.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6736 was substituted for Senate Bill No. 6736 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6736 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6736.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6736, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6736, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 6674 and the pending striking amendment by Senators Warnke, Fleming, Talmadge, Vognild, Williams, Conner, Moore and Niemi, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Lee, the President finds that Senate Bill No. 6674 is a measure raising the minimum wage of employees to no less than \$3.35 per hour.

"The amendment proposed by Senators Warnke, Fleming, Talmadge, Vognild, Williams, Conner, Moore and Niemi provides for different rates of hourly pay for employees of different ages and provides for civil penalties for an employer who pays less than the established minimum wage.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Warnke, Fleming, Talmadge, Vognild, Williams, Conner, Moore and Niemi to Senate Bill No. 6674 was ruled out of order.

MOTIONS

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

Senator Vognild moved that the Committee on Economic Development and Labor be relieved of further consideration of Senate Bill No. 6529 and that Senate Bill No. 6529 be placed on the second reading calendar.

MOTION

At 9:17 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:00 a.m., Tuesday, February 16, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 16, 1988

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Craswell, Fleming, Rinehart and Talmadge. On motion of Senator Bauer, Senators Bender and Fleming were excused.

The Sergeant at Arms Color Guard, consisting of Pages Brian Weseman and John Ahrens, presented the Colors. Reverend James Blundell, senior pastor of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 1988

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 90,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267,
 ENGROSSED HOUSE BILL NO. 1396,
 SUBSTITUTE HOUSE BILL NO. 1412
 SUBSTITUTE HOUSE BILL NO. 1456,
 SUBSTITUTE HOUSE BILL NO. 1459,
 SUBSTITUTE HOUSE BILL NO. 1469,
 SECOND SUBSTITUTE HOUSE BILL NO. 1516,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
 SUBSTITUTE HOUSE BILL NO. 1525,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534,
 SECOND SUBSTITUTE HOUSE BILL NO. 1565,
 HOUSE BILL NO. 1613,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1632,
 SECOND SUBSTITUTE HOUSE BILL NO. 1640,
 SUBSTITUTE HOUSE BILL NO. 1672,
 HOUSE BILL NO. 1693,
 HOUSE BILL NO. 1710,
 SECOND SUBSTITUTE HOUSE BILL NO. 1713,
 SUBSTITUTE HOUSE BILL NO. 1717,
 ENGROSSED HOUSE BILL NO. 1718,
 SUBSTITUTE HOUSE BILL NO. 1800,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,
 HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1857,
 SUBSTITUTE HOUSE BILL NO. 1860,
 SUBSTITUTE HOUSE BILL NO. 1868,
 SUBSTITUTE HOUSE BILL NO. 1883,
 SUBSTITUTE HOUSE BILL NO. 1904,
 HOUSE BILL NO. 1951,
 HOUSE BILL NO. 1969,
 HOUSE JOINT MEMORIAL NO. 4035, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6753 by Senators Metcalf, Conner and Owen

AN ACT Relating to the federal budget deficit: creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SJM 8031 by Senators West, Smitherman, Lee, Owen, Warnke, Gaspard, Sellar, McDonald and McMullen

Requesting that the United States Congress pass legislation allowing states to collect sales tax on out-of-state mail order business.

Hold.

SJM 8032 by Senators Owen, Craswell and Smitherman

Petitioning for the battleship USS Missouri to be based in Bremerton.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 90 by Committee on State Government (originally sponsored by Representatives Belcher, H. Sommers, Hankins, Vekich, Day, Dellwo, Holm, Unsoeld, Meyers, Wang, P. King and Winsley) (by request of Office of Financial Management)

Regulating payment of state employee moving expenses.

Referred to Committee on Governmental Operations.

ESHB 1267 by Committee on Transportation (originally sponsored by Representatives Walk, Zellinsky, S. Wilson, Brough, Pruitt, Wang, Fisher, Schoon and P. King)

Authorizing alternative forms of security for state ferry construction contracts.

Referred to Committee on Transportation.

EHB 1396 by Representatives Wang, Patrick and Cole (by request of Department of Labor and Industries)

Revising industrial insurance disability benefits.

Referred to Committee on Economic Development and Labor.

SHB 1412 by Committee on Environmental Affairs (originally sponsored by Representatives Patrick and May)

Providing for disclosure of flood plain information.

Referred to Committee on Environment and Natural Resources.

SHB 1456 by Committee on Environmental Affairs (originally sponsored by Representatives Wang, Locke, Walker, Rust, Jones, Fisher, Holland, Todd, Lux, Unsoeld and Winsley)

Prohibiting the sale of beverage containers connected by plastic rings that are not degradable.

Referred to Committee on Environment and Natural Resources.

SHB 1459 by Committee on State Government (originally sponsored by Representatives Barnes, Beck, Sanders, Rasmussen, H. Sommers, K. Wilson and Ferguson)

Providing employment preferences for persons with disabilities.

Referred to Committee on Governmental Operations.

SHB 1469 by Committee on Transportation (originally sponsored by Representatives Walk, Betzoff, Patrick, Cantwell and Meyers) (by request of Department of Transportation)

Authorizing the department of transportation to exchange land for improvements.

Referred to Committee on Transportation.

2SHB 1516 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Basich, Doty, Vekich, Holm, Rasmussen, Sayan, Hargrove, Jones, Bristow, Pruitt, Wineberry, Locke, Kremen, Nutley, Grimm, Beck, Amondson, McLean, Schoon, Grant, Jacobsen, Winsley, P. King, Unsoeld and Rayburn)

Authorizing local marketplace programs.

Referred to Committee on Economic Development and Labor.

ESHB 1523 by Committee on Human Services (originally sponsored by Representatives Leonard, Belcher, Cole, Brekke, Lux, Anderson, Brough, P. King and Valle)

Prohibiting visitation between abusive parent and child.

Referred to Committee on Children and Family Services.

SHB 1525 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Winsley, Lux, Chandler, P. King, Nutley, Betzoff, Holland and May)

Changing requirements for debenture companies.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1530 by Committee on Health Care (originally sponsored by Representatives Brooks, Braddock, Brough, Cantwell, Sprenkle, Spanel, Wineberry, Day and Miller)

Certifying and registering nursing assistants.

Referred to Committee on Health Care and Corrections.

ESHB 1534 by Committee on Judiciary (originally sponsored by Representatives Holm, Leonard, Moyer, Pruitt, Sayan, Cole, Dorn, Cooper, Walker, Rasmussen, Unsoeld, Belcher, Basich, Wang, Jacobsen, Rayburn, Scott, Spanel, Wineberry, Baugher, Jones, Winsley, Brekke, Taylor and Lux)

Authorizing children's testimony to be recorded and admissible as evidence in certain cases.

Referred to Committee on Law and Justice.

2SHB 1565 by Committee on Ways and Means Appropriations (originally sponsored by Representatives Brekke, Winsley, H. Sommers, Silver, Moyer, Braddock, Sutherland, Hine, May, D. Sommers and Butterfield) (by request of Department of Social and Health Services)

Revising provisions on alcoholism and drug addiction treatment.

Referred to Committee on Health Care and Corrections.

HB 1613 by Representatives Prince, Chandler, Smith, Nealey and Fuhrman

Revising provisions relating to the privilege tax imposed on public utility districts.

Referred to Committee on Governmental Operations.

ESHB 1632 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Nutley, Doty, Cooper, Nelson,

Rayburn, Zellinsky, Jacobsen, Hine, Ferguson, Moyer, May, Silver, D. Sommers, Unsoeld and Butterfield) (by request of Washington State Local Governance Commission)

Providing for citizens' committees to review local governments.

Referred to Committee on Governmental Operations.

2SHB 1640 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Fox, Jacobsen, Miller, Kremen, Spanel, Heavey, Silver, Nelson, Jesernig, Braddock, Wineberry, Winsley, R. King, Valle, Leonard, Dellwo, Peery, Haugen, H. Sommers, Jones, Wang, Scott, P. King, Basich, Nutley, O'Brien, Hine, Sanders, Sayan, Pruitt, Todd, Lux, K. Wilson, Unsoeld, Betrozoff and Rust)

Establishing the G. Robert Ross public service award program for outstanding public service by faculty.

Referred to Committee on Higher Education.

SHB 1672 by Committee on Transportation (originally sponsored by Representatives Rasmussen, Schmidt, Walk, S. Wilson, Brough, May and Beck)

Requiring identification on large trucks.

Referred to Committee on Transportation.

HB 1693 by Representatives Cooper, Butterfield, Peery, Nutley, Sutherland, Brough, Day, Fuhrman, May and Barnes

Authorizing educational service districts to contract with the school for the deaf and the school for the blind.

Referred to Committee on Education.

HB 1710 by Representatives Jones, Ferguson, Fox, Brough, Walker, Fuhrman, Ballard and May

Approving projects approved by the public works board.

Referred to Committee on Ways and Means.

2SHB 1713 by Committee on Transportation (originally sponsored by Representatives Braddock, Ballard, Sprenkle, Vekich, Lux, Haugen, Holm, Sayan, Winsley, Anderson and Baugher)

Creating a committee to study and design a trauma care system for Washington.

Referred to Committee on Health Care and Corrections.

SHB 1717 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, R. King, Fisher, Winsley, Leonard, Anderson, Ebersole, Dellwo, Miller, Allen, Wang, Sayan, Nelson, Vekich, Lux and Unsoeld)

Requiring employers to maintain workplace safety for twenty-four hour operations.

Referred to Committee on Economic Development and Labor.

EHB 1718 by Representatives Locke and May

Revising provisions on the limited waiver of the one hundred six percent property tax limit.

Referred to Committee on Ways and Means.

SHB 1800 by Committee on Higher Education (originally sponsored by Representatives Basich, Miller, Bristow, Heavey, Baugher, K. Wilson,

Dellwo, Grant, Ballard, Unsoeld, Locke, Brooks, Barnes, Holland, Hine, Anderson, Sayan, Rasmussen and Ferguson)

Providing grants to Washington state scholars attending independent colleges or universities.

Referred to Committee on Higher Education.

ESHB 1817 by Committee on Transportation (originally sponsored by Representatives Hine, Patrick, Walk, Cantwell, Ferguson, Allen, Holland, May, P. King and Todd)

Facilitating public and private funding of local transportation improvements.

Referred to Committee on Transportation.

HB 1843 by Representatives Cantwell, Schmidt, Sanders, Walk, Ferguson, Patrick, Heavey, Ebersole, S. Wilson, Day, R. King, J. Williams, Beck, Wineberry, Meyers, Betrozoff, Todd, Winsley, May and P. King

Considering economic development in state highway construction programs.

Referred to Committee on Transportation.

SHB 1857 by Committee on Transportation (originally sponsored by Representatives Cantwell, Walk, S. Wilson, Patrick, Fisher, Zellinsky, Jones, Sanders and Todd)

Creating a transportation improvement board.

Referred to Committee on Transportation.

SHB 1860 by Committee on Transportation (originally sponsored by Representatives Betrozoff, Walk, Schmidt, Patrick, S. Wilson, Ferguson, Silver and Miller)

Penalizing fraudulent failure to register vehicles, boats, or airplanes.

Referred to Committee on Transportation.

SHB 1868 by Committee on Human Services (originally sponsored by Representatives Brekke, Moyer, Holm, Pruitt, Rayburn, Fox, Rasmussen, Cantwell, Scott, H. Sommers, Valle, Dorn, P. King, Winsley, Silver, Walker, Holland, May, D. Sommers, Zellinsky, Miller, Anderson, Todd, Cooper and Brough)

Establishing a temporary commission on organization of social and health services.

Referred to Committee on Health Care and Corrections.

SHB 1883 by Committee on Transportation (originally sponsored by Representatives Walk and Prince)

Adjusting the scope of vehicle dealer regulations.

Referred to Committee on Transportation.

SHB 1904 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Winsley and Lux)

Changing provisions relating to investments.

Referred to Committee on Financial Institutions and Insurance.

HB 1951 by Representatives Nutley, Peery, Butterfield, Cooper, Ferguson, Lux, Sutherland, Vekich and D. Sommers

Providing rate review exemption for certain hospitals.

Referred to Committee on Health Care and Corrections.

HB 1969 by Representatives Belcher, Brough, Allen, Locke, Hine, Wineberry, Fisher, Wang, Cole, Beck, Sayan, Grimm, Cantwell, Appelwick, Holland, Jacobsen, Valle, Leonard and Nelson

Prohibiting sex discrimination by private golfing clubs qualifying for open space classification.

Referred to Committee on Ways and Means.

HJM 4035 by Representatives Unsoeld, Sayan, Anderson, Nelson, Patrick, Jacobsen, Rust, Todd, Ferguson, Meyers, Sutherland, Holm, Holland, D. Sommers, Sanders, Heavey, Rasmussen, Grant, Appelwick, Basich, Pruitt, Dellwo, Peery, Fisher, H. Sommers, Wang, Jones, Nutley, Jesernigg, Belcher, R. King, O'Brien, Sprinkle, Leonard, Cooper, Walk, Dorn, Lewis, P. King, Brough, Winsley, Miller, Brekke and Spanel

Petitioning Congress to study the claims of veterans exposed to Agent Orange.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Joint Memorial No. 8031 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE BILL NO. 6238, by Senators Metcalf and Owen (by request of Department of Ecology)

Changing provisions relating to the authority of state agencies to administer part C of the federal safe drinking water act.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6238 was substituted for Senate Bill No. 6238 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6238.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6238, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Craswell, Talmadge - 2.

Excused: Senators Bender, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 6238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Mary Wiley
Journal Clerk
Secretary of the Senate's Office
306 Legislative Building
Olympia, Washington 98504

Dear Mary:

I was not present for the final passage of Substitute Senate Bill No. 6238 and would like to note for the Journal that I would have voted 'aye.' Your assistance in making this part of the Senate Journal would be appreciated.

PHIL TAMADGE
Senator, 34th District

SECOND READING

SENATE BILL NO. 6265, by Senators Metcalf, Kreidler and Lee

Establishing environmental excellence awards for solid waste reduction and recycling.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6265.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6265, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Fleming - 2.

SENATE BILL NO. 6265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6297, by Senators von Reichbauer, Moore, Kreidler and Johnson (by request of Department of Labor and Industries)

Revising investment policies for funds of the department of labor and industries.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 6297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6297.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6297, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Bender, Fleming - 2.

SENATE BILL NO. 6297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6674, deferred after the striking amendment by Senators Warnke, Fleming Talmadge, Vognlild, Williams, Conner, Moore and Niemi was ruled out of order February 15, 1988.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

*REMARKS BY SENATOR VOGNLILD

Senator Vognlild: "Thank you, Mr. President. I guess I'm disappointed, especially disappointed, this morning in the way this whole bill has been handled. This is the first time in this session that I feel as though the minority has absolutely and totally been shut out of this process. Basically, what has happened here is a bill was brought out here with a title on it that absolutely forbid amendments. When an amendment was placed on this side, which would have made this a good bill, it was ruled out of scope and object. The President had no choice because of the title. At that point in time, I made a motion to go to the ninth order of business, so that we could bring a title out here that we could actually debate a minimum wage on. At that point in time, this body adjourned.

"I came in this morning—we've been here twenty-two minutes—the first thing I looked at was the order of bills for floor action today to see where we were. I discovered that this bill is down about ten or twelve bills, so I felt we had a little bit of time to talk about it and determine what to do about it. No, that doesn't happen. We just suddenly jump to it and here we are and it's on third reading and we're running it.

"I hope we understand what we are doing. A minimum wage of \$4.70 an hour is required to simply bring a full time employee up to the poverty level. Now, we spend a lot of time on this floor and we hear a lot of rhetoric about how we want to get people off of welfare, about how we want to reduce our social programs, and what do we do? We come out with this bill at \$3.35, knowing full well the federal government, right now, is debating a minimum wage bill that will go higher than this. In other words, what we're doing is nothing. That's exactly what this bill does—nothing. Now, it's going to be extremely difficult for people to vote against it, because it increases the state's minimum wage from \$2.35 to \$3.35. Of course, we all know that the federal wage right now is \$3.35, which supercedes in this state, and covers a large number of our people, not all, but an extremely large number.

"Well, I, for one, am going to vote against it. I'm going to vote against it as a protest to the way it has been handled. I repeat, I'm extremely disappointed in this. I will vote against it for the way it's handled and because I think it's just a back door way to shut down this discussion and not really discuss what the people in this state, the workers in this state need. They need no less than \$4.24, which is what was sent over here from the House, but we were prevented from debating it. Senator Lee indicates we will have a hearing. Senator, I hope we'll also have a vote. I hope we'll have an opportunity to bring that bill to this floor and discuss what we really need if we mean to get people off of social programs."

Further debate ensued.

*REMARKS BY SENATOR MOORE

Senator Moore: "Mr. President, ladies and gentlemen. March 23, 1934, I started to work. I had one of the few jobs that remains the same today as it was then. For that work that I did, which was reading meters for Puget Sound Power and Light, I got a little less than fifty cents an hour. It figured out to maybe forty-eight or forty-nine cents.

"In those days, a loaf of bread was ten cents, eggs were ten cents and butter was ten to twelve cents. I bought my first automobile two years later—\$600—a new Ford. Now, anyway you want to cut this, if you look back, you'll notice that there's a twelve to thirteen times inflation factor, plus the fact that I got to take home all of my money, because there were no deductions in those days.

"Today, I calculate that the minimum wage should be somewhere in the neighborhood of \$8.00 to compensate for the deductions plus the multiplier of inflation. Although I'm going to vote for this, I'm ashamed to be in a society that is so greedy that we cannot allow people to have even a living wage, a minimum living wage."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6674.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6674, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Voting nay: Senators McCaslin, Vognild, Wojahn - 3.

Excused: Senator Bender - 1.

SENATE BILL NO. 6674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

*EDITOR'S NOTE: See motion by Senator Vognild later on in the day requesting the remarks by Senators Vognild and Moore on final passage of Senate Bill No. 6674 be included in the Journal.

SECOND READING

SENATE JOINT MEMORIAL NO. 8031, by Senators West, Smitherman, Lee, Owen, Warnke, Gaspard, Sellar, McDonald and McMullen

Requesting that the United States Congress pass legislation allowing states to collect sales tax on out-of-state mail order business.

The memorial was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Joint Memorial No. 8031 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8031.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8031, and the memorial passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Cantu - 1.

Excused: Senator Bender - 1.

SENATE JOINT MEMORIAL NO. 8031, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6318, by Senators von Reichbauer, Moore, Garrett and Rasmussen (by request of Insurance Commissioner)

Revising provisions on the cancellation and renewal of insurance policies.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6318 was substituted for Senate Bill No. 6318 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6318.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6318, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bender - 1.

SUBSTITUTE SENATE BILL NO. 6318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6319, by Senators von Reichbauer, Moore, Rasmussen, Kiskaddon and Zimmerman (by request of Insurance Commissioner)

Requiring notice to certain life insurance policyowners of the nonforfeiture benefits available.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6319 was substituted for Senate Bill No. 6319 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6319.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6319, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bender - 1.

SUBSTITUTE SENATE BILL NO. 6319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6320, by Senators von Reichbauer, Moore and Rasmussen (by request of Insurance Commissioner)

Revising insurance form and rate filing requirements.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following amendment by Senators Metcalf, Moore and von Reichbauer was adopted:

On page 3, after line 12, insert the following sections and renumber the remaining sections accordingly:

*Sec. 3. Section .19.03, chapter 79, Laws of 1947 and RCW 48.19.030 are each amended to read as follows:

Rates shall be used, subject to the other provisions of this chapter, only if made in accordance with the following provisions:

(1) In the case of insurances under standard fire policies and that part of marine and transportation insurances not exempted under RCW 48.19.010, manual, minimum, class or classification rates, rating schedules or rating plans, shall be made and adopted; except as to specific rates on inland marine risks individually rated, which risks are not reasonably susceptible to manual or schedule rating, and which risks by general custom of the business are not written according to manual rates or rating plans.

(2) In the case of casualty and surety insurances:

(a) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(b) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(3) Due consideration in making rates for all insurances shall be given to:

(a) ~~Past and prospective loss experience within ((and outside)) this state((and in the case of rates for fire insurance, to the loss experience of insurers as to insurance against fire during a period of not less than the most recent five-year period for which such experience is available)) for a period of not less than five years, except for private passenger auto which shall be for a period of not less than three years. If the information is not available or is not statistically credible, an insurer may use loss experience for those states which the commissioner finds are likely to produce experience similar to that which would reasonably be expected to be produced in this state.~~

(b) Conflagration and catastrophe hazards, where present.

(c) A reasonable margin for underwriting profit and contingencies.

(d) Dividends, savings and unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers.

(e) All other relevant factors within and outside this state.

(4) In addition to other factors required by this section, rates filed by an insurer on its own behalf may also be related to the insurer's plan of operation and plan of risk classification.

(5) Except to the extent necessary to comply with RCW 48.19.020 uniformity among insurers in any matter within the scope of this section is neither required nor prohibited.

Sec. 4. Section .19.04, chapter 79, Laws of 1947 as amended by section 14, chapter 32, Laws of 1983 1st ex. sess. and RCW 48.19.040 are each amended to read as follows:

(1) Every insurer shall, before using, file with the commissioner every manual of classifications, manual of rules and rates, and every rating plan as to surety insurances, and every rating schedule, minimum rate, class rate, and rating rule as to other insurances, and every modification of any of the foregoing which it proposes. The insurer need not so file any rate on individually rated risks as described in subdivision (1) of RCW 48.19.030; except that any such specific rate made by a rating organization shall be filed.

(2) Every such filing shall state its proposed effective date and shall indicate the character and extent of the coverage contemplated. ~~((When)) A filing ((is not)) shall be accompanied by ((the information upon which the insurer supports such filing, and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this chapter, he may require the insurer to furnish the information upon which it supports the filing)) sufficient supporting information to enable the commissioner to determine whether the filing meets the requirements of this chapter. An insurer ((may)) or rating organization shall offer in support of any filing:~~

(a) ~~((the)) its experience ((or judgment of the insurer or rating organization making the filing)) within the state of Washington;~~

(b) ~~its experience in other states reasonably expected to produce results similar to Washington;~~

(c) Its judgment;

(d) The experience of other insurers or rating organizations((:)); or

((c)) (e) Any other factors which the insurer or rating organization deems relevant. A filing and any supporting information shall be open to public inspection only after the filing becomes effective.

(3) When a filing is not accompanied by the information upon which the insurer supports the filing, and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this chapter, the commissioner may require the insurer to furnish the information upon which it supports the filing.

(4) Where a filing is required no insurer shall make or issue an insurance contract or policy except in accordance with its filing then in effect, except as is provided by RCW 48.19.090."

On motion of Senator Metcalf, the following title amendment was adopted:
On page 1, line 2 of the title, after "48.18.140," insert "48.19.030, 48.19.040."

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Senate Bill No. 6320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6320.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6320, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bender - 1.

ENGROSSED SENATE BILL NO. 6320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6412, by Senators von Reichbauer and Moore

Providing for the publication of the maximum interest rate that may be charged on retail installment contracts for the purchase of motor vehicles.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 6412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6412.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6412, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bender - 1.

SENATE BILL NO. 6412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8230, by Senators West and Moore

Reducing the liability for that portion of debt covered by the Washington life and disability insurance guarantee association.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Joint Resolution No. 8230 was substituted for Senate Joint Resolution No. 8230 and the substitute resolution was placed on second reading and read the second time.

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

On page 2, line 4, strike "guarantee" and insert "guaranty"

On page 2, line 5, strike "guarantee" and insert "guaranty"

On page 2, line 10, strike "guarantee" and insert "guaranty"

On page 2, line 11, strike "guarantee" and insert "guaranty"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 8230 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator West, if I understand what you're doing here, if the assessments that are paid by the stockholders to the guarantee fund go into the guarantee fund and the guarantee fund is adequate to satisfy all of the outstanding obligations of the policyholders, then the stockholders are off the hook. If the guarantee fund does not fully compensate the person who is the life insurance policy holder or other policy holder, I would presume that the stockholder would be liable to the extent that the guarantee fund did not cover that."

Senator West: "That's the way the bill report reads. Now, it's my understanding that the guarantee fund is made up by all the other insurance companies in the state of Washington and so if an insurance company fails, they all pay assessments into the guarantee fund and then they get that back as a deduction on their insurance premium tax."

Senator Talmadge: "I just wanted to make sure if the guarantee fund was not adequate to cover everybody, that the stockholders would still be liable and that your understanding was the same as mine."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Joint Resolution No. 8230.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8230, and the resolution passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Wajahn, Zimmerman - 45.

Voting nay: Senators Pullen, Vognild, Williams - 3.

Excused: Senator Bender - 1.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8230, having received the constitutional majority, was declared passed.

MOTION

At 9:12 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:16 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 6173, by Senators Kiskaddon, Wojahn, Deccio, Stratton, Johnson and Barr

Creating a department of health.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6173 was substituted for Senate Bill No. 6173 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6173.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6173, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Lee, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 41.

Voting nay: Senators Conner, Fleming, Hayner, Kreidler, McCaslin, Moore Williams - 7.

Excused: Senator Bender - 1.

SUBSTITUTE SENATE BILL NO. 6173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6430, by Senators McDonald, Gaspard and Patterson

Revising provisions concerning property tax levy rates.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6430 was substituted for Senate Bill No. 6430 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, I've heard that this has a potential of ballooning into a twenty million dollar deal in a few years and in effect, it's sort of a blackmail deal on the junior taxing districts--you don't do this or you'll have to pay. I'm not concerned with their fight with the cities and counties, but with the potential for the state entering into the blackmail deal and it costing a lot of money in future years. Is this correct?"

Senator McDonald: "Senator Rasmussen, if every city, and it's basically only cities that are grandfathered in this, were pre-LEOFF cities they can do this. If all of them did this and all of the counties were to the maximum and all of the junior taxing districts were bumping up against the \$9.15 limit, then the maximum we could go to is about four hundred thousand dollars per year. The potential that you eluded to--the twenty million dollar reduction--was if we don't do this bill. If we don't do this bill, and Raymond did as they did, then the reduction, because of uniformity, would cost us about twenty million dollars presently.

"Right now, Pacific County bought out that increase that they had. I'm having difficulty explaining this, because it is very complex, but Raymond bought out

what we're going to be authorized to do in this bill. If they had not, the reduction of our revenues, because of uniformity across the state, would be about twenty million dollars, so this bill prevents what you eluded to originally."

POINT OF INQUIRY

Senator Madsen: "Senator McDonald, if this is a way to solve the small counties fiscal problems by the state using general fund money, because this is interest that's going to be used, the general fund would be subsidizing and directing money to local governments. My question is, with local fire districts that have three different fifty cent levies, does this protect all of the three fire district fifty cent levies or only the fifty cent levy that's within the \$9.15?"

Senator McDonald: "Senator Madsen, I can't answer that question. If you need the answer to that question before you want to vote on this bill, I could ask Senator Newhouse to set it down, but I could not answer that question."

Further debate ensued.

FURTHER REMARKS BY SENATOR MCDONALD

Senator McDonald: "Senator Madsen, I do have a partial answer for that question. The first fifty cents is within the \$9.15."

Further debate ensued.

MOTION

On motion of Senator Gaspard, Senator Fleming was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6430.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6430, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Meicall, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Conner, Garrett - 2.

Excused: Senators Bender, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 6430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6703 and the pending amendment by Senators Talmadge and Lee on page 2, after line 29, deferred February 15, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Benitz, the President finds that Substitute Senate Bill No. 6703 is a measure requiring owners of underground facilities to subscribe to one-number locator services and exempting excavators from damages to underground facilities in certain circumstances.

"The amendment proposed by Senators Talmadge and Lee requires cities or towns to bury certain high voltage transmission lines.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Talmadge and Lee to Substitute Senate Bill No. 6703 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6703 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Benitz, the concern I have about the bill and the immunity that's conferred is that if you break into one of these underground wires and cut off electricity for a whole area and damage is done to property owners in the immediate area and damage is done in a variety of different ways, and I could give you some specific cases with which I'm familiar, this would immunize the person who is doing the excavation from any liability to any of those people, other than the person for whom they are actually doing the work?"

Senator Benitz: "Senator Talmadge, the PA system is not the best, so I don't think I heard all of the question, but I don't think it relieves anyone of the responsibility that's in the statutes now, but they do have to pay damages. Under these fibre optic cables, this thing is getting so that you could run into some tremendous law suits and I think this is a start by saying that they must be responsible and that they must have made application for the locators and all of those things. Now, I don't believe that it will do anything other than a bit more of what we've been doing with perhaps a little bit of protection."

Further debate ensued.

MOTIONS

On motion of Senator Zimmerman, Senator McDonald was excused.

On motion of Senator Bauer, Senator Gaspard was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6703.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6703, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Smith, Stratton, Vognild, von Reichbauer, West, Zimmerman - 33.

Voting nay: Senators Conner, Garrett, Halsan, Moore, Niemi, Pullen, Rinehart, Smitherman, Talmadge, Warnke, Williams, Wojahn - 12.

Excused: Senators Bender, Fleming, Gaspard, McDonald - 4.

SUBSTITUTE SENATE BILL NO. 6703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6340, by Senators McDonald, Talmadge and Newhouse

Revising transfer tax provisions.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6340.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6340, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator West - 1.

Excused: Senators Bender, Gaspard, McDonald - 3.

SENATE BILL NO. 6340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6263, by Senators McCaslin, Garrett, Zimmerman, Owen and Stratton

Changing procedures in first class cities for municipal utility hookup by private contractors.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6263 was substituted for Senate Bill No. 6263 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6263.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6263, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Anderson, Bailey, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, West - 29.

Voting nay: Senators Barr, Bauer, Benitz, Conner, Fleming, Garrett, Gaspard, Kreidler, McMullen, Moore, Niemi, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman - 19.

Excused: Senator Bender - 1.

SUBSTITUTE SENATE BILL NO. 6263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6191, by Senators Craswell, Wojahn and Garrett

Establishing local citizen substitute care review boards for juveniles.

MOTIONS

On motion of Senator Newhouse, Second Substitute Senate Bill No. 6191 was substituted for Senate Bill No. 6191 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Craswell, the following amendments by Senators Craswell and McDonald were considered simultaneously and adopted:

On page 6, line 24, after "than" strike "forty-five" and insert "one hundred and eighty"
On page 6, line 24, after "the" strike "case is assigned to the board under section 8 of this act and" and insert "child is removed from the home, unless the parents request an earlier review as provided for in accordance with this section."

On page 6, line 25, after "and" strike "subsequent" and insert "Subsequent"

On page 6, line 29, after "becomes final," insert "Parents may request one expedited review at least thirty days after the child is removed from the home and within the first one hundred eighty days after removal."

On motion of Senator Craswell, the following amendments by Senators Craswell and McDonald were considered simultaneously and adopted:

On page 17, after line 22, strike all of section 19 and insert the following:

* NEW SECTION. Sec. 19. This act shall be implemented only if specific funding, referring to this act by bill number, is provided in the omnibus appropriations act. If such specific funding is not provided by June 30, 1989, this act shall be null and void."

On page 18, beginning on line 1, strike all of section 22

MOTIONS

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

On page 1, line 2 of the title, after "RCW;" strike the remainder of the title and insert "creating a new section; and prescribing penalties."

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Craswell, this is a question with respect to the last of the amendments on page 6, line 29, where it says, 'After it becomes final.' There is one error in that amendment on the next to last line where there is a double the, which I assume the secretary will remove. The question I had of a more substantive nature, was about the circumstances under which the parents may request the expedited review. I presume that these amendments permit them only one request for an expedited review during that thirty to one hundred eighty-day period after the child is removed from the home, not a multiplicity of these kinds of requests."

Senator Craswell: "That was my intent, Senator Talmadge. Then, the child will be reviewed every six months as long as they are in the foster care system."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6191.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6191, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Talmadge, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 39.

Voting nay: Senators Conner, Hansen, Kreidler, Moore, Niemi, Rinehart, Smitherman, Vogt, Williams - 9.

Excused: Senator Bender - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6653, by Senators Deccio and Newhouse

Revising provisions on the lodgings tax.

MOTION

On motion of Senator Newhouse, Substitute Senate Bill No. 6653 was substituted for Senate Bill No. 6653 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6653 was deferred.

SECOND READING

SENATE BILL NO. 6717, by Senator Lee

Revising provisions on the housing trust fund.

The bill was read the second time.

MOTION

On motion of Senator Lee, the rules were suspended, Senate Bill No. 6717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6717.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6717, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDonald - 1.

Excused: Senator Bender - 1.

SENATE BILL NO. 6717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Zimmerman, Senator Bluechel was excused.

On motion of Senator Vognild, Senator Gaspard was excused.

SECOND READING

SENATE BILL NO. 6437, by Senators Deccio, Kreidler, Sellar, Fleming and Johnson

Changing provisions relating to the investment allowance for nursing homes.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6437 was substituted for Senate Bill No. 6437 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6437.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6437, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McDonald - 1.

Excused: Senators Bender, Bluechel, Gaspard - 3.

SUBSTITUTE SENATE BILL NO. 6437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. To the disbelievers on each side of the aisle, I wish to record a memorial historical event, that on Tuesday, February 16, at 11:28 a.m., Senator George Fleming complimented a Republican Senator."

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, a point of personal privilege. Just briefly, as most of you on this floor have witnessed, I'm a go along, get along type of individual. I have, more than once, as a matter of fact, more than I'd like to, complimented Republican Senators on this floor. Senator McCaslin, you just haven't deserved that compliment yet."

SECOND READING

SENATE BILL NO. 6182, by Senator McCaslin

Denying registration if contractor has previous unsatisfied judgment.

The bill was read the second time.

MOTION

Senator Brauer moved that the following amendment be adopted:

On page 2, after line 4, insert the following:

"Sec. 2. Section 8, chapter 77, Laws of 1963 as last amended by section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080 are each amended to read as follows:

No person engaged in the business or acting in the capacity of a contractor may bring or maintain any action in any court of this state for the collection of compensation for the performance of any work or for breach of any contract for which registration is required under this chapter without alleging and proving that he was a duly registered contractor and held a current and valid certificate of registration at the time he contracted for the performance of such work or entered into such contract. For purposes of this section, substantial compliance with this chapter is not recognized.

Debate ensued.

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

Further debate ensued.

MOTION

At 11:42 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Cherberg.

MOTION

On motion of Senator Vognild, and there being no objection, the remarks by Senators Vognild and Moore on final passage of Senate Bill No. 6674 will be included in the Senate Journal.

EDITOR'S NOTE: The remarks by Senators Vognild and Moore are included on the final passage of Senate Bill No. 6674 earlier today.

SECOND READING

SENATE BILL NO. 6519, by Senators Anderson, Smitherman, Deccio, Rasmussen, Hayner, Conner, Zimmerman, Craswell, Gaspard, Wojahn, Stratton, Johnson, Kiskaddon, von Reichbauer and Garrett

Changing provisions relating to the method of determining the depreciation base of certain nursing homes.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Anderson be adopted:

On page 3, after line 3, insert the following:

"NEW SECTION, Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1988, in the omnibus appropriations act, this act shall be null and void."

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, the purpose of this is to identify this particular place where an injustice was made and it's only this? I understood there

was some rumor that there were numerous homes involved, apparently only this one was tied down to this one case."

Senator McDonald: "Senator Rasmussen, this is not a hostile amendment. It is simply saying that we need to look at the entire appropriation and that we ought to be able to make a decision at that time, so it is not a hostile amendment. It's one that allows this bill to remain alive and then lets us have a decision sometime down the line."

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald and Anderson to Senate Bill No. 6519.

The motion by Senator McDonald carried and the amendment was adopted.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 6519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Talmadge, Senate Bill No. 6519 provides that a nursing home operator who can document in writing an agreement for the purchase of a nursing home dated prior to August 1, 1984, is entitled to have his Medicaid rate increased to reflect the fair market value of the assets at the date of purchase. I have distributed to the members a copy of a letter dated July 17, 1984, from Mr. Durwin Peterson to Mr. Everett Gimmake and Ms. Eileen Hansen regarding the possible purchase--possible purchase--of Pioneer Ridge Healthcare, Inc. In your opinion, does this letter constitute an agreement for the purchase of a nursing home within the meaning of this bill?"

Senator Talmadge: "Senator, I've had an opportunity to look at the letter and the letter would not constitute a formal contract. In the first instance, the letter does not contain a specific reference to the property, as is required by the Statute of Fraud in the state of Washington and second by its terms, the letter contemplates a further agreement beyond that which is contained in the letter, which must be entered into sometime in the future. The letter really amounts to an agreement to agree sometime in the future to convey the property. It does not appear to be what would normally be an enforceable contract under the law of this state."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6519.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6519, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Fleming, Kreidler, Niemi - 3.

Absent: Senator Owen - 1.

ENGROSSED SENATE BILL NO. 6519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6653, deferred on second reading earlier today.

MOTIONS

Senator McDonald moved that the following amendment by Senators McDonald and Deccio be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a class AA county and the legislative bodies of cities in such a county are each authorized to levy and collect a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

Sec. 2. Section 13, chapter 236, Laws of 1967 as last amended by section 3, chapter 483, Laws of 1987 and RCW 67.28.200 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the taxes authorized by RCW 67.28.180 ~~((and))~~; 67.28.182, and section 1 of this 1988 act. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city.

Sec. 3. Section 14, chapter 236, Laws of 1967 as last amended by section 1, chapter 308, Laws of 1986 and RCW 67.28.210 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180 and section 1 of this 1988 act shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism in distressed areas, as defined in RCW 43.165.010: PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986."

Senator Halsan moved that the following amendment to the amendment by Senators McDonald and Deccio be adopted:

On page 4, line 15 of the Deccio Amendment, after "1986" insert "PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes"

Debate ensued.

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

MOTION

On motion of Senator Bender, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Halsan on page 4, line 15, to the amendment by Senators McDonald and Deccio to Substitute Senate Bill No. 6653.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was adopted by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Anderson, Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Talmadge, Vogtild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, West, Zimmerman - 23.

Excused: Senator Owen - 1.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDonald and Deccio, as amended.

The motion by Senator McDonald carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Newhouse, the following title amendment was adopted
On page 1, line 5 of the title, after "cities;" strike the remainder of the title and insert "amending RCW 67.28.200 and 67.28.210; and adding a new section to chapter 67.28 RCW."

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 6653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6653.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6653, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Smith, Vognild - 2.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6182 and the pending amendment on page 2, line 4, by Senator Bauer, deferred earlier today after the demand for a roll call was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Bauer to Senate Bill No. 6182.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, Zimmerman - 24.

Absent: Senator West - 1.

Excused: Senator Owen - 1.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6182.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6182, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator West - 1.

Excused: Senator Owen - 1.

SENATE BILL NO. 6182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6574, by Senators Metcalf and Kreidler (by request of Washington State Parks and Recreation Commission)

Limiting liability of the parks and recreation commission regarding winter recreation activities.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Metcalf, as I understand it, the immunity that's now provided in the case of recreational property is provided where someone does not charge a fee for the use of that recreational property such as for hunting and a number of other kinds of outdoor activities. Is it contemplated that the lands about which we're talking, in this bill, are lands for which the owner will charge a fee to someone for their use?"

Senator Metcalf: "I think that Senator Bluechel might be better to answer that one. It is my opinion that the answer is 'no.'"

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Senator Talmadge, the primary purpose of the bill is to address itself to forest service land. Under the present arrangement, the majority of the trails, both snowmobile and cross country ski trails that are put out along with the snow parks are on forest service land—or the major part of the land is forest service land. They may go through other lands, because—say a trail is twenty or thirty miles long—you may pick up a whole series of lands. Wherever the people agree to use their land, there's no liability. There are some cases where the Parks Department actually pays to go over a certain section of land there, but their connection is basically on either the park and recreation lands, state land or forest service lands. The major issue here is forest service land and the Parks Department feels that it doesn't have a clean issue on that type of land."

Senator Talmadge: "What I'm getting at, I guess, is the question of whether somebody will be leasing these forest service lands and somebody will be charging someone else a fee for the opportunity to use snowmobiles or to do cross country skiing on this land."

Senator Bluechel: "This issue deals solely with Parks and Recreation groomed trails; it doesn't deal with private trails."

Senator Talmadge: "Well, will somebody be leasing that, though, and then in turn, charge someone a fee for using the land that has been leased, is what I'm getting at?"

Senator Bluechel: "To the best of my knowledge, 'no.'"

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6574.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6574, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Conner, Pullen, von Reichbauer - 3.

SENATE BILL NO. 6574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6575, by Senators Metcalf and Kreidler (by request of Washington State Parks and Recreation Commission)

Clarifying liability of the parks and recreation commission for ski lift inspection.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6575 was substituted for Senate Bill No. 6575 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 6575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6575

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6575, and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Saling, Sellar, Smith, Smitherman, Stratton, West, Zimmerman - 30.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Halsan, McMullen, Moore, Niemi, Pullen, Rasmussen, Rinehart, Talmadge, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 19.

SUBSTITUTE SENATE BILL NO. 6575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6321 and the pending amendment by Senators Rasmussen and McCaslin on page 1, line 7, deferred February 15, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Senate Bill No. 6321 is a measure which increases the value threshold for requiring a building permit from \$500 to \$1,500.

"The amendment proposed by Senators Rasmussen and McCaslin would provide that counties issue a building permit for construction of separate living quarters within an existing residence for persons related to the owner and principal occupant of the residence.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Rasmussen and McCaslin to Senate Bill No. 6321 was ruled out of order.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6321.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6321, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 6277 and the pending striking amendment by Senators Halsan and McMullen, deferred February 15, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Lee, the President finds that Second Substitute Senate Bill No. 6277 is a measure establishing the business and job retention program in the Department of Trade and Economic Development and providing funds for a study of state responses to plant closures and layoffs.

"The amendment proposed by Senators Halsan and McMullen provides for a similar business and job retention program and creates local reemployment support centers funded by a revised employer contribution rate for unemployment taxes.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Halsan and McMullen to Second Substitute Senate Bill No. 6277 was ruled out of order.

MOTIONS

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

On page 1, line 3 of the title, after "42.17 RCW;" insert "adding a new section to chapter 50.13 RCW;"

On motion of Senator Lee, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6277.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6277, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Hayner, McCaslin, Newhouse, Niemi, Patterson, Vognilid - 10.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6623, by Senators Barr, Owen, Bailey and Smith

Revising allocations for small school district capital construction.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 6623 was substituted for Senate Bill No. 6623 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Second Substitute Senate Bill No. 6623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6623.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6623, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SECOND SUBSTITUTE SENATE BILL NO. 6623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6350, by Senators Smith, Halsan, Zimmerman, West and Bauer

Establishing a civil penalty for killing or injuring a guide or service dog.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6350 was substituted for Senate Bill No. 6350 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6350 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6350.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6350, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6339, by Senators Kiskaddon, Stratton, Craswell, Wojahn, Garrett, Kreidler, Bailey and McDonald (by request of Department of Social and Health Services)

Clarifying certain provisions governing the relinquishment and adoption of children.

The bill was read the second time.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6339.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6339, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6741, by Senators Metcalf, Kreidler and Sellar

Relating to storage tanks.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6741 was substituted for Senate Bill No. 6741 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the following amendment by Senators Metcalf and Kreidler was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to develop a comprehensive storage tank management and cleanup program for tanks containing petroleum and regulated substances. The legislature finds that planning and development of these programs must begin as early as possible in order to meet federal and state requirements and address public health and safety issues related to underground storage tanks. The legislature further finds that the economic well-being of small businesses in the state that own or operate petroleum storage tanks is dependent on a clear state policy and an adequate state program.

Further, the legislature finds that additional information is necessary before developing specific standards for a regulatory and cleanup program and addressing the requirements for financial responsibility mandated in 42 U.S.C. Sec. 6991b.(d). The legislature intends for a state underground petroleum storage tank program to include at a minimum, requirements for tank installation, leak detection, operational recordkeeping, reporting of leaks, corrective action, upgrading of existing underground storage tanks, tank closure, sufficient funding to meet federal financial responsibility requirements and any other provision necessary for compliance with federal underground storage tank laws.

In addition, the legislature finds that affordable private methods of ensuring financial responsibility are likely to not be available and it is necessary to study the development of risk retention pools to aid underground petroleum storage tank owners and operators to meet federal financial responsibility requirements and provide moneys for corrective action.

It is the intent of this act to develop and implement these programs by June 1, 1989.

NEW SECTION. Sec. 2. There is hereby created the joint select committee on storage tanks. The committee shall consist of six members from the senate appointed by the president of the senate and six members from the house of representatives, appointed by the speaker of the house of representatives. The committee shall include equal numbers of members from the majority and minority parties of each house.

The committee shall seek input from persons and organizations representing major petroleum companies, agriculture, environmental protection, petroleum jobbing, vehicle sales and repair firms, insurance underwriting, gasoline retailing, cities, counties, other units of local government, fuel oil retailing, the general business community, and the public. The committee shall use staff from the senate committees on environment and natural resources and ways and means and the house of representatives committees on environmental affairs and ways and means. The department of ecology, department of general administration, and the insurance commissioner shall provide necessary staff and resources to assist the committee in carrying

out its purpose and preparing to implement programs recommended by the joint select committee on or before June 1, 1989.

The committee shall report its findings and recommendations to the senate committees on environment and natural resources and ways and means and the house of representatives committees on environmental affairs and ways and means by December 10, 1988.

NEW SECTION. Sec. 3. The committee shall make recommendations on topics including, but not limited to the following:

(1) Elements of an underground storage tank regulatory program necessary to meet the requirements of 42 U.S.C. Sec. 6991b.(d) and to allow full delegation of the federal program to the state. The committee shall determine and report on any circumstances under which it may be advisable to develop standards and requirements more stringent than those provided in federal regulations;

(2) Provisions necessary to implement a state-wide underground petroleum storage tank program including preemption of local laws governing the regulation of tanks, but which allow for local programs that address environmentally sensitive areas;

(3) Financial responsibility requirements for underground petroleum storage tanks. The requirements shall meet federal financial responsibility provisions mandated pursuant to 42 U.S.C. Sec. 6991b.(d);

(4)(a) The cost of administering a state storage tank program;

(b) The method of funding program administration and limitations on fees charged by local governments for tank operating regulations; and

(c) Revenue sharing by the department of ecology with local governments for local administration of a program;

(5) The method by which implementation and operation of storage tank programs will be coordinated between state and local government; and

(6) A timetable for implementing a state program by June 1, 1989.

NEW SECTION. Sec. 4. The committee shall also make recommendations on topics including, but not limited to, the following:

(1) Methods of providing owners and operators of underground petroleum storage tanks with a tank owner or operator funded program to assure compliance with federal financial responsibility requirements under 42 U.S.C. Sec. 6991b.(d) and to limit the state's liability;

(2) One or more risk retention pools designed to provide financial responsibility for owners and operators who cannot obtain adequate and reasonably priced private insurance;

(3) Estimates of the costs of administering any risk retention pools recommended by the joint select committee;

(4) Ways to ensure that owners and operators of tanks eligible to obtain funds from the risk retention pools will comply with the applicable state storage tank standards;

(5) Adequate means of ensuring that the state will have the necessary resources to address the obligation of the risk retention pools in the event that regular contributions are insufficient, including but not limited to a petroleum products tax;

(6) Adequate yet reasonable contributions from the owner or operator to ensure that there will be adherence to the standards for federal financial responsibility developed under 42 U.S.C. Sec. 6991b.(d); and

(7) A timetable for implementation of the risk retention pools by June 1, 1989.

NEW SECTION. Sec. 5. (1) By December 10, 1988, the department of ecology shall provide a report to the legislature on the following:

(a) An inventory of above-ground tanks containing petroleum in existence in this state, their sizes, location, types, and products stored therein;

(b) An analysis of the current practices and requirements applicable to above-ground storage tanks containing petroleum, including an examination of any causes of releases from such tanks and appropriate response;

(c) Recommendations for a cleanup program, if necessary, to protect the public health and environment, along with proposals for adequate funding sources; and

(d) Recommendations for a state program, if necessary for the installation, operation, and closure of above-ground storage tanks.

(2) For the purposes of this study and notwithstanding the provisions of chapter 34.04 RCW, the department, with the advice of the joint select committee established in section 2 of this act, shall develop a definition of above-ground petroleum storage tanks except that the definition shall not include barrels or drums commonly used for the transportation and temporary storage of petroleum products.

(3) In carrying out the study, the department may require a person, firm, corporation, or government entity other than a federal government entity, to respond to requests for information necessary to meet the requirements of this study.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

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

On page 1, line 1 of the title, after "tanks;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 6741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Metcalf, in just perusing the first part of the bill, there are many references to business storage tanks--this sort of thing. What I'm wondering about, is whether or not the study will address the question of many home owners that have buried storage tanks in their back yards? I just want to make sure that that is taken into consideration in the study, if it is not."

Senator Metcalf: "It is my opinion that it is, but I will let Senator Kreidler respond."

REMARKS BY SENATOR KREIDLER

Senator Kreidler: "Senator Patterson, this is a very encompassing study that is going to consider not only the private business storage tanks, but it will also include those of cities, counties, local government, and will also include the ones that are the private home owners oil storage tanks. It's a very encompassing study, because underground storage tank leakage is a very profound problem in our society, and the study and recommendations are going to be inclusive of all of those factors."

Senator Patterson: "The reason I raised the question, Senator Kreidler, is that if it's determined through the study that something is going to have to be done about all those back yard storage tanks, there's going to be some major costs involved for home owners. I think they ought to recognize that fact, because I know of many in my community that have large thousand gallon tanks buried for use of home fuel oil and that the cost of doing something about that will be expensive."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6741.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6741, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtnild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6474, by Senator McCaslin

Requiring continuing education for real estate brokers and salespeople.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6474 was substituted for Senate Bill No. 6474 and the substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendment be adopted:

On page 1, beginning on line 4, strike section 1 and renumber the remaining sections consecutively

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator McCaslin, where do you take this thirty hours--at a convention in Hawaii--to qualify for that thirty hours? We have to pay the hotel/motel tax some way, so with all these conventions, is that where you are taking your studies or do you go to a legitimate school for your thirty hours of study?"

Senator McCaslin: "The last course I took was in a wheat field in Ritzville, but I don't want to get into that, Senator. No, I've been to Seattle. When I was a realtor, which I am no longer a realtor, I'm a real estate broker. I don't belong to the realtors, the Washington Association of Realtors, but when I was, I took three courses in Seattle. I also have taken courses at the community college in Spokane--that was offered by the community college. You also have private schools that you can attend to take these courses, so it's both the public sector and a private sector opportunity. Does that answer your question, Senator? I have never--never--taken a course in Hawaii, darn it."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams to Substitute Senate Bill No. 6474.

The motion by Senator Williams failed and the amendment was not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6474.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6474, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 41.

Voting nay: Senators Bauer, Gaspard, Hansen, Kreidler, Moore, Niemi, Williams - 7.

Absent: Senator Vogt - 1.

SUBSTITUTE SENATE BILL NO. 6474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5558, by Senators Gaspard, Bauer, Bailey, Smitherman, Benitz, Barr, McDonald, Bender, Craswell, Conner, Rasmussen, Kreidler, Williams, Hayner, Nelson, West and von Reichbauer

Providing grants to Washington state scholars attending independent colleges or universities.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5558 was substituted for Engrossed Senate Bill No. 5558 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5558.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5558, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Bender, DeJarnatt, Patterson, Rinehart, West - 5.

Absent: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6252, by Senators Halsan and Talmadge

Revising enforcement provisions for failure to comply with traffic infraction laws.

MOTIONS

On motion of Senator Pullen, Substitute Senate Bill No. 6252 was substituted for Senate Bill No. 6252 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Pullen, the rules were suspended, Substitute Senate Bill No. 6252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6252.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6252, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6643, by Senators Lee and Moore

Amending business and occupation tax deductions.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6643 was substituted for Senate Bill No. 6643 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Lee, what is the definition of a non-profit professional organization? The words in the bill on line 6, refer to a non-profit trade or professional organization. Is there a distinction between a non-profit trade organization and a non-profit professional organization and if so, could you give me an example of one of each?"

Senator Lee: "There is not necessarily a difference as far as the application of this particular proposed statute is concerned. The difference between a trade and a professional organization—a professional organization would be something like a group of dentists, doctors, chemists, something of this sort, mechanical engineers. A trade organization would be something that is a group of persons such as those who are in retail clothing, motor boats, those sorts of things."

Senator Pullen: "So, this bill would not pick up other kinds of non-profit organizations such as charitable organizations or educational non-profit organizations?"

Senator Lee: "In my opinion, it would not. It is really addressing itself to those two kinds and in those situations where they are actually holding trade shows."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6643.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6643, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6452, by Senators Rinehart, Bailey and Lee

Providing for the study of American sign language to meet foreign language graduation requirements.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6452 was substituted for Senate Bill No. 6452 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6452.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6452, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Anderson, Bailey, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Barr - 1.

Absent: Senators Bauer, Bender - 2.

SUBSTITUTE SENATE BILL NO. 6452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Benitz: "Mr. President, a point of personal privilege. I've just received the news from the Department of Energy that the N Reactor will not be restarted. It will be defueled and put in cold stand-by and that means that if it is ever restarted, it will take a number of years. It indicates it will have to have new personnel, so it

means that in the near future we will be losing from three thousand to twelve thousand jobs, so certainly it will have an effect on the state."

SECOND READING

SENATE BILL NO. 6240, by Senators Warnke and Metcalf

Establishing a wild mushroom harvesting program.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6240 was substituted for Senate Bill No. 6240 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 6240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hayner: "Senator Metcalf, does this only apply to the gathering of mushrooms on state property, that which is public land?"

Senator Metcalf: "Oh, I believe so, let me see. It says, 'Addresses the commercial harvesting of mushrooms from trust lands.' That is correct. I'm sorry, Senator Hayner, I'm not sure that that is correct. That was from another part. I will look that up and get back to you, but I'm not positive."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6240.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6240, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6466, by Senator Vognlild

Revising retirement benefit calculation for certain county employees.

MOTIONS

On motion of Senator Vognlild, Substitute Senate Bill No. 6466 was substituted for Senate Bill No. 6466 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognlild, the rules were suspended, Substitute Senate Bill No. 6466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6466.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6466, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 6466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6531, by Senators Niemi, Kiskaddon, Stratton, Garrett, Bauer, Fleming, McMullen and Talmadge

Making appropriations to department of social and health services for payment rate increases for day care services and a day care subsidy program.

The bill was read the second time.

MOTIONS

On motion of Senator Niemi, the following amendments by Senators Niemi and McDonald were considered simultaneously and adopted:

On page 1, line 14, after "1989," strike everything down through "thereof" on line 16 and insert "so much"

On page 2, line 3, after "1989," strike everything down through "thereof" on line 4 and insert "so much"

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 6531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6531.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6531, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Craswell - 1.

ENGROSSED SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6460, by Senators Smith, Bailey, Kiskaddon, Benitz, Craswell, Lee and Anderson

Prohibiting the use of tobacco on school property.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 1, line 12, after "effect" strike "January 31, 1989" and insert "September 1, 1989"

Senator Madsen moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 6, after "smoking" strike everything down through "students" on line 8

On page 1, line 9, after "students" strike "or staff"

On page 1, line 10, after "students" strike "and staff"

Debate ensued.

The president declared the question before the Senate to be the adoption of the amendments by Senator Madsen to Senate Bill No. 6460.

The motion by Senator Madsen failed and the amendments were not adopted.

MOTIONS

Senator Kreidler moved that the following amendment be adopted:

On page 1, line 9, after "staff" strike "on school property" and insert "in school buildings"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kreidler to Senate Bill No. 6460.

The motion by Senator Kreidler failed and the amendment was not adopted.

MOTIONS

Senator Bender moved that the following amendment be adopted:

On page 1, line 9, after "property" insert ", with the exception of areas used by a school district for an alternative school"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bender to Senate Bill No. 6460.

The motion by Senator Bender carried and the amendment was adopted.

MOTIONS

Senator Nelson moved that the following amendment by Senator Hayner be adopted:

On page 1, line 9, after "property" insert "during school hours"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hayner to Senate Bill No. 6460.

The motion by Senator Nelson failed and the amendment by Senator Hayner was not adopted.

MOTIONS

Senator Gaspard moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to Title 28A RCW to read as follows: Each school district board of directors shall adopt a written policy regarding tobacco use by students and staff on school property."

Debate ensued.

MOTIONS

Senator West moved that the following amendment to the amendment by Senator Gaspard be adopted:

On page 1, line 6 of the Gaspard Amendment, strike "regarding" and insert "prohibiting"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 1, line 6, to the amendment by Senator Gaspard to Senate Bill No. 6460.

The motion by Senator West carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gaspard, as amended, to Senate Bill No. 6460.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard, as amended, to Substitute Senate Bill No. 6460.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Sellar, Smith, von Reichbauer, West, Zimmerman - 24.

MOTIONS

On motion of Senator Gaspard the following title amendment was adopted:
On page 1, line 2 of the title, after "Title 28A RCW, strike "; and providing an effective date"

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 6460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Smith, I'm reading this bill and reading the amendment and it says, 'public schools,' but I was curious in your thoughts if it would extend itself to public higher educational facilities?"

Senator Smith: "I think you're in the wrong RCW, this pertains to public schools, K through 12. It does not apply to higher education."

Senator Vognild: "So, you're talking strictly K through 12, strictly public? It would not apply to any private schools in the K-12 area?"

Senator Smith: "I've never found a private school yet, that allowed smoking, but we'd certainly amend that in the House if we found it."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6460.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6460, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 6460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6534, by Senator Talmadge

Authorizing school employees to perform catheterization.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6534 was substituted for Senate Bill No. 6534 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the following amendments by Senators Bailey and Talmadge were considered simultaneously and adopted:

On page 1, line 14, after "instruction" insert "and the state board of practical nursing"

On page 2, line 5, after "18.71," insert "18.78."

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 6534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6534.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6534, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith,

Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5156, by Committee on Parks and Ecology (originally sponsored by Senators Bluechel, Kreidler and Garrett)

Exempting class AA counties from state flood controls.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5156.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5156, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 5156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 5669, by Senators Wojahn and Deccio

Providing for certification of dietitians and nutritionists.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5669 was substituted for Senate Bill No. 5669 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the following amendments by Senators von Reichbauer and Warnke were considered simultaneously and adopted:

On page 3, line 3, after "agency" and before the semicolon, insert "or colleges and universities approved by the director in rule"

On page 3, line 23, after "degree" insert "one of the following subject areas:"

On page 3, line 26, after "agency" and before the period, insert "or colleges and universities approved by the director in rule"

MOTIONS

On motion of Senator Wojahn, the following amendments by Senators Wojahn and Deccio were considered simultaneously and adopted:

On page 4, line 35, after "chapter," strike "Three" and insert "Two"

On page 5, line 2, after "appointments," strike "The fourth member of the committee shall be a certified nutritionist who has been engaged in the provision of general nutrition services for at least five years immediately preceding his or her appointment." and insert "Two members of the committee shall be certified nutritionists who have been engaged in the provision of general nutrition services for at least five years preceding their appointments."

On motion of Senator Wojahn, the following amendments by Senators Wojahn and Deccio were considered simultaneously and adopted:

On page 5, after line 29, insert the following:

***NEW SECTION.** Sec. 9. This chapter does not require or prohibit individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization to provide benefits or coverage for services and supplies provided by a person certified under this chapter.

NEW SECTION. Sec. 10. In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.04 RCW necessary to implement this chapter;

(2) Establish forms necessary to administer this chapter;

(3) Issue a certificate to an applicant who has met the requirements for certification and deny a certificate to an applicant who does not meet the minimum qualifications;

(4) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and hire individuals, including those certified under this chapter, to serve as consultants as necessary to implement and administer this chapter;

(5) Maintain the official departmental record of all applicants and certificate holders;

(6) Conduct a hearing, pursuant to chapter 34.04 RCW, on an appeal of a denial of certification based on the applicant's failure to meet the minimum qualifications for certification;

(7) Investigate alleged violations of this chapter and consumer complaints involving the practice of persons representing themselves as certified dietitians or certified nutritionists;

(8) Issue subpoenas, statements of charges, statements of intent to deny certifications, and orders and delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements on intent to deny certifications;

(9) Conduct disciplinary proceedings, impose sanctions, and assess fines for violations of this chapter or any rules adopted under it in accordance with chapter 34.04 RCW;

(10) Set all certification, renewal, and late renewal fees in accordance with RCW 43.24.086; and

(11) Set certification expiration dates and renewal periods for all certifications under this chapter."

Renumber the sections consecutively and correct any internal references accordingly.

On page 10, line 18, strike "8" and insert "10"

On motion of Senator Wojahn, the following amendments by Senators Wojahn and Rasmussen were considered simultaneously and adopted:

On page 5, after line 29, insert the following:

***NEW SECTION.** Sec. 9. Nothing in this 1988 act shall be construed to apply to owners, operators or employees of health food stores provided the owners, operators or employees do not represent themselves to be certified dietitians or certified nutritionists."

Renumber the remaining section consecutively.

On page 10, line 18, after "through" strike "8" and insert "9"

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5669.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5669, and the bill passed the Senate by the following vote: Yeas, 42; nays, 0; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Kiskaddon, McCaslin, McDonald, Pullen, von Reichbauer - 0.

Absent: Senator Vognild - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6476, by Senators McCaslin, Halsan, Zimmerman and Garrett
Revising provisions for abandoned property held by local governments.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6476.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6476, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smithe, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator West - 1.

SENATE BILL NO. 6476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6394, by Senators Craswell and Bailey

Providing for the option to elect school district directors by director district.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6394 was substituted for Senate Bill No. 6394 and the substitute bill was placed on second reading and read the second time.

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

On page 1, after line 24, insert the following:

NEW SECTION, Sec. 5. Effective September 1, 1988, through August 31, 1989, any second class school district previously divided into directors' districts may return to the system of directors running at-large pursuant to the provisions of section 2 of this act.

NEW SECTION, Sec. 6. (1) Upon receipt of a motion adopted by the board of directors or a written petition signed by at least twenty percent of the registered voters of a second class school district previously divided into directors' districts, which motion or petition shall request a return to the system of directors running at-large within the district, an educational service district superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted, and the returns canvassed as in regular school district elections.

(2) If approval of a majority of those registered voters voting in the election is acquired, at the expiration of terms of the incumbent directors of such school district, their successors shall be elected at-large.

NEW SECTION, Sec. 7. Sections 5 and 6 of this act do not apply to any school district of the first class nor to any second class school district otherwise eligible under RCW 28A.57.415 to return to the system of directors running at-large.

NEW SECTION, Sec. 8. Sections 5, 6 and 7 of this act shall expire September 1, 1989."

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 6394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6394.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6394, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6462, by Senator Nelson (by request of Sentencing Guidelines Commission)

Making technical corrections on procedures for sentencing adult felons.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6462 was substituted for Senate Bill No. 6462 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6462.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6462, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Absent: Senator Zimmerman - 1.

SUBSTITUTE SENATE BILL NO. 6462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6432, by Senators Hansen, Barr, Halsan, Benitz and Bauer

Amending provisions for agricultural livestock liens.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6432 was substituted for Senate Bill No. 6432 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6432.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6432, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6693, by Senators Pullen and Rinehart

Providing for the allocation of moneys to the University of Washington on behalf of students attending an early entrance or transitional program.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6693 was substituted for Senate Bill No. 6693 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6693.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6693, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6562, by Senators Bailey, Gaspard, Warnke, Patterson, Deccio, Barr and Garrett

Changing the custodian of the revolving fund for the agricultural research facility at the Rainier school farm at Washington State University.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6562.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6562, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6495, by Senators McDonald and Kreidler

Revising administrative provisions on taxes.

MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 6495 was substituted for Senate Bill No. 6495 and the substitute bill was placed on second reading and read the second time.

MOTION FOR SPECIAL ORDER OF BUSINESS

Senator Newhouse moved that Substitute Senate Bill No. 6410 be made a special order of business for 4:59 p.m.

Senator Vognild objected to the motion to make Substitute Senate Bill No. 6410 a special order of business.

MOTION

Senator Talmadge moved that the Senate advance to the ninth order of business in order to relieve the Committee on Ways and Means from further consideration of Senate Bill No. 6215 and that Senate Bill No. 6215 be referred to the Committee on Rules.

POINT OF ORDER

Senator Newhouse: "Mr. President, what's the order of the motion? What's the ranking of the motion--my motion to set a special order of business?"

REPLY BY THE PRESIDENT

President Cherberg: "The question before the Senate is a motion by Senator Newhouse, that Substitute Senate Bill 6410 be made a special order of business at 4:59 p.m."

MOTIONS

At 5:01 p.m., Senator Bauer made a motion that the Senate adjourn until 10:00 a.m., Wednesday, February 17, 1988.

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

PARLIAMENTARY INQUIRY

Senator Vognild: "Would the President tell me what time it is?"

REPLY BY THE PRESIDENT

President Cherberg: "It's two minutes after five."

MOTION

On motion of Senator Bauer, and there being no objection, the motion to adjourn was withdrawn.

The President declared the question before the Senate to be the motion by Senator Newhouse to make Substitute Senate Bill No. 6410 a special order of business for 4:59 p.m.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. How can you make a special order of business for 4:59 when the time is passed?"

REPLY BY THE PRESIDENT

President Cherberg: "Well, we have a precedence, Senator."

Senator Rasmussen: "We passed the time for accepting that motion. You can't make a special order for 4:59, when it is now 5:03 or 5:04."

President Cherberg: "That is true, but on many occasions, through precedent, we have permitted one bill."

Senator Rasmussen: "Begging the President's pardon, the time is gone by, and he's saying he wants a special order for 4:59, now it's 5:04. It would be out of order anyway."

President Cherberg: "Well, the Democrats were just a little smoother than the Republicans, in that particular matter."

Senator Rasmussen: "It doesn't matter whether they are Republican or Democrat, they have to go by the clock."

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

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse to make Substitute Senate Bill No. 6410 a special order of business at 4:59 p.m.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse to make Substitute Senate Bill No. 6410 a special order of business carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

MOTION

On motion of Senator Talmadge, and there being no objection, the motion to advance to the ninth order of business was withdrawn.

POINT OF ORDER

Senator Vognild: "A point of order, Mr. President. At the time that the motion was made, we were working on Substitute Senate Bill No. 6495. The President has customarily ruled that if we were working on a bill before five o'clock, we could, in fact, finish not more than one bill. Is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the selection should be one of the two bills, Substitute Senate Bill No. 6410 or Substitute Senate Bill No. 6495."

MOTION

Senator Newhouse moved that the Senate commence consideration of Substitute Senate Bill No. 6410.

PARLIAMENTARY INQUIRY

Senator Hansen: "We were already on Substitute Senate Bill No. 6495, why wouldn't it be right to finish that bill, beings we were in the middle of it? It has already been substituted?"

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, concurring with your past rulings, if we were working on a bill, which would be Substitute Senate Bill No. 6495, I would agree with Senator Hansen, that that would be—it isn't the case where we could pull it out of the hat, we were working on that bill. Substitute Senate Bill No. 6495 had already been stated."

REPLY BY THE PRESIDENT

President Cherberg: "You've influenced the President. We'll work both bills. We'll continue on Substitute Senate Bill No. 6495 and then Substitute Senate Bill No. 6410."

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6495, under consideration on second reading before the motion for a special order of business, earlier today.

MOTION

Senator Hansen moved that the following amendment be adopted:

On page 3, after line 26, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 82.32 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, if a person receives written instructions from an employee of the department, acting within the scope of his or her authority and duties, that a business activity taxable under chapter 82.04 RCW is to be reported under a particular tax classification, or the instruction otherwise relates to taxation of that person under that chapter, the department shall not thereafter assess taxes in a manner inconsistent with the written instructions, except on a prospective basis. This section applies only if:

(a) The written instructions are based on all material facts concerning the person's business activities;

(b) Later instructions from the department are inconsistent with the written instructions;

(c) The person takes action on the faith of the written instructions; and

(d) The person would be damaged, on a retroactive basis, if the department were to act contrary to its earlier written instructions.

(2) The prevailing party in any litigation under chapter 82.04 RCW, in a court of competent jurisdiction, shall be entitled to reasonable attorneys' fees."

Remember the remaining sections consecutively and correct internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hansen on page 3, after line 26, to Substitute Senate Bill No. 6495.

The motion by Senator Hansen carried and the amendment was adopted.

MOTIONS

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

On page 14, line 12, strike "and received by the owner or person responsible for payment of taxes on any property"

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

On page 1, line 6, after ".140;" insert "adding a new section to chapter 82.32 RCW:"

MOTION

On motion of Senator McDonald the rules were suspended, Engrossed Substitute Senate Bill No. 6495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6495.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6495, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 48.

Absent: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6410, deferred on second reading, February 11, 1988.

MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson and Warnke was adopted:

On page 8, after line 33, insert the following:

"Sec. 11. Section 18, chapter 121, Laws of 1965 ex. sess. as amended by section 13, chapter 170, Laws of 1969 ex. sess. and RCW 46.20.205 are each amended to read as follows:

Whenever any person after applying for or receiving a driver's license ((shall)) or identificard moves from the address named in ((such)) the application or in the license or identificard issued to him or her or when the name of a licensee or holder of an identificard is changed by marriage or otherwise ((such)), the person shall within ten days thereafter notify the department in writing on a form provided by the department of his or her old and new addresses or of such former and new names and of the number of any license then held by him or her. The written notification is the exclusive means by which the address of record maintained by the department concerning the licensee or identificard holder may be changed. Any notice regarding the cancellation, suspension, revocation, probation, or nonrenewal of the driver's license, driving privilege, or identificard mailed to the address of record of the licensee or identificard holder is effective notwithstanding the licensee's or identificard holder's failure to receive the notice.

Renumber the remaining sections accordingly.

Senator Talmadge moved that the following amendment be adopted:

On page 8, after line 33, insert the following:

NEW SECTION. Sec. 11. The legislature finds that county and city governments are in need of funding to offset the costs of the enforcement of laws prohibiting driving while intoxicated or impaired. The legislature further finds that it is necessary for some cities and counties to receive additional funds in the form of state grants to provide for the equal administration of justice to traffic offenders and to ensure the safety of persons using the public highways of the state. It is the intent of the legislature that the state grants shall be awarded on the basis of the local jurisdiction's rate of performance in completing adjudication of arrests.

NEW SECTION. Sec. 12. From funds appropriated in section 15 of this act, the traffic safety commission shall distribute grants to cities and counties to enhance the apprehension, prosecution, and adjudication of serious traffic offenses. "Serious traffic offenses," as used in sections 12 through 14 of this act, means driving or being in physical control of a motor vehicle while under the influence of or impaired by intoxicating liquor or drugs. "Commission" means the traffic safety commission.

NEW SECTION. Sec. 13. (1) The commission shall establish an advisory committee to establish eligibility and evaluation criteria for the distribution of grants made under section 12 of this act. The committee shall consist of:

(a) Two prosecuting attorneys selected by the Washington association of prosecuting attorneys;

(b) One municipal attorney and one elected municipal official selected by the association of Washington cities;

(c) One elected county official selected by the Washington state association of counties;

(d) The administrator for the courts or the administrator's designee;

(e) A representative selected by the Washington state patrol; and

(f) A representative of law enforcement selected by the Washington association of sheriffs and police chiefs.

(2) Members of the advisory committee shall be appointed within thirty days of the effective date of this section.

(3) Members of the advisory committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 14. (1) The criteria developed by the commission and the advisory committee under section 13 of this act shall not be based on need. Instead, the criteria shall be based on reliable data measuring performance in the apprehension, prosecution, and adjudication of serious traffic offenses. The criteria shall recognize the higher relative enforcement costs borne by smaller units of government. The criteria shall also include a minimum grant amount to eliminate jurisdictions in which case volume and funding need is minimal. Cities not operating a municipal court are not eligible for grants under section 12 of this act.

(2) Before adoption by the commission, the criteria shall be presented to the appropriate committees of the legislature for review and comment. After adoption, the criteria shall be applied to performance data for the period August 1988 through December 1988. The grants shall be distributed before June 30, 1989.

(3) The grants shall be made to the legislative authority of the city or county for appropriation by the legislative authority to enhance effective apprehension, prosecution, and adjudication of serious traffic offenses. Each jurisdiction receiving a grant under this section shall establish an advisory committee to recommend expenditures from the grant moneys. The advisory committee shall include representatives of the executive, legislative, and judicial branches of the local government.

NEW SECTION. Sec. 15. (1) There is appropriated from the public safety and education account for the biennium ending June 30, 1989, the sum of one million dollars, or so much thereof as may be necessary, for the purposes of section 12 of this act. It is the intent of the legislature that the amount appropriated under this section not exceed the remaining balance in the public safety and education account on June 30, 1989.

(2) Not more than thirty-five thousand dollars of this appropriation may be spent by the commission for administrative purposes.

NEW SECTION. Sec. 16. Sections 11 through 14 of this act shall expire on December 31, 1989.

NEW SECTION. Sec. 17. Sections 11 through 16 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the section following consecutively.

POINT OF ORDER

Senator Smith: "Mr. President, I rise to a point of order. I'd like to have you rule on scope on this amendment. I believe it's out of scope. It appropriates monies that are to be given counties and it relates to new programs not mentioned in the bill."

Further debate ensued.

MOTION

At 5:27 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:41 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6410 and the pending amendment by Senator Talmadge on page 8, after line 33, under consideration before the Senate went at ease.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Smith, the President finds that Substitute Senate Bill No. 6410 is a measure which revokes the driving privileges of certain juveniles found to have committed an offense involving the unlawful use of intoxicating liquor, controlled substances, legend drugs or imitation controlled substances.

"The amendment proposed by Senator Talmadge would appropriate funds to the Traffic Safety Commission to distribute grants to cities and counties to apprehend, prosecute and adjudicate the offenses of driving a motor vehicle while under the influence of intoxicating liquor or drugs.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Talmadge to Substitute Senate Bill No. 6410 was ruled out of order.

MOTIONS

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

On page 1, line 1 of the title, after "RCW 46.04.480" insert ", 46.20.205."

On motion of Senator Newhouse the rules were suspended, Engrossed Substitute Senate Bill No. 6410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6410.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6410, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Owen, Warnke - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:49 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, February 17, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 17, 1988

The Senate was called to order at 10:00 a.m. by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Kara Condon and Eric Leonard, presented the Colors. Reverend Richard Hart, senior pastor of the Olympia Baptist Church, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 15, 1988

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1284,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1301,

ENGROSSED HOUSE BILL NO. 1354,

SUBSTITUTE HOUSE BILL NO. 1370,

HOUSE BILL NO. 1371,

HOUSE BILL NO. 1418,

SUBSTITUTE HOUSE BILL NO. 1419,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424,

HOUSE BILL NO. 1439,

SUBSTITUTE HOUSE BILL NO. 1440,

SUBSTITUTE HOUSE BILL NO. 1446,

ENGROSSED HOUSE BILL NO. 1448,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1451,

SUBSTITUTE HOUSE BILL NO. 1457,

HOUSE BILL NO. 1458,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1487,

ENGROSSED HOUSE BILL NO. 1507,

HOUSE BILL NO. 1515,

HOUSE BILL NO. 1545,

HOUSE BILL NO. 1558,

HOUSE BILL NO. 1559,

HOUSE BILL NO. 1560,

ENGROSSED HOUSE BILL NO. 1579,

SUBSTITUTE HOUSE BILL NO. 1590,

ENGROSSED HOUSE BILL NO. 1593,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594,

SUBSTITUTE HOUSE BILL NO. 1617,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1618,

HOUSE BILL NO. 1622,

HOUSE BILL NO. 1649,

SUBSTITUTE HOUSE BILL NO. 1680,

SUBSTITUTE HOUSE BILL NO. 1683,

SUBSTITUTE HOUSE BILL NO. 1685,

ENGROSSED HOUSE BILL NO. 1691,

HOUSE BILL NO. 1694,

HOUSE BILL NO. 1695.

SUBSTITUTE HOUSE BILL NO. 1722,
 SUBSTITUTE HOUSE BILL NO. 1729,
 SECOND SUBSTITUTE HOUSE BILL NO. 1733,
 HOUSE BILL NO. 1734,
 SUBSTITUTE HOUSE BILL NO. 1735,
 SUBSTITUTE HOUSE BILL NO. 1739,
 SUBSTITUTE HOUSE BILL NO. 1745,
 SUBSTITUTE HOUSE BILL NO. 1752,
 HOUSE BILL NO. 1833,
 SUBSTITUTE HOUSE BILL NO. 1845,
 SUBSTITUTE HOUSE BILL NO. 1852,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1876,
 HOUSE BILL NO. 1881,
 HOUSE BILL NO. 1885,
 HOUSE BILL NO. 1888,
 SUBSTITUTE HOUSE BILL NO. 1892,
 HOUSE BILL NO. 1898,
 SUBSTITUTE HOUSE BILL NO. 1952,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954,
 HOUSE BILL NO. 2002,
 HOUSE JOINT RESOLUTION NO. 4222,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4231, and the same are herewith

transmitted.

ALAN THOMPSON, Chief Clerk

February 15, 1988

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4435, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1089 by Committee on Ways and Means/Revenue (originally sponsored by Representative Rust)

Prohibiting a business and occupation tax deduction for amounts received as compensation from public entities for services rendered as employee benefits.

Referred to Committee on Ways and Means.

E2SHB 1284 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives J. King, Fisher, Crane, Meyers, Pruitt, Todd, Leonard, Belcher, Winsley, Hine, Nelson, Unsoeld and Bristow)

Revising provisions governing campaign financing.

Referred to Committee on Law and Justice.

E2SHB 1301 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Nutley, Leonard, Rayburn, J. Williams, Wang, Grant, R. King and Unsoeld)

Providing for farm-worker housing.

Referred to Committee on Agriculture.

EHB 1354 by Representatives Pruitt, Sanders, Meyers, Dorn, Rasmussen, Lewis, Anderson, Basich, Heavey, Zellinsky and Cooper

Repealing the sunset of the department of veterans affairs.

Referred to Committee on Governmental Operations.

SHB 1370 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Holland, Appelwick, Taylor, Grimm, Silver, Braddock, Fuhrman, Bristow, Nealey, Valle, Padden, Brough, McLean, Basich, Schoon, H. Sommers, Winsley, May, B. Williams,

Beck, Butterfield, Ballard, Baugher, Lewis, J. Williams, Amondson, Sanders, Kremen, Betzozoff, Rasmussen, Doty, Hankins, Miller, Hine, Holm and Cooper)

Increasing the head of family exemption for personal property taxes.

Referred to Committee on Ways and Means.

HB 1371 by Representatives Appelwick and Dellwo

Revising transfer tax provisions.

Referred to Committee on Ways and Means.

HB 1418 by Representatives Rasmussen, S. Wilson, Walk, Schmidt, Dorn and Unsoeld

Holding motor freight carrier hearings in the area of proposed operations.

Referred to Committee on Transportation.

SHB 1419 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Locke and P. King) (by request of Office of Financial Management)

Revising provisions relating to the collection of criminal justice information.

Referred to Committee on Law and Justice.

ESHB 1420 by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cooper, Appelwick, Sayan, Brough and H. Sommers)

Revising provisions on property taxes.

Referred to Committee on Ways and Means.

ESHB 1424 by Committee on Health Care (originally sponsored by Representatives Dellwo, Brooks, Braddock, Grimm, Vekich, Bristow, D. Sommers, Ebersole, Cantwell, Belcher, Locke, Armstrong, Crane, Appelwick, Brough, Bumgarner, Sprenkle, Day, Holland, P. King, McLean, Butterfield, Fuhrman, Doty, Basich, Jesernig, Moyer, Wineberry, Unsoeld and Brekke) (by request of Governor Gardner)

Revising provisions on community custody.

Referred to Committee on Law and Justice.

HB 1439 by Representatives Fox, Hargrove, Vekich, Rasmussen and Appelwick

Restricting first source agreements with the employment security department.

Referred to Committee on Economic Development and Labor.

SHB 1440 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Winsley, Zellinsky, Silver, Nutley, Dorn, Anderson, Crane, Taylor, Chandler, Baugher, Betzozoff, Prince, Smith, Meyers, Cooper, Locke, H. Sommers, Braddock, Heavey, Rust, Jacobsen, Cantwell, Bristow, Wineberry, Wang, Sayan, Leonard, Rayburn, K. Wilson, Basich, Unsoeld, Spanel and Brekke)

Regulating financial planning.

Referred to Committee on Financial Institutions and Insurance.

SHB 1446 by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Sayan, S. Wilson, Jones, May, Dorn, Rasmussen and O'Brien) (by request of Department of Community Development)

Authorizing loans for emergency public works projects.

Referred to Committee on Ways and Means.

EHB 1448 by Representatives Wineberry, Heavey, Anderson, Holland, Holm, Nelson, Hargrove, Locke, Jones and Unsoeld

Prohibiting state purchases of products originating in countries with apartheid policies.

Referred to Committee on Ways and Means.

ESHB 1450 by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Schoon, Fox, Hargrove, Wineberry, B. Williams, Peery, Betrozoff, P. King, Sayan, McLean, May, Fuhrman, Doty, Sutherland, D. Sommers, Walker, Sanders, Rayburn, Moyer, Cooper, O'Brien, Spanel and Day) (by request of Governor Gardner)

Extending the excise tax deferral and credit programs for manufacturing and research and development activities.

Referred to Committee on Economic Development and Labor.

ESHB 1451 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Sanders, Valle, Miller, Unsoeld, Brekke, Sprenkle, Jacobsen, Wang and Lux)

Adopting the endangered species conservation act.

Referred to Committee on Environment and Natural Resources.

SHB 1457 by Committee on Transportation (originally sponsored by Representatives Jones, Sayan, Fox, Basich, Prince, Patrick, Walker, Crane, Kremen, Day, Meyers, P. King, Silver, Wineberry, Rasmussen and Winsley)

Studying the issuance of specially designed license plates.

Referred to Committee on Transportation.

HB 1458 by Representatives Dorn, Amondson, K. Wilson, Sutherland, Silver and Rasmussen (by request of Washington State Parks and Recreation Commission)

Repealing authority for surcharges on nonresidents camping at state parks.

Referred to Committee on Environment and Natural Resources.

ESHB 1487 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Chandler, Anderson, Betrozoff, Crane, May, Braddock, Jacobsen, Walker, Walk, Nutley, Nelson, Todd, Meyers, Scott, Wang, Sayan and Ballard)

Regulating collision damage waivers for rental cars.

Referred to Committee on Financial Institutions and Insurance.

EHB 1507 by Representatives Appelwick, Taylor, Grimm, Haugen, Holland and Locke (by request of Governor Gardner)

Revising the sales and use tax exemptions for food products sold by vendors required to have a worker's permit under RCW 69.06.010.

Referred to Committee on Ways and Means.

HB 1515 by Representatives H. Sommers, B. Williams, Silver, Holland, Brekke, Fuhrman, J. Williams and May (by request of Legislative Budget Committee)

Modifying the termination dates of various state agencies.

Referred to Committee on Governmental Operations.

HB 1545 by Representatives Brekke, Winsley, Scott, Leonard, H. Sommers, Padden, Moyer and Anderson (by request of Department of Social and Health Services)

Clarifying certain provisions governing the relinquishment and adoption of children.

Referred to Committee on Children and Family Services.

HB 1558 by Representatives Sayan and Grimm (by request of Department of Retirement Systems)

Revising provisions relating to teachers' retirement options.

Referred to Committee on Ways and Means.

HB 1559 by Representatives Sayan and Grimm (by request of Department of Retirement Systems)

Providing for termination of membership in the teachers' retirement system.

Referred to Committee on Ways and Means.

HB 1560 by Representatives Sayan and Grimm (by request of Department of Retirement Systems)

Modifying public retirement benefits for persons who have attained age seventy and one-half and are still employed.

Referred to Committee on Ways and Means.

EHB 1579 by Representatives Bristow, Vekich, Braddock, Jacobsen and Grant

Authorizing public utility districts to offer radio communication services.

Referred to Committee on Energy and Utilities.

SHB 1590 by Committee on Housing (originally sponsored by Representatives Cooper, Beck, Nutley, J. Williams, Sutherland, Holm, Todd and Unsoeld)

Certifying mobile home installers.

Referred to Committee on Economic Development and Labor.

EHB 1593 by Representatives Belcher, Prince, Locke, Ebersole, H. Sommers, Grimm, Scott, Brooks, Miller, Fisher, Sayan, Cole, Holm, Wineberry, B. Williams, Winsley, Brough, May, Todd, K. Wilson, Unsoeld and Butterfield (by request of Secretary of State)

Establishing the Washington 20:20 commission.

Referred to Committee on Governmental Operations.

ESHB 1594 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Sutherland, Vekich, R. King, Dellwo, Todd and Rasmussen) (by request of Governor Gardner)

Providing for a water use efficiency study.

Referred to Committee on Agriculture.

SHB 1617 by Committee on Judiciary (originally sponsored by Representatives Locke, Holland, Armstrong, Padden, Hine, Lewis, Belcher, Silver, H. Sommers, Appelwick, Taylor, P. King, Moyer, May and Butterfield) (by request of State Auditor and Attorney General)

Clarifying the definition of "costs" received as part of court actions.

Referred to Committee on Ways and Means.

ESHB 1618 by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Leonard, Moyer, Padden, Scott, Anderson, Miller, Cooper, Ferguson, Sanders, May, Silver and

Butterfield) (by request of Department of Social and Health Services)

Reorganizing and clarifying the laws regarding services to persons with developmental disabilities.

Referred to Committee on Health Care and Corrections.

HB 1622 by Representatives Chandler, Lux and Betrozoff

Providing for the publication of the maximum interest rate that may be charged on retail installment contracts for motor vehicles.

Referred to Committee on Financial Institutions and Insurance.

HB 1649 by Representatives Sayan, Patrick, H. Sommers, Holland, Basich and D. Sommers

Revising pension portability provisions.

Referred to Committee on Ways and Means.

SHB 1680 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Nutley, Peery, Butterfield, Cooper and Sutherland)

Revising permit requirements on sales tax exemptions for nonresidents.

Referred to Committee on Ways and Means.

SHB 1683 by Committee on Housing (originally sponsored by Representatives Cantwell, Todd, Ebersole, Crane, Dorn and Sayan)

Amending mobile home landlord-tenant provisions.

Referred to Committee on Law and Justice.

SHB 1685 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Holland, Locke, Silver, H. Sommers, Pruitt, Brough, May and Ferguson)

Providing for state caseload forecasts.

Referred to Committee on Ways and Means.

EHB 1691 by Representatives Walk, Grimm and Belcher

Regulating billboards in commercial and industrial zones.

Referred to Committee on Transportation.

HB 1694 by Representatives Betrozoff, Peery, Holland, Rasmussen and P. King (by request of Superintendent of Public Instruction)

Specifying some of the personal qualifications that are prerequisites to applying for a teaching certificate.

Referred to Committee on Education.

HB 1695 by Representatives Dorn, Betrozoff, Peery, Cole, Rust, Taylor, Rasmussen, Valle, Spanel, Holland, Rayburn, P. King and Winsley (by request of Superintendent of Public Instruction)

Extending the time period for the superintendent of public instruction to adopt evaluation standards.

Referred to Committee on Education.

SHB 1722 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Ferguson, Dellwo, Bristow, Miller, Moyer and Lux)

Providing for insurance coverage for habilitative and rehabilitative services for dependent children.

Referred to Committee on Financial Institutions and Insurance.

SHB 1729 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick and Locke)

Changing provisions relating to corporate takeovers.

Referred to Committee on Law and Justice.

2SHB 1733 by Committee on Ways and Means /Appropriations (originally sponsored by Representatives Grimm, Ballard, Wang and Locke) (by request of Department of Labor and Industries)

Revising investment policies for funds of the department of labor and industries.

Referred to Committee on Financial Institutions and Insurance.

HB 1734 by Representatives Appelwick, Taylor, Pruitt, Crane, P. King, Brough and Todd

Revising the business and occupation taxation of the care of children.

Referred to Committee on Ways and Means.

SHB 1735 by Committee on Health Care (originally sponsored by Representatives Braddock, P. King, Brekke and Ebersole) (by request of Department of Licensing)

Providing a voluntary substance abuse program for health care licensees.

Referred to Committee on Health Care and Corrections.

SHB 1739 by Committee on State Government (originally sponsored by Representatives Sayan, Grimm, Ballard, Basich, Walker, Walk, B. Williams, Baugher, Anderson, Bristow, Day, Jones, Kremen, Winsley, Schoon, Dellwo and Sanders)

Assisting the Washington state guard in civil affairs.

Referred to Committee on Governmental Operations.

SHB 1745 by Committee on Education (originally sponsored by Representatives Peery, Holm, Taylor, Rasmussen, Betrozoff, Cole, Haugen, Holland, P. King, Schoon, D. Sommers, Dorn and Ebersole)

Specifying when school directors officially start their terms of office.

Referred to Committee on Education.

SHB 1752 by Committee on Natural Resources (originally sponsored by Representatives Spanel, S. Wilson, Haugen, Sayan, Fox, Hargrove, Cole, Kremen, Amondson, Braddock, Schmidt, Sanders and Cooper)

Authorizing one day not-for-profit smelt fishing derbies.

Referred to Committee on Environment and Natural Resources.

HB 1833 by Representatives Dorn, Butterfield, Jones, Nealey, Rayburn, Rasmussen, Fox, Hine, Haugen, Sanders, Ferguson and D. Sommers

Revising provisions for a mayor pro tempore.

Referred to Committee on Governmental Operations.

SHB 1845 by Committee on State Government (originally sponsored by Representatives Anderson, Brough, Wineberry, Winsley, Moyer, H. Sommers and Brekke)

Revoking concealed pistol licenses of persons carrying them while under the influence of drugs or alcohol.

Referred to Committee on Law and Justice.

SHB 1852 by Committee on State Government (originally sponsored by Representatives Sayan and H. Sommers)

Modifying membership of the deferred compensation committee.

Referred to Committee on Governmental Operations.

ESHB 1876 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, R. King and Walker)

Limiting drug and alcohol testing.

Referred to Committee on Law and Justice.

HB 1881 by Representative Appelwick

Changing provisions relating to excise taxation of electrical energy.

Referred to Committee on Energy and Utilities.

HB 1885 by Representatives Nelson, Kremen, Allen, K. Wilson, Crane and P. King

Changing eligibility requirements for student loans.

Referred to Committee on Higher Education.

HB 1888 by Representatives Holm, Jones, Sutherland, Sayan, J. Williams, R. King, P. King, Braddock, Crane, Kremen, Dorn, Rasmussen, D. Sommers, Amondson, Basich and Butterfield

Prohibiting tree spiking.

Referred to Committee on Environment and Natural Resources.

SHB 1892 by Committee on Education (originally sponsored by Representatives Ebersole, Peery, Pruitt, P. King, Rasmussen, Cole and Spanel)

Authorizing pilot blended programs of learning assistance.

Referred to Committee on Education.

HB 1898 by Representatives Nutley, J. Williams, Leonard, Barnes, Padden, Sanders, Armstrong, Todd, Patrick, Holland, Wineberry and Winsley

Establishing the Washington landlord-tenant review and advisory committee.

Referred to Committee on Economic Development and Labor.

SHB 1952 by Committee on Trade and Economic Development (originally sponsored by Representatives Pruitt, Vekich, Heavey, Holm, Sanders and Doty)

Requiring that special effort be made by the conservation corps to recruit residents with sensory, mental, or physical handicaps.

Referred to Committee on Economic Development and Labor.

ESHB 1954 by Committee on Ways and Means/Appropriations (originally sponsored by Representatives H. Sommers and Peery)

Modifying provisions relating to retirement benefits based on excess compensation.

Referred to Committee on Ways and Means.

HB 2002 by Representatives Dellwo, Haugen and Jacobsen

Providing a liquor excise tax distribution for a county research bureau.

Referred to Committee on Ways and Means.

HJR 4222 by Representatives Holland, Appelwick, Taylor, Grimm, Silver, Braddock, Fuhrman, Bristow, Nealey, Valle, Padden, Brough, McLean, Basich, Schoon, H. Sommers, Winsley, May, B. Williams,

Butterfield, Beck, Ballard, Lewis, J. Williams, Amondson, Sanders, Kremen, Betrozoff, Miller, Hine, Holm and Cooper

Increasing the head of family personal property tax exemption.

Referred to Committee on Ways and Means.

SHJR 4231 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher and Pruitt) (by request of Secretary of State)

Revising constitutional references to persons with mental or sensory disabilities.

Referred to Committee on Governmental Operations.

HCR 4435 by Representatives Cantwell, Vekich, Schoon, K. Wilson, B. Williams, Heavey, Beck, Kremen, Sanders and Fisher

Considering transportation needs in policy development.

Referred to Committee on Economic Development and Labor.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Agriculture was relieved of further consideration of Substitute House Bill No. 1336.

On motion of Senator Newhouse, Substitute House Bill No. 1336 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of House Bill No. 1546.

On motion of Senator Newhouse, House Bill No. 1546 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Economic Development and Labor was relieved of further consideration of House Bill No. 1836.

On motion of Senator Newhouse House Bill No. 1836 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of Substitute House Bill No. 1868.

On motion of Senator Newhouse, Substitute House Bill No. 1868 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1324.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1324 was referred to the Committee on Higher Education.

MOTION

On motion of Senator Newhouse, the following bills were referred to the Committee on Rules:

THIRD READING

SENATE BILL NO. 5050,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5070,

SUBSTITUTE SENATE BILL NO. 5090,

SUBSTITUTE SENATE BILL NO. 5506.

SECOND READING

SENATE BILL NO. 5182,

SENATE BILL NO. 5429,

SENATE BILL NO. 6153,

SUBSTITUTE SENATE BILL NO. 6194,

SENATE BILL NO. 6213,

SENATE BILL NO. 6225,

SENATE BILL NO. 6233,

SENATE BILL NO. 6274,

SENATE BILL NO. 6282,

SENATE BILL NO. 6288.
SENATE BILL NO. 6345.
SUBSTITUTE SENATE BILL NO. 6364.
SENATE BILL NO. 6368.
SENATE BILL NO. 6392.
SENATE BILL NO. 6442.
SENATE BILL NO. 6461.
SENATE BILL NO. 6467.
SENATE BILL NO. 6475.
SENATE BILL NO. 6521.
SENATE BILL NO. 6532.
SENATE BILL NO. 6541.
SENATE BILL NO. 6555.
SENATE BILL NO. 6606.
SENATE BILL NO. 6637.
SENATE BILL NO. 6673.
SENATE BILL NO. 6730.
SENATE BILL NO. 6735.
SENATE BILL NO. 6747.
SENATE JOINT RESOLUTION NO. 8231.
SENATE CONCURRENT RESOLUTION NO. 8434.

MOTION

At 10:10 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 18, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 18, 1988

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Jeremy Smith and Jeff Young, presented the Colors. Reverend Richard Hart, senior pastor of the Olympia Baptist Church, offered the prayer.

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of legislators from the state of Idaho and appointed Senators Newhouse, Kiskaddon, West, Bauer and Hayner to escort the honored guests to the Senate Rostrum.

The President introduced Butch Otter, the Lieutenant Governor of Idaho, who then introduced the other Idaho legislators: Tom Boyd, Speaker of the House; Bruce Sweeney, Senate Minority Leader, Dean Haagenson, Chairman, of the House Natural Resources Committee, Jerry Deckard, Chairman of the House Ways and Means Committee, Tom Giovanelli, a member of the House of Representatives and Terry Sverdston, Chairman of the Senate Education Committee.

With permission of the Senate, business was suspended to permit Lieutenant Governor Otter to address the Senate.

Senators Hayner, McCaslin and Metcalf gave remarks of welcome to the visiting legislators.

POINT OF INQUIRY

Senator Rasmussen: "Lieutenant Governor Otter, I note in our map that you are surrounded by states, Montana and Oregon who have only an income tax. Washington does not have the income tax by all means. It is a clean state, also. Nevada does have the income tax--you are pretty well surrounded. You have the income tax and the sales tax. You're in a very fortunate position. You have no problem with money. Is that correct?"

Lieutenant Governor Otto: "What's the Senator's question?"

Senator Rasmussen: "Well, that was my question. You have the sales tax and the income tax. There shouldn't be any shortage of money. All you do is make a few adjustments. In this state, of course--we're one of the white states here. Washington, Wyoming and Montana which surrounds your state--you are surrounded by states with different opinions, but it would seem that you are more fortunate than most. Your leadership must be quite advanced, if you have no problem supplying the peoples needs. Is that true?"

Lieutenant Governor Otto: "Mr. President and Senator Rasmussen, I would point out to you, in the first place, that Idaho is about one fourth or maybe even a little smaller in size and population compared to our sister state which we are now in. Therefore, we only have about one-tenth the budget on an annualized basis, in fact, less than that. I would suggest to you that perhaps there is a remedy to that problem. As the good Senator from District Sixteen mentioned earlier on, that the two states become one and if we could agree that we would call this Idaho and if we could agree that, also, we would remain respective in our taxing structures within those boundries that possibly we could overcome your question."

Senator Bluechel gave additional remarks of welcome to the visiting legislators.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators West and Rasmussen to escort the Honorable Joe King, Speaker of the House of Representatives, to the Senate Rostrum.

With permission of the Senate, business was suspended to permit Speaker King the opportunity to greet the Idaho legislators.

The honored guests remained on the rostrum to observe the legislative process of the Senate.

REPORTS OF STANDING COMMITTEES

February 17, 1988

SCR 8435 Prime Sponsor, Senator Zimmerman: Studying a third Columbia River bridge in Clark County. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, DeJarnatt, Garrett, Kiskaddon, Metcalf, Owen.

Passed to Committee on Rules for second reading.

February 17, 1988

SHB 23 Prime Sponsor, Committee on Transportation: Authorizing green lights on private cars of emergency medical personnel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, Metcalf, Owen.

Passed to Committee on Rules for second reading.

February 18, 1988

EHB 662 Prime Sponsor, Representative Vekich: Specifying the grounds for bringing a products liability action based on design defects for fire-arms or ammunition. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Niemi.

Passed to Committee on Rules for second reading.

February 17, 1988

SHB 1010 Prime Sponsor, Committee on State Government: Revising the method of state payments for fire protection services. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

Passed to Committee on Rules for second reading.

February 17, 1988

EHB 1884 Prime Sponsor, Representative Prince: Permitting legal loads from other states to move in border areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, Metcalf, Owen.

Passed to Committee on Rules for second reading.

February 17, 1988

EHCR 4433 Prime Sponsor, Representative Jacobsen: Approving the master plan for higher education and establishing a study group. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 17, 1988

GA 9018 OTIS ABNEY, appointed November 27, 1985, for a term ending December 26, 1988, as a member of the Board of Pilotage Commissioners, succeeding Henry Damon.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, Metcalf, Owen.

Passed to Committee on Rules.

February 17, 1988

GA 9148 JAMES T. HENNING, appointed July 16, 1987, for a term ending June 30, 1993, as a member of the Transportation Commission, succeeding Jerry Overton.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, Metcalf, Owen.

Passed to Committee on Rules.

February 17, 1988

GA 9211 CAPTAIN M. R. FLAVEL, reappointed January 22, 1988, for a term ending December 26, 1991, as a member of the Board of Pilotage Commissioners.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Kiskaddon, Metcalf, Owen.

Passed to Committee on Rules.

February 17, 1988

GA 9214 BURT A. SHEARER, reappointed January 22, 1988, for a term ending December 26, 1991, as a member of the Board of Pilotage Commissioners.
Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, DeJarnatt, Garrett, Kiskaddon, Metcalf, Owen.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 16, 1988

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1303,

SUBSTITUTE HOUSE BILL NO. 1383,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1416,

HOUSE BILL NO. 1454,

SUBSTITUTE HOUSE BILL NO. 1510,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1511,

ENGROSSED HOUSE BILL NO. 1552,

HOUSE BILL NO. 1554,

ENGROSSED HOUSE BILL NO. 1585,

SUBSTITUTE HOUSE BILL NO. 1612,

ENGROSSED HOUSE BILL NO. 1630,

SUBSTITUTE HOUSE BILL NO. 1633,

HOUSE BILL NO. 1636,
 SUBSTITUTE HOUSE BILL NO. 1652,
 HOUSE BILL NO. 1669,
 SUBSTITUTE HOUSE BILL NO. 1676,
 SUBSTITUTE HOUSE BILL NO. 1689,
 SUBSTITUTE HOUSE BILL NO. 1728,
 SUBSTITUTE HOUSE BILL NO. 1754,
 ENGROSSED HOUSE BILL NO. 1851,
 HOUSE BILL NO. 1903, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1303 by Committee on Ways and Means (originally sponsored by Representatives Kremen, Haugen, Fuhrman, Hargrove, Braddock, Jones, Spanel and Bristow)

Providing for a distribution from the liquor revolving fund to border areas.

Referred to Committee on Ways and Means.

SHB 1383 by Committee on Human Services (originally sponsored by Representatives Leonard and Lux)

Changing provisions relating to alcoholism treatment programs.

Referred to Committee on Health Care and Corrections.

ESHB 1416 by Committee on Agriculture and Rural Development (originally sponsored by Representatives McLean, Haugen, Rayburn, Ballard, Betzoff, D. Sommers, Sanders, Nealey and Ferguson)

Revising provisions relating to private ways of necessity.

Referred to Committee on Agriculture.

HB 1454 by Representatives Wang and Belcher

Changing requirements for qualification for unemployment compensation relating to marital status or domestic responsibilities.

Referred to Committee on Economic Development and Labor.

SHB 1510 by Committee on Local Government (originally sponsored by Representatives Fox, Ferguson, Haugen, Bumgarner and Spanel)

Amending provisions for annexation by water and sewer districts.

Referred to Committee on Governmental Operations.

ESHB 1511 by Committee on Local Government (originally sponsored by Representatives Bumgarner, Haugen, Beck, Ferguson and Braddock)

Amending provisions for water and sewer districts.

Referred to Committee on Governmental Operations.

EHB 1552 by Representatives Wang, Fisher, Sayan, Cole, Patrick, Dellwo, Gallagher, O'Brien, P. King, Winsley, Crane, Hargrove, Scott, Ebersole, Appelwick, Jacobsen, R. King, Leonard, Locke and Unsoeld

Establishing employer obligations for relocation, termination, or sale of a business or part of a business.

Referred to Committee on Economic Development and Labor.

HB 1554 by Representatives H. Sommers, B. Williams, Brække, Fuhrman, Silver, Brough, Moyer, May and D. Sommers

Authorizing the sale of bonds at a discount.

Referred to Committee on Ways and Means.

EHB 1585 by Representatives Leonard, Anderson, Crane, P. King, O'Brien and Rust

Revising provisions for juvenile dependency proceedings.

Referred to Committee on Children and Family Services.

SHB 1612 by Committee on Transportation (originally sponsored by Representatives Todd, Sayan, Belcher, Valle, Crane, Winsley, Lux, B. Williams, Walk, Barnes, Leonard, Gallagher, Lewis and Ferguson)

Prescribing penalties for failure to post disabled parking signs.

Referred to Committee on Transportation.

EHB 1630 by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)

Requiring insurance for continued registration of tow truck operators.

Referred to Committee on Transportation.

SHB 1633 by Committee on Local Government (originally sponsored by Representatives Appelwick and Sanders)

Exempting contracts for neighborhood improvement projects from bidding and prevailing wage requirements.

Referred to Committee on Economic Development and Labor.

HB 1636 by Representatives Spanel, Vekich, Rust, Taylor, Walker, Lux, Braddock, K. Wilson, Fox, Todd and May

Providing for the retention of records by energy recovery or incineration facilities.

Referred to Committee on Environment and Natural Resources.

SHB 1652 by Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen, Beck, Sayan, Holm, Nealey, Zellinsky, D. Sommers, Nutley, Butterfield, Sutherland, Spanel, Peery and Baugher)

Providing for the investment of public funds.

Referred to Committee on Governmental Operations.

HB 1669 by Representatives Wang, Patrick, Ebersole, O'Brien, Locke, Sayan and Winsley

Requiring successor employers to observe existing collective bargaining agreements.

Referred to Committee on Economic Development and Labor.

SHB 1676 by Committee on Human Services (originally sponsored by Representatives Leonard, Hine, Lewis, Pruitt, R. King, Brække, Lux, Fisher, Rasmussen, Cooper, Anderson, P. King and Todd)

Revising provisions relating to community action agencies.

Referred to Committee on Governmental Operations.

SHB 1689 by Committee on Local Government (originally sponsored by Representatives Haugen, Beck, Cooper, Zellinsky, D. Sommers, Butterfield, Sutherland, Bristow, Nutley, Nealey, Jones, Prince, Ballard and Rayburn)

Revising the distribution and payment of investment earnings on property tax receipts.

Referred to Committee on Governmental Operations.

SHB 1728 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick, R. King, P. King, Winsley and Cooper)

Establishing office of information and assistance within the department of labor and industries.

Referred to Committee on Economic Development and Labor.

SHB 1754 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Appelwick, Winsley, Grimm, Holland, Braddock, Belcher and Prince)

Revising administrative provisions on taxes.

Referred to Committee on Ways and Means.

EHB 1851 by Representatives Sayan, Zellinsky, Leonard, Ballard, Scott, Patrick, Braddock, S. Wilson, Cole, Grimm, Locke, Brooks, D. Sommers, Moyer, Grant, K. Wilson, Sprenkle, Rust, Dorn, Cooper, Rasmussen, Jones, Meyers, Sutherland, Nutley, Spanel, Appelwick, Lux, Fuhrman, Pruitt, Hine, Nealey, Ebersole, Brekke, Todd, Nelson, Cantwell, B. Williams, Miller, H. Sommers, Rayburn, Anderson, Butterfield, Winsley, Schoon, Silver, Sanders, Basich, Dellwo, Brough and O'Brien

Removing age restrictions for certain state residential schools.

Referred to Committee on Health Care and Corrections.

HB 1903 by Representatives Todd and Crane

Providing commitment proceedings for certain persons with developmental disabilities.

Referred to Committee on Health Care and Corrections.

SPECIAL COMMITTEE ESCORTS GUESTS FROM ROSTRUM

The committee escorted the honored guests from the Senate Chamber and the committee was discharged.

MOTION

At 12:22 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 19, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 19, 1988

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Amy McMillan and Steve Hendricks, presented the Colors. Reverend Steve Zimmerman, pastor of the Grace and Glory Community Church of Vancouver, Washington, and the son of Senator Hal Zimmerman, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 18, 1988

2SHB 318 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising provisions on insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1988

SHB 1320 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising provisions on the cancellation and renewal of insurance policies. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 1322 Prime Sponsor, Representative Lux: Revising insurance form and rate filing requirements. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 1325 Prime Sponsor, Representative Rust: Changing provisions relating to the state water pollution control agency's authority. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Owen, Patterson.

MINORITY recommendation: Do not pass as amended. Signed by Senators Kreidler, Rinehart.

Passed to Committee on Rules for second reading.

February 17, 1988

HB 1327 Prime Sponsor, Representative Rust: Changing provisions relating to the authority of state agencies to administer part C of the federal state

drinking water act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Jack Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 1361 Prime Sponsor, Representative Holm: Creating a twenty-fourth community college district. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman.

Passed to Committee on Rules for second reading.

February 18, 1988

SHB 1363 Prime Sponsor, Committee on Energy and Utilities: Expanding the authority of first class cities, public utility districts, and joint operating agencies to enter into agreements for the undivided ownership of electric generating plants and facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Madsen, Nelson, Newhouse, Owen.

Passed to Committee on Rules for second reading.

February 18, 1988

EHB 1401 Prime Sponsor, Representative Spanel: Expanding the business and occupation tax exemption for sheltered workshops. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1988

SHB 1472 Prime Sponsor, Committee on Agriculture and Rural Development: Revising provisions relating to apiaries. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 18, 1988

SHB 1473 Prime Sponsor, Committee on Agriculture and Rural Development: Revising provisions relating to food processors. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 18, 1988

EHB 1581 Prime Sponsor, Representative Nelson: Permitting banded rate tariffs for natural gas and electric services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Benitz, Chairman; Bluechel, Vice Chairman; Madsen, Nelson, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 18, 1988

2SHB 1640 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing the G. Robert Ross public service award program for outstanding public service by faculty. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Referred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENTS

February 17, 1988

GA 9119 DAVID CROUCH, appointed March 30, 1987, for a term ending September 30, 1991, as a member of the Board of Trustees for Pierce Community College District No. 11. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 17, 1988

GA 9140 HARVEY VERNIER, appointed June 15, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees for Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 18, 1988

GA 9188 MICHAEL R. THORP, appointed October 13, 1987, for a term ending July 5, 1991, as a member of the Puget Sound Water Quality Authority. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

February 17, 1988

GA 9191 JUDITH WISEMAN, appointed November 6, 1987, for a term ending June 30, 1991, as a member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 17, 1988

GA 9198 RICHARD R. ALBRECHT, appointed November 23, 1987, for a term ending September 30, 1993, as a member of the Board of Regents for Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 17, 1988

GA 9200 MARY M. GATES, reappointed October 30, 1987, for a term ending September 30, 1993, as a member of the Board of Regents for the University of Washington.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 17, 1988

GA 9202 JOSE G. RUIZ, appointed November 24, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 18, 1988

GA 9204 JOE C. JONES, reappointed January 1, 1988, for a term ending December 31, 1990, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

February 18, 1988

GA 9206 JEANNIE LORENZ, reappointed January 1, 1988, for a term ending December 31, 1990, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

February 17, 1988

GA 9208 BEVERLY A. SCHOENFELD, reappointed January 6, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Green River Community College District No. 10.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

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

MOTION

On motion of Senator Conner, the following resolution was adopted:

SENATE RESOLUTION 1988-8715

by Senators Conner, Vognild, Rasmussen, Kreidler, Gaspard, Owen, McMullen, Talmadge, Garrett, Niemi and Williams

WHEREAS, The last three major oil spills in Washington State have taken place in North Puget Sound; and

WHEREAS, The largest oil spill in state history took place near Port Angeles in December, 1985, when 239,000 gallons of crude oil spilled into Puget Sound; and

WHEREAS, An estimated 3,000 birds were killed when 5,000 gallons of oil spilled near Whidbey Island in December, 1984; and

WHEREAS, Over 200,000 gallons of oil were spilled near Anacortes in April, 1971, and hundreds of marine birds were either killed or injured; and

WHEREAS, The oil barge which sank near Anacortes on January 31, 1988, has leaked several thousand gallons of heavy oil, and while the amount of oil and environmental damage have yet to be determined, this oil spill will certainly rank among Washington's major oil spills; and

WHEREAS, The people of Washington State depend on several public agencies to protect our state's waterways and resources from oil spills and other disasters; and

WHEREAS, The United States Coast Guard performs a major role in the monitoring, clean-up and investigation of marine disasters; and

WHEREAS, The United States Coast Guard may face a potential reduction of 1,100 necessary and vital civilian and military personnel; and

WHEREAS, The priorities of President Reagan's administration have not been directed to enhancing the United States Coast Guard; and

WHEREAS, The Reagan administration's lack of emphasis will diminish the United States Coast Guard's ability to adequately perform their important mission of protecting the safety and environment of our nation's waterways; and

WHEREAS, The United States Coast Guard plays a vital role in protecting Washington State's marine resources and the quality of life, beauty and jobs those resources provide;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That President Ronald W. Reagan reprioritize funding to direct a significant portion of funds to the United States Coast Guard in order to protect the waterways of the state of Washington and other coastal states; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Ronald W. Reagan, President of the United States of America, the U.S. Coast Guard, and each member of Congress from the State of Washington.

MOTION

On motion of Senator Saling, the following resolution was adopted:

SENATE RESOLUTION 1988-8716

by Senators Saling, Stratton, McCaslin, West and Rasmussen

WHEREAS, Momentum 88 is a community-based effort represented by business, education, labor, city and county government and area church groups; and

WHEREAS, Momentum 88 is dedicated to a self-help, economic development program for Spokane County and the Inland Northwest; and

WHEREAS, The Inland Northwest has a skilled and willing labor market and has established a close cooperation between public industries to promote economic growth; and

WHEREAS, Momentum 88 has raised 5.3 million dollars to promote programs designed to create new jobs and increase the average disposable household income; and

WHEREAS, Momentum 88 is answering the challenge with a 10-point strategic program to help the area economically move forward; and

WHEREAS, The goals include enhancing tourism, addressing tax reform issues, establishing a higher education center, diversifying the economy, attracting industry, and providing economic opportunities for small business; and

WHEREAS, Momentum 88 is supported by businesses all over Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend Momentum 88 for its contributions to economic development and its commitment to growth; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize that all the citizenry in Washington State will benefit from the efforts of Momentum 88; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Paul Redmond, President of Momentum 88; William Cowles, III, Vice President; Lewis Zirkle, Vice President; David Clack, Secretary-Treasurer; The Honorable Vicki McNeill, Mayor of Spokane; and County Commissioners John McBride, Keith Shepard and Patricia Mummey.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced the following guests from the city of Spokane and Spokane County, who were seated on the rostrum: Vicki McNeill, Mayor of Spokane; John McBride, Commissioner of Spokane County and Paul Redmond, President of Momentum 88.

Senator Saling introduced additional guests supporting Momentum 88 who were seated in the gallery.

With permission of the Senate, business was suspended, to permit Mr. Redmond, the President of Momentum 88, to address the Senate.

The honored guests remained on the rostrum to observe the legislative process of the Senate.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Health Care and Corrections was relieved of further consideration of House Bill No. 1819.

On motion of Senator Newhouse, House Bill No. 1819 was referred to the Committee on Ways and Means.

MOTION

At 10:23 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 22, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 22, 1988

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Barr, Bender, Cantu, Halsan, Hansen, Lee, McDonald, Moore, Owen, von Reichbauer and Wojahn. On motion of Senator Vogtild, Senators Bender, Owen and Wojahn were excused. On motion of Senator Zimmerman, Senators Barr and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Janet McCann and Maureen O'Brien, presented the Colors. Reverend William R. Kling, pastor of the Presbyterian Church of Sequim, Washington, and a guest of Senator Paul H. Conner, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 17, 1988

ESHB 12 Prime Sponsor, Committee on Ways and Means/Appropriations: Authorizing grants for mediation of disputes involving natural resources. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen.

Passed to Committee on Rules for second reading.

February 18, 1988

EHB 254 Prime Sponsor, Representative Walk: Imposing a penalty fee for the renewal of drivers' licenses that have expired. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Garrett, Hansen, Kiskaddon, McMullen, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 280 Prime Sponsor, Representative Heavey: Changing provisions relating to the suspension of a driver's license for failure to report an accident. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Garrett, Hansen, Kiskaddon, McMullen, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 294 Prime Sponsor, Representative Heavey: Eliminating hearings in certain drivers' license suspensions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Garrett, Hansen, Kiskaddon, McMullen, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1988

E2SHB 537 Prime Sponsor, Committee on Transportation: Restructuring ferry advisory committees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, Garrett, Hansen, Kiskaddon, McMullen, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1988

EHB 668 Prime Sponsor, Representative Braddock: Authorizing the dental disciplinary board to adopt rules governing the use of anesthesia. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 1270 Prime Sponsor, Representative Braddock: Revising provisions relating to work training release. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1988

SHB 1271 Prime Sponsor, Committee on Health Care: Revising provisions relating to the department of corrections. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1988

SHB 1279 Prime Sponsor, Committee on Health Care: Revising provisions relating to financial and legal obligations of offenders. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 19, 1988

SHB 1285 Prime Sponsor, Committee on Agriculture and Rural Development: Providing an exemption to the bonding requirements for grain dealers. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Halsan, Hansen.

Passed to Committee on Rules for second reading.

February 19, 1988

SHB 1297 Prime Sponsor, Committee on Agriculture and Rural Development: Establishing procedures to foreclose on properties with delinquent payments of assessments. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 19, 1988

EHB 1304 Prime Sponsor, Representative Kremen: Providing for marketing agreements to allow members to participate in regulatory proceedings. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 1306 Prime Sponsor, Representative Peery: Specifying the disciplinary authority and protecting classified school employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Benitz, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 1332 Prime Sponsor, Representative Silver: Removing requirement that state bond certificates be printed by the public printer. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 1470 Prime Sponsor, Representative Baugher: Regulating tandem-axle vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Garrett, Hansen, Kiskaddon, McMullen, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 1471 Prime Sponsor, Representative Baugher: Updating tonnage purchase laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, Garrett, Hansen, Kiskaddon, McMullen, Sellar.

Passed to Committee on Rules for second reading.

February 17, 1988

EHB 1543 Prime Sponsor, Representative Cantwell: Eliminating the requirement of a practical examination for recertification of emergency medical technicians if other requirements are met. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1988

SHB 1568 Prime Sponsor, Committee on Education: Including school administrators in the excellence in education program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Benitz, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 18, 1988

ESHB 1618 Prime Sponsor, Committee on Human Services: Reorganizing and clarifying the laws regarding services to persons with developmental disabilities. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1988

EHB 1626 Prime Sponsor, Representative Braddock: Amending emergency medical service provisions. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

February 19, 1988

HB 1813 Prime Sponsor, Representative Rasmussen: Changing the custodian of the revolving fund for the agriculture research facility at the Rainier school farm at Washington State University. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 17, 1988

GA 9146 RICHARD A. DAVIS, appointed July 1, 1987, for a term ending at the pleasure of the Governor, as Director of the Office of Financial Management.

Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vogtild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules.

February 18, 1988

GA 9162 MARJORIE S. REDMAN, reappointed August 22, 1987, for a term ending July 15, 1991, as a member of the Puget Sound Water Quality Authority.

Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9119, David Crouch, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

APPOINTMENT OF DAVID CROUCH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 6; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Zimmerman - 38.

Absent: Senators Cantu, Halsan, Hansen, Lee, McDonald, Moore - 6.

Excused: Senators Barr, Bender, Owen, von Reichbauer, Wojahn - 5.

MOTIONS

On motion of Senator Vognild, Senators Halsan, Hansen and Moore were excused.

On motion of Senator Zimmerman, Senator Cantu was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9135, Phyllis G. Kenney, as a member of the Board of Trustees for Seattle Community College District No. 6, was confirmed.

Senator Rinehart spoke to the confirmation of Phyllis G. Kenney as a member of the Board of Trustees for Seattle Community College.

APPOINTMENT OF PHYLLIS G. KENNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 3; excused, 8.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, Warnke, West, Williams, Zimmerman - 38.

Absent: Senators Lee, McDonald, Smitherman - 3.

Excused: Senators Barr, Bender, Cantu, Halsan, Hansen, Moore, von Reichbauer, Wojahn - 8.

MOTION

On motion of Senator Zimmerman, Senators Lee and McDonald were excused.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9018, Ottis Abney, as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF OTTIS ABNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 2; excused, 9.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, Warnke, West, Williams, Zimmerman - 38.

Absent: Senators Owen, Smitherman - 2.

Excused: Senators Barr, Bender, Cantu, Halsan, Hansen, Lee, McDonald, von Reichbauer, Wojahn - 9.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9140, Harvey Vernier, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF HARVEY VERNIER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 2; excused, 8.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, Warnke, West, Williams, Zimmerman - 39.

Absent: Senators Owen, Smitherman - 2.

Excused: Senators Barr, Bender, Halsan, Hansen, Lee, McDonald, von Reichbauer, Wojahn - 8.

MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9142, Robert J. Anderson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF ROBERT J. ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, Warnke, West, Williams, Zimmerman - 43.

Absent: Senator Smitherman - 1.

Excused: Senators Barr, Bender, Lee, von Reichbauer, Wojahn - 5.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9143, Mitchell Bower, Jr., as a member of the State Board for Community College Education, was confirmed.

Senators Zimmerman and Bauer spoke to the confirmation of Mitchell Bower, Jr., as a member of the State Board for Community College Education.

APPOINTMENT OF MITCHELL BOWER, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, Warnke, West, Williams, Zimmerman - 41.

Absent: Senators Owen, Rinehart, Smitherman - 3.

Excused: Senators Barr, Bender, Lee, von Reichbauer, Wojahn - 5.

MOTION

On motion of Senator Patterson, Gubernatorial Appointment No. 9148, James T. Henning, as a member of the Transportation Commission, was confirmed.

Senators Newhouse, McCaslin and Garrett spoke to the confirmation of James T. Henning as a member of the Transportation Commission.

APPOINTMENT OF JAMES T. HENNING

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, Warnke, West, Williams, Zimmerman - 42.

Absent: Senators Conner, Smitherman - 2.

Excused: Senators Barr, Bender, Lee, von Reichbauer, Wojahn - 5.

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

MOTION

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

SENATE RESOLUTION 1988-8714

by Senators Vognild DeJarnatt, Conner, Rasmussen, Bauer, Zimmerman, Williams, Pullen, Gaspard, Warnke and Owen

WHEREAS, The conflict between North Korea and South Korea in the early 1950s is often referred to as the 'Forgotten War' and

WHEREAS, This war resulted in the death of 54,000 Americans, with another 100,000 servicemen wounded; and

WHEREAS, Four hundred seventy-two servicemen from Washington State gave their lives for their country in this war; and

WHEREAS, The Washington Legislature has, in the past, supported the creation of veterans' memorials, such as the Winged Victory and the Vietnam Veterans Memorial which was erected last year on the Capitol Campus; and

WHEREAS, The United States Congress also has supported the creation of veterans' memorials and last year appropriated one million dollars for the construction of a Korean Veterans Memorial in Washington, D.C.; and

WHEREAS, It is appropriate that Washington State remembers the veterans of the 'Forgotten War' with a memorial on the Capitol Campus;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate strongly support the Washington State Korean Veterans Memorial Fund Committee in its efforts to construct a fitting memorial on the Capitol Campus to honor those fine patriots who served their country in Korea in the early 1950s; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to each member of the Washington State Korean Veterans Memorial Fund Committee and to each member of the Washington State Legislature.

Senator DeJarnatt spoke to Senate Resolution 1988-8714.

MOTION

On motion of Senator Anderson, the following resolution was adopted:

SENATE RESOLUTION 1988-8720

by Senators Anderson, McMullen, Conner, Rasmussen, Hayner and Zimmerman

WHEREAS, Alaska's Arctic National Wildlife Refuge includes more than 19 million acres of land, amounting to approximately five percent of the entire state landmass; and

WHEREAS, The ANWR Coastal Plain is approximately eight percent of the refuge and is considered to be highly promising for the discovery of large quantities of oil and gas; and

WHEREAS, Congress has reserved the discretion to decide if the ANWR Coastal Plain will be opened to further exploration, development, and production; and

WHEREAS, National energy security depends on the development of domestic oil and gas resources to replace depleted United States reserves; and

WHEREAS, The United States must prepare to develop domestic petroleum resources if it is to prevent overwhelming dependence on foreign petroleum sources in the 21st century; and

WHEREAS, The nation will derive substantial revenues, including portions of bonuses, royalties, and rents, from oil and gas development; and

WHEREAS, The petroleum industry has consistently demonstrated its ability to operate in conditions similar to those found on the ANWR Coastal Plain in a safe, responsible manner without significant adverse environmental impacts; and

WHEREAS, Opening the ANWR Coastal Plain to further exploration, development, and production will greatly enhance the economic development of the state of Washington by generating increased employment and business opportunities;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Congress of the United States is requested to open the ANWR Coastal Plain to environmentally responsible oil and gas exploration, development, and production; and

BE IT RESOLVED, That copies of this Resolution be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington.

Senators McMullen, Talmadge, Rasmussen and Garrett spoke to Senate Resolution 1988-8720.

MOTION

On motion of Senator Talmadge, the following resolution was adopted:

SENATE RESOLUTION 1988-8713

by Senators Talmadge, Conner, Rasmussen and Zimmerman

WHEREAS, More than two thousand four hundred Americans are currently missing or otherwise unaccounted for in Southeast Asia; and

WHEREAS, Over eight thousand Americans are still listed as missing in action, of which almost four hundred are still listed as prisoners of war, from the Korean War; and

WHEREAS, More than forty thousand Americans are still listed as missing in action from World War II; and

WHEREAS, The state of Washington should express the appropriate recognition for those patriots who have been or remain missing in action or are prisoners of war; and

WHEREAS, Vigilance must be pursued, both publicly and privately, to assure the safe return of any Americans still listed as missing in action or prisoners of war; and

WHEREAS, It is important that the public be in continual awareness of the plight of those that remain captive abroad; and

WHEREAS, It is appropriate that the display of the prisoner-of-war and missing-in-action flag be in conjunction with the Vietnam Veterans Memorial, insofar as the honor and integrity of the American soldier is exemplified by the efforts of the Vietnam Veteran in resolving of the POW-MIA issue;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That every city and town is encouraged to display the prisoner-of-war and missing-in-action flag on one or more of the existing flag poles in the city or town; and

BE IT FURTHER RESOLVED, That the Senate recommends to the Department of General Administration that the 1982 dedicated Vietnam Veterans Memorial on the Capitol grounds be resurfaced and inscribed to include honor for those that remain missing in action or are prisoners of war and that a flagstaff be erected adjacently to this memorial to fly the prisoner-of-war and missing-in-action flag.

There being no objection, the President Pro Tempore advanced the Senate to the ninth order of business.

MOTIONS

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Substitute House Bill No. 1676.

On motion of Senator Newhouse, Substitute House Bill No. 1676 was referred to the Committee on Children and Family Services.

MOTION

On motion of Senator Cantu, the use of the Senate Chamber to hear outside speakers on fiscal matters, was granted for the evening of February 29.

MOTION

On motion of Senator Williams, the use of the Senate Chamber for a Centennial Commission meeting immediately following adjournment today, was granted.

MOTION

At 10:23 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 23, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 23, 1988

The Senate was called to order at 12:00 noon by President Pro Tempore Bluechel. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Kara Jones and Jeff Moller, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 18, 1988

ESHB 46 Prime Sponsor, Committee on Local Government: Providing for the distribution of the local watercraft excise tax to cities and towns providing marine patrol services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Saling, Smith, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1988

HB 802 Prime Sponsor, Representative Unsoeld: Revising provisions governing tax deferred annuities for educational employees. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Rasmussen, Sellar.

Passed to Committee on Rules for second reading.

February 22, 1988

SHB 1170 Prime Sponsor, Committee on Commerce and Labor: Changing requirements for physicians retained by the medical bureau of the department of labor and industries. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Saling, Warnke, West.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1288 Prime Sponsor, Representative Haugen: Modifying hours during which liquor sales are allowed. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Conner, McMullen, Saling, Warnke, West.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1292 Prime Sponsor, Representative Jones: Revising restrictions on minors employed by liquor licensees. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Deccio, McMullen, Saling, Warnke, West.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1300 Prime Sponsor, Representative Basich: Relating to charter boat licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1330 Prime Sponsor, Representative R. King: Changing references to employee classes for collective bargaining purposes. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Deccio, McMullen, Saling, West.

Passed to Committee on Rules for second reading.

February 22, 1988

ESHB 1367 Prime Sponsor, Committee on Judiciary: Enacting a new Administrative Procedure Act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

February 22, 1988

ESHB 1382 Prime Sponsor, Committee on State Government: Providing for sunset review and termination dates. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 22, 1988

SHB 1392 Prime Sponsor, Committee on Health Care: Exempting type A continuing care retirement communities from certificate of need requirements. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Smith, West.

Passed to Committee on Rules for second reading.

February 22, 1988

ESHB 1450 Prime Sponsor, Committee on Trade and Economic Development: Extending the excise tax deferral and credit programs for manufacturing and research and development activities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Saling, Warnke, West.

Referred to Committee on Ways and Means.

February 22, 1988

HB 1514 Prime Sponsor, Representative Ferguson: Authorizing water districts to fluoridate water supply systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

MINORITY recommendation: Do not pass. Signed by Senators Metcalf, Pullen.
Passed to Committee on Rules for second reading.

February 22, 1988

HB 1531 Prime Sponsor, Representative Silver: Revising the criteria for sunset review and extending the program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

Passed to Committee on Rules for second reading.

February 22, 1988

EHB 1629 Prime Sponsor, Representative Schoon: Changing the definition of physician's assistant. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1988

SHB 1673 Prime Sponsor, Committee on Housing: Establishing an office of mobile home affairs. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Conner, Deccio, McMullen, Saling, Warnke, West.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1686 Prime Sponsor, Representative Nealey: Regulating the use of the state seal. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 22, 1988

SHB 1690 Prime Sponsor, Committee on Housing: Requiring cities and counties to review need for manufactured homes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; Garrett, Halsan.

Passed to Committee on Rules for second reading.

February 22, 1988

SHB 1752 Prime Sponsor, Committee on Natural Resources: Authorizing one day not-for-profit smelt fishing derbies. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1802 Prime Sponsor, Representative Spanel: Changing requirements for admission to teacher preparation programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 22, 1988

EHB 1936 Prime Sponsor, Representative Brough: Providing for group fishing permits for groups supervised by health care facility or hospital staff. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; DeJarnatt, Kreidler, Patterson.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1951 Prime Sponsor, Representative Nutley: Providing rate review exemption for certain hospitals. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1988

SHJR 4210 Prime Sponsor, Committee on Local Government: Establishing procedures for the adoption of county home rule charters. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 19, 1988

GA 9125 SHIELA A. HOMCHICK, appointed May 8, 1987, for a term ending November 2, 1989, as a member of the Juvenile Disposition Standards Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

February 19, 1988

GA 9126 DANIEL A. DIGUILIO, appointed May 8, 1987, for a term ending November 2, 1989, as a member of the Juvenile Disposition Standards Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

February 19, 1988

GA 9128 JAMES ROPER, appointed May 8, 1987, for a term ending November 2, 1989, as a member of the Juvenile Disposition Standards Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

February 22, 1988

GA 9130 PHILIP T. BORK, reappointed June 2, 1987, for a term ending June 17, 1993, as a member of the Board of Industrial Insurance Appeals.

Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Saling, Warnke, West.

Passed to Committee on Rules.

February 22, 1988

GA 9132 JOSEPH A. DEAR, appointed July 1, 1987, for a term ending at the pleasure of the Governor, as Director of the Department of Labor and Industries.

Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Saling, Warnke, West.

Passed to Committee on Rules.

February 22, 1988

GA 9133 SARA T. HARMON, appointed June 12, 1987, for a term ending June 17, 1991, as Chair of the Board of Industrial Insurance Appeals.

Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Saling, Warnke, West.

Passed to Committee on Rules.

February 22, 1988

GA 9137 CORALEE MATTINGLY, appointed June 15, 1987, for a term ending September 30, 1988, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 19, 1988

GA 9145 JOSEPH H. DAVIS, appointed July 16, 1987, for a term ending June 16, 1990, as a member of the Commission on Judicial Conduct.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

February 19, 1988

GA 9150 JAN KUMASAKA, appointed July 29, 1987, for a term ending June 17, 1992, as a member of the Human Rights Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

February 22, 1988

GA 9156 H. JON RUNSTAD, appointed July 27, 1987, for a term ending September 30, 1992, as a member of the Board of Regents for the University of Washington.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 22, 1988

GA 9157 SALLY SCHAEFER, appointed July 17, 1987, for a term ending September 30, 1990, as a member of the Board of Trustees for Clark Community College District No. 14.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 19, 1988

GA 9166 SHARON MAST, appointed September 4, 1987, for a term ending June 16, 1991, as an alternate member of the Commission on Judicial Conduct.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Talmadge.

Passed to Committee on Rules.

February 22, 1988

GA 9167 GRACE L. LYNCH, appointed August 10, 1987, for a term ending September 30, 1989, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 19, 1988

GA 9168 JOHN LADENBURG, appointed August 22, 1987, for a term ending August 2, 1990, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

February 19, 1988

GA 9171 ANNE L. ELLINGTON, reappointed August 22, 1987, for a term ending August 2, 1990, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

February 19, 1988

GA 9172 DALE BRIGHTON, appointed September 4, 1987, for a term ending June 16, 1990, as an alternate member of the Commission on Judicial Conduct.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

February 22, 1988

GA 9183 DR. EVELYN CARLSON KEST, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 22, 1988

GA 9185 BONNIE J. POLHAMUS, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 22, 1988

GA 9195 TED S. SEMON, appointed October 26, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 19, 1988

GA 9207 EARL SMITH, appointed December 23, 1987, for a term ending August 2, 1990, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules.

There being no objection, the President Pro Tempore advanced the Senate to the ninth order of business.

MOTION

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Concurrent Resolution No. 8434.

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8434 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 1655.

On motion of Senator Newhouse, Substitute House Bill No. 1655 was referred to the Committee on Education.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Second Substitute House Bill No. 1835.

On motion of Senator Newhouse, Second Substitute House Bill No. 1835 was referred to the Committee on Economic Development and Labor.

MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 24, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 24, 1988

The Senate was called to order at 10:00 a.m. by President Pro Tempore Bluechel. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Cantu, Craswell, Deccio, McDonald, Moore, Sellar, Talmadge and Williams.

The Sergeant at Arms Color Guard, consisting of Pages Staci Chaisson and Jocette Schmidt, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 1988

HB 64 Prime Sponsor, Representative Lux: Exempting certain surety bonds from requirements for cancellation or nonrenewal of insurance policies. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 332 Prime Sponsor, Committee on Environmental Affairs: Requiring the department of ecology to implement and operate a waste exchange. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 1265 Prime Sponsor, Representative Armstrong: Revising provisions relating to homicide by abuse. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 1290 Prime Sponsor, Representative Belcher: Changing provisions relating to the interagency committee for outdoor recreation's comprehensive guide of public parks and recreation sites. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 1504 Prime Sponsor, Representative P. King: Making technical corrections to trust and estate law. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1670 Prime Sponsor, Committee on Environmental Affairs: Providing for the certification of operators of solid waste incinerators. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1694 Prime Sponsor, Representative Betrozoff: Specifying some of the personal qualifications that are prerequisites to applying for a teaching certificate. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 22, 1988

HB 1695 Prime Sponsor, Representative Dorn: Extending the time period for the superintendent of public instruction to adopt evaluation standards. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1722 Prime Sponsor, Committee on Financial Institutions and Insurance: Providing for insurance coverage for habilitative and rehabilitative services for dependent children. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Kreidler, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1729 Prime Sponsor, Committee on Commerce and Labor: Changing provisions relating to corporate takeovers. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 1760 Prime Sponsor, Representative Chandler: Revising provisions for industrial loan companies. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Kreidler, McCaslin, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 23, 1988

GA 9178 FRANK DUCCESCHI, appointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 23, 1988

GA 9179 MARGERY A. GUTHRIE, reappointed October 1, 1987, for a term ending September 30, 1992, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

February 23, 1988

GA 9201 DAVID A. PITTS, appointed October 30, 1987, for a term ending September 30, 1993, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

February 17, 1988

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

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

Majel A. Wilson, reappointed February 17, 1988, for a term ending September 30, 1992, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6754 by Senator Talmadge

AN ACT Relating to industrial insurance coverage for nurses practicing their profession as independent contractors; and amending RCW 51.08.180 and 51.12.020.

Referred to Committee on Economic Development and Labor.

SB 6755 by Senator Talmadge

AN ACT Relating to unemployment compensation coverage of nurses practicing their profession as independent contractors; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Economic Development and Labor.

SB 6756 by Senator Talmadge

AN ACT Relating to physicians' assistants; and amending RCW 18.71A.010.

Referred to Committee on Health Care and Corrections.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9151, Garold LaBorde, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF GAROLD LaBORDE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 40.

Absent: Senators Bender, Cantu, Craswell, Deccio, McDonald, Moore, Sellar, Talmadge, Williams - 9.

MOTION

On motion of Senator Bauer, Senators Bender and Williams were excused.

MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9154, Robert Richardson, a member of the Higher Education Personnel Board, was confirmed.

APPOINTMENT OF ROBERT RICHARDSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Absent: Senators McDonald, Smith - 2.

Excused: Senators Bender, Williams - 2.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8434, by Senators Patterson, Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn and Zimmerman

Commemorating Elmer Huntley.

The resolution was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Concurrent Resolution No. 8434 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Patterson spoke to Senate Concurrent Resolution No. 8434 and introduced Mr. and Mrs. Elmer Huntley who were seated in the gallery.

Senators Newhouse, DeJarnatt, Hayner, Saling, Rasmussen and Metcalf spoke to Senate Concurrent Resolution No. 8434.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8434.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8434 and the resolution passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Loe, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Absent: Senator McDonald - 1.

Excused: Senators Bender, Williams - 2.

SENATE CONCURRENT RESOLUTION NO. 8434, having received the constitutional majority, was declared passed.

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore announced the presence in the Senate Chamber of the 1988 Washington State Apple Blossom Festival royalty and appointed Senators Sellar, Anderson, Barr, Hansen, Stratton and Owen to escort the special guests to the Senate Rostrum.

The President Pro Tempore turned the gavel over the Senator Sellar who introduced the Apple Blossom Queen, Heather Jean Smith, and the Apple Blossom Princesses, Caitilin Beamer Newman and Becky Jay Kearny.

With permission of the Senate, business was suspended to permit Queen Heather to address the Senate.

Senator Sellar returned the gavel to the President Pro Tempore and the honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

At 10:37 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

At 11:15 a.m. the Senate was called to order by President Pro Tempore Bluechel.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9155, Bonnie Robertson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF BONNIE ROBERTSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Loe, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 44.

Absent: Senators Conner, Halsan, Hayner, Wojahn - 4.

Excused: Senator Bender - 1.

SECOND READING

ENGROSSED HOUSE BILL NO. 254, by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)

Imposing a penalty fee for the renewal of drivers' licenses that have expired.

The bill was read the second time.

MOTION

Senator Cantu moved that the following amendment be adopted:
On page 2, after line 3, insert the following:

*Sec. 2. Section 19, chapter 121, Laws of 1965 ex. sess. as amended by section 55, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.171 are each amended to read as follows:

(1) The department shall file every application for a license or permit received by it and shall maintain suitable (~~indexes~~) records containing the following:

- (a) All applications denied and on each thereof note the reasons for such denial;
- (b) All applications granted; and
- (c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions and findings that a traffic infraction has been committed received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the licensee's convictions, the findings that he has committed a traffic infraction, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department.

(3) Notwithstanding any provision of chapter 42.17 RCW to the contrary, the department shall not make available for public inspection or copying, or otherwise provide access to, applications for a driver's license or permit or identicard or information in its drivers' files concerning an applicant's, permittee's, or licensee's date of birth or physical or mental characteristics or conditions. The department shall not give, sell, or otherwise provide access to lists of individual holders of drivers' licenses or permits or identicards, or those persons' addresses.

Such records and information shall be made available:

- (a) As necessary to carry out the duties or authorized activities of the department; or
- (b) To a federal, state, local, or Canadian government agency or educational institution, or its authorized commercial agents or contractors, only for use in, and to the extent necessary for, the performance of the duties of the government agency as determined by the director; or
- (c) To persons otherwise permitted by law to obtain access to or copies of the department's records, only to the extent necessary to achieve the purpose of the law or laws permitting such disclosure; or

(d) To an individual with a civil suit, as determined by the director.

Sec. 3. Section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 99, Laws of 1984 and RCW 46.52.120 are each amended to read as follows:

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The case record shall be maintained in two parts.

(a) One part shall be the employment driving record of the person. This part shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another or an owner-operator, all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another or an owner-operator, and all findings that the person has committed a traffic infraction while the person is driving a commercial motor vehicle as an employee of another or an owner-operator. The same reports shall be entered when the person is a law enforcement officer or fire fighter as defined in RCW 41.26.030, or a state patrol officer, and is driving an official police, state patrol, or fire department vehicle in the course of their official duties.

(b) The other part shall include all other accidents, convictions, and findings that the person has committed a traffic infraction.

(3) Such records shall be for the confidential use of the director and the chief of the Washington state patrol and the director of the Washington traffic safety commission and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(4) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.*

POINT OF ORDER

Senator Nelson: "Mr. President, a point of order. I've looked over this amendment very carefully and I would like the President to rule on the scope and object of the content of this amendment relative to the content and scope of Engrossed House Bill No. 254."

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 254 was deferred.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 537, by Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky, Brough, Sayan, Schoon, Meyers, May, P. King and Pruitt)

Restructuring ferry advisory committees.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 1, line 16, after "San Juan," insert "Skagit."

On motion of Senator Patterson, the rules were suspended, Engrossed Second Substitute House Bill No. 537, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 537, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 537, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Moore, West - 2.

Excused: Senator Bender - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 537, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1270, by Representatives Braddock, Brooks, D. Sommers, Kremen, Vekich, Dellwo, Hine, May and P. King (by request of Department of Corrections)

Revising provisions relating to work training release.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1270.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1270, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Bender - 1.

HOUSE BILL NO. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 23, 1988

2SHB 1713 Prime Sponsor, Committee on Transportation: Creating a committee to study and design a trauma care system for Washington. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1988

ESHB 1849 Prime Sponsor, Committee on Health Care: Revising the office of the state long-term care ombudsman. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

There being no objection, the President Pro Tempore advanced the Senate to the ninth order of business.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute House Bill No. 1367.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1367 was referred to the Committee on Ways and Means.

MOTION

At 11:38 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 25, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 25, 1988

The Senate was called to order at 12:00 noon by President Cherberg. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Diane McClary and Patricia Donovan, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 1988

SCR 8430 Prime Sponsor, Senator Talmadge: Urging the display of the prisoner-of-war and missing-in-action flag. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8430 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 90 Prime Sponsor, Committee on State Government: Regulating payment of state employee moving expenses. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett.

Referred to Committee on Ways and Means.

February 23, 1988

ReESHB 240 Prime Sponsor, Committee on Financial Institutions and Insurance: Requiring vehicle insurance policies covering comprehensive and collision to also cover liability. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 516 Prime Sponsor, Representative Rust: Revising penalties for violation of water pollution statutes. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Benitz, DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1988

ESHB 645 Prime Sponsor, Committee on Environmental Affairs: Requiring disclosures concerning septic systems upon sale of property. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Benitz, DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 22, 1988

SHB 932 Prime Sponsor, Committee on Housing: Relating to rental payments to landlords from public assistance. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 974 Prime Sponsor, Representative Fisch: Prohibiting the use of secret ballots at meetings required to be open to the public. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

Passed to Committee on Rules for second reading.

February 24, 1988

EHB 1272 Prime Sponsor, Representative H. Sommers: Revising department of corrections employee assault benefits. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Kreidler, Niemi, West, Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1988

HB 1278 Prime Sponsor, Representative Winsley: Authorizing continued superior court jurisdiction over weed control in certain lakes. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1988

HB 1280 Prime Sponsor, Representative Braddock: Revising the crime of custodial assault. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Deccio, Chairman; Kreidler, Niemi, West, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1291 Prime Sponsor, Committee on Commerce and Labor: Authorizing the sale of liquor collector items. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 22, 1988

ESHB 1295 Prime Sponsor, Committee on Commerce and Labor: Revising the fees for liquor licenses. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Conner, McMullen, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 23, 1988

ESHB 1317 Prime Sponsor, Committee on Local Government: Revising requirements for publishing notices of actions of cities, towns, and counties. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1323 Prime Sponsor, Committee on Health Care: Revising the Washington state health insurance coverage access act. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Kreidler, Moore, Rasmussen, Smitherman.

Passed to Committee on Rules for second reading.

February 23, 1988

ESHB 1324 Prime Sponsor, Committee on State Government: Providing for sunset review and termination dates. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

February 23, 1988

ESHB 1342 Prime Sponsor, Committee on Commerce and Labor: Adding requirements for contractor's notice to customers. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senator West

Passed to Committee on Rules for second reading.

February 23, 1988

EHB 1354 Prime Sponsor, Representative Pruitt: Repealing the sunset of the department of veterans affairs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1364 Prime Sponsor, Committee on Commerce and Labor: Requiring that contractors bidding on public works projects be registered in the state. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1383 Prime Sponsor, Committee on Human Services: Changing provisions relating to alcoholism treatment programs. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 1397 Prime Sponsor, Representative Cooper: Revising provisions on state and local government bond issuance information. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan.

Passed to Committee on Rules for second reading.

February 24, 1988

ESHB 1404 Prime Sponsor, Committee on Health Care: Revising provisions relating to licensure of nursing. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Kreidler, Niemi, West, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 1418 Prime Sponsor, Representative Rasmussen: Holding motor freight carrier hearings in the area of proposed operations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 23, 1988

ESHB 1465 Prime Sponsor, Committee on Judiciary: Providing for a state-wide child support schedule. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; Madsen, Nelson, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 23, 1988

EHB 1492 Prime Sponsor, Representative H. Sommers: Revising various boards and commissions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 24, 1988

ESHB 1530 Prime Sponsor, Committee on Health Care: Certifying and registering nursing assistants. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Kreidler, Niemi, West, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1988

ESHB 1594 Prime Sponsor, Committee on Agriculture and Rural Development: Providing for a water use efficiency study. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen.

Referred to Committee on Ways and Means.

February 23, 1988

SHB 1652 Prime Sponsor, Committee on Local Government: Providing for the investment of public funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett.

Passed to Committee on Rules for second reading.

February 22, 1988

SHB 1672 Prime Sponsor, Committee on Transportation: Requiring identification on large trucks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 23, 1988

EHB 1691 Prime Sponsor, Representative Walk: Regulating billboards in commercial and industrial zones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Owen.

Passed to Committee on Rules for second reading.

February 24, 1988

HB 1693 Prime Sponsor, Representative Cooper: Authorizing educational service districts to contract with the school for the deaf and the school for the blind. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 22, 1988

ESHB 1740 Prime Sponsor, Committee on Transportation: Providing for informational highway signs and traffic fatality markers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1745 Prime Sponsor, Committee on Education: Specifying when school directors officially start their terms of office. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1783 Prime Sponsor, Committee on Health Care: Requiring the registration of nursing pools. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Deccio, Chairman; Kreidler, Niemi, West, Wojahn.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1784 Prime Sponsor, Committee on Ways and Means/Appropriations: Encouraging state purchasing of recovered materials. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1988

EHB 1786 Prime Sponsor, Representative Holland: Exempting vocational-technical institutes from competitive bidding in the case of sole source suppliers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1862 Prime Sponsor, Committee on Natural Resources: Providing for plans for the use of local beaches. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1892 Prime Sponsor, Committee on Education: Authorizing pilot blended programs of learning assistance. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Benitz, Lee.

Passed to Committee on Rules for second reading.

February 24, 1988

SHJM 4036 Prime Sponsor, Committee on Environmental Affairs: Requesting a Western States Recycling Coalition. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Benitz, DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1988

HCR 4402 Prime Sponsor, Representative Basich: Establishing Pacific Fisheries Task Force. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1988

EHCR 4431 Prime Sponsor, Representative Jacobsen: Establishing a Joint Legislative Advisory Committee on Women in Athletics. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Anderson, Hansen, McMullen, Smitherman, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 24, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1312, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6757 by Senators McDonald and Vognild

AN ACT Relating to public facilities in Spokane and King counties; amending RCW 67.40.020, 67.40.025, 67.40.030, 67.40.040, 67.40.055, and 67.40.090; amending section 1, chapter 8, Laws of 1987 1st ex. sess. (uncodified); amending section 9, chapter 8, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 67.40 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1312 by Committee on Ways and Means (originally sponsored by Representatives Locke, Holland and Grimm) (by request of Office of Financial Management)

Adopting the supplemental operating budget.

Referred to Committee on Ways and Means.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Wojahn, Zimmerman, Conner and Bluechel as a special committee to escort Senator A. L. Rasmussen to the Senate Rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following special guests, members of the American Ex-Prisoners of War, who were seated in the gallery: Mr. Harold Page, a past National Commander, Mrs. Virginia Page, Mr. Bob Reed, Mr. Hank Chamberlain, Mr. Harold Herkich and Mr. Fran Agnes, National Junior Vice Commander.

The President introduced Mr. Charles P. Towne, a past National Commander of the American Ex-Prisoners of War and Judge George Vassel, Department Commander of the American Ex-Prisoners of War, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Commander Towne and Department Commander Vassel to address the Senate.

Commander Towne presented Senator Rasmussen a plaque in appreciation of the support he has given to the members of the Ex-Prisoners of War.

The committee escorted Senator Rasmussen to his seat in the Senate Chamber and the committee was discharged.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Miss Dena Galech, the National Junior Women's Freestyle Ice Skating Champion, and appointed Senators Hansen, Sellar, Williams and Newhouse to escort the honored guest to the Senate Rostrum.

The President introduced Miss Galech and the guests accompanying her, who were seated in the Senate gallery. The President presented Miss Galech with an Ambassador of Good Will Certificate.

With permission of the Senate, business was suspended to permit Miss Galech to address the Senate.

The committee escorted Miss Galech from the Senate Chamber and the committee was discharged.

INTRODUCTION OF SPECIAL GUEST

The President introduced former Senator Reuben Knoblauch who was seated with him on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Senator Knoblauch to address the Senate.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Children and Family Services was relieved of further consideration of Substitute House Bill No. 1868.

On motion of Senator Newhouse, Substitute House Bill No. 1868 was referred to the Committee on Health Care and Corrections.

MOTION

At 12:30 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 26, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 26, 1988

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Conner, Craswell, Deccio, Hansan, Madsen, Metcalf, Moore, Rinehart, Smith, Stratton and West. On motion of Senator Zimmerman, Senators Craswell, Deccio and West were excused. On motion of Senator Bender, Senator Conner was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brian Thoroman and Yemi Fleming, presented the Colors. Reverend John E. Maxwell, pastor of the Salmon Creek United Methodist Church of Vancouver, Washington, and a guest of Senator Al Bauer, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 24, 1988

ESHB 115 Prime Sponsor, Committee on Environmental Affairs: Providing for single authority to be responsible for solid waste management and eliminating city comprehensive solid waste management plans. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Barr, DeJarnatt, Kreidler, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 608 Prime Sponsor, Committee on Judiciary: Imposing penalties for malicious reporting of child or dependent adult abuse or neglect. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Nelson, Newhouse.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 692 Prime Sponsor, Committee on Judiciary: Changing opium dens to houses where controlled substances are made or used in moral nuisance statute. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1316 Prime Sponsor, Committee on Local Government: Revising provisions for meetings of boards of county commissioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 24, 1988

ESHB 1331 Prime Sponsor, Committee on Local Government: Revising provisions for transmittal of vital statistics registrations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1333 Prime Sponsor, Committee on Judiciary: Revising sexual offenses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1336 Prime Sponsor, Committee on Ways and Means/Revenue: Revising sales and use tax provisions on the packing of horticultural products. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1340 Prime Sponsor, Committee on Environmental Affairs: Creating an office of waste reduction. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Owen, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1988

EHB 1341 Prime Sponsor, Representative Sanders: Revising procedures for write-in voting. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 25, 1988

EHB 1346 Prime Sponsor, Representative Meyers: Providing reduced rental fees for lease of communication sites on state lands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1362 Prime Sponsor, Committee on Agriculture and Rural Development: Revising provisions on weights and measures. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1988

EHB 1387 Prime Sponsor, Representative Leonard: Providing for housing security deposits for qualified homeless persons. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Conner, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1416 Prime Sponsor, Committee on Agriculture and Rural Development: Revising provisions relating to private ways of necessity. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1436 Prime Sponsor, Committee on Trade and Economic Development: Requiring investigation of state investment by the state investment board. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Smitherman, Warnke, Williams.

MINORITY recommendation: Do not pass. Signed by Senator West.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1445 Prime Sponsor, Committee on Judiciary: Prohibiting drug-related activities in rental dwellings. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman, McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1457 Prime Sponsor, Committee on Transportation: Studying the issuance of specially designed license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Nelson, Vice Chairman; Bender, DeJarnatt, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1988

ESHB 1486 Prime Sponsor, Committee on Education: Requiring school districts to provide for citizenship education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Benitz, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 23, 1988

HB 1502 Prime Sponsor, Representative Meyers: Revising provisions on secured transactions under the Uniform Commercial Code. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1988

ESHB 1518 Prime Sponsor, Committee on Education: Revising allocations for small school district capital construction. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Chairman; Bauer, Bender, Benitz, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1525 Prime Sponsor, Committee on Financial Institutions and Insurance: Changing requirements for debenture companies. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1562 Prime Sponsor, Committee on Natural Resources: Exempting materials valued below a certain amount sold from public lands from auction sale requirements. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1620 Prime Sponsor, Committee on Financial Institutions and Insurance: Requiring a study of group health insurance coverage continuation. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1633 Prime Sponsor, Committee on Local Government: Exempting contracts for neighborhood improvement projects from bidding and prevailing wage requirements. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1660 Prime Sponsor, Committee on Transportation: Establishing a motorcycle skills program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1684 Prime Sponsor, Committee on Environmental Affairs: Establishing an analysis process for management of certain categories of solid waste. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1855 Prime Sponsor, Committee on Commerce and Labor: Regulating employment in house-to-house sales. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Conner, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 25, 1988

HB 1898 Prime Sponsor, Representative Nutley: Establishing the Washington landlord-tenant review and advisory committee. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Conner, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 23, 1988

SHB 1952 Prime Sponsor, Committee on Trade and Economic Development: Requiring that special effort be made by the conservation corps to recruit residents with sensory, mental, or physical handicaps. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 24, 1988

SHJR 4231 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising constitutional references to persons with mental or sensory disabilities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 25, 1988

GA 9129 DONALD V. HOBBS, appointed May 5, 1987, for a term ending January 19, 1991, as a member of the State Board of Pharmacy. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules.

February 25, 1988

GA 9182 S. R. "JOHNNY" JOHNSTON, reappointed September 21, 1987, for a term ending September 25, 1991, as a member of the Clemency and Pardons Board.

Reported by Committee on Health Care and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Niemi, Smith, Wojahn.

Passed to Committee on Rules.

February 22, 1988

GA 9213 PAULA O'CONNOR, appointed February 1, 1988, for a term ending January 15, 1993, as a member of the Liquor Control Board.

Reported by Committee on Economic Development and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Warnke, West.

Passed to Committee on Rules.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9137, Coralee Mattingly, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

APPOINTMENT OF CORALEE MATTINGLY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 9; excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Barr, Fleming, Hansen, Madsen, Metcalf, Moore, Rinehart, Smith, Stratton - 9.

Excused: Senators Conner, Craswell, Deccio, West - 4.

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

MOTION

On motion of Senator Owen, the following resolution was adopted:

SENATE RESOLUTION 1988-8724

by Senators Owen, Gaspard, Rasmussen and Johnson

WHEREAS, Francis W. Hilliard was born February 26, 1898; and

WHEREAS, He moved to Washington State in 1919 to serve in the United States Army; and

WHEREAS, In 1928, Francis Hilliard moved to Sumner where he lives to this day; and

WHEREAS, He has stayed active over the years with AARP and the local Senior Center; and

WHEREAS, At the age of 90, Francis W. Hilliard is still an energetic ball room and square dancer; and

WHEREAS, In 1985, Lieutenant Governor John A. Cherberg named Francis W. Hilliard a Washington General and a Distinguished Citizen of the state of Washington; and

WHEREAS, He has paid taxes in the United States and the state of Washington for seventy-five years;

WHEREAS, His commitment to hard work has been an example to his family;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington do hereby wish Francis W. Hilliard a very happy ninetieth birthday and many more years of good health and prosperity.

Senators Rasmussen and Gaspard spoke to Senate Resolution 1988-8724.

INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Francis W. Hilliard who was seated in the gallery.

MOTION

On motion of Senator Bailey, the following resolution was adopted:

SENATE RESOLUTION 1988-8723

by Senators Bailey, Barr, Anderson, Rinehart, Hansen, Halsan, Gaspard, Rasmussen and Bauer

WHEREAS, The Future Farmers of America and high school agriculture are strong forces for Washington's agriculture; and

WHEREAS, The Future Farmers of America and high school agriculture are changing to provide training for the new high-technology careers in agriculture; and

WHEREAS, Members of the Future Farmers of America are playing an outstanding role in assuring the future progress and prosperity of Washington; and

WHEREAS, The Future Farmers of America's motto - 'Learning to do, doing to learn; earning to live, living to serve' - gives a direction of purpose to these students who exhibit Agriculture's New Spirit; and

WHEREAS, The Future Farmers of America perform the valuable service of developing leadership, encouraging cooperation, promoting good citizenship, teaching modern information, and inspiring patriotism among its members;

NOW, THEREFORE, BE IT RESOLVED, That the Senate proclaims the week of February 20 through 27, 1988, as Future Farmers of America Week.

Senator Zimmerman spoke to Senate Resolution 1988-8723.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Pat Oster, the President of the State Future Farmers of America, who in turn introduced the following state Future Farmers of America officers who were seated on the Senate Rostrum: Sandi Williams, Vice President; Andie Webb, Secretary; Mike Brownlee, Treasurer and Debbie Rurup, Sentinel.

With permission of the Senate, business was suspended to permit President Oster to address the Senate.

The state officers of the Future Farmers of America remained on the rostrum to observe the legislative process of the Senate.

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1988-8719

by Lieutenant Governor Cherberg; Senators Rasmussen and Bauer

WHEREAS, The March of Dimes Birth Defects Foundation is celebrating its 50th anniversary as a voluntary health organization working to assure healthy lives for America's children and prevent disability and illness; and

WHEREAS, The March of Dimes was founded in 1938 to raise funds through the efforts of thousands of volunteers to support the development of a vaccine that virtually eliminated the crippling human toll of polio; and

WHEREAS, For the past thirty years the March of Dimes has been a pioneer in preventing birth defects, the nation's number one child health problem, through research, education, and health care programs; and

WHEREAS, The Eastern and Western Washington Chapters of the March of Dimes have identified the high incidence of infant mortality and its reduction as a priority of the foundation in 1988; and

WHEREAS, The March of Dimes recognizes that the leadership in Washington State government must be an active partner in this quest for improved infant health; and

WHEREAS, The nation's hope for assuring future generations of children a healthy start in life depends on the efforts and commitment of all Americans;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate declares 1988 as March of Dimes 50th Anniversary Year and urges all residents of Washington State to celebrate this year by supporting the efforts of the March of Dimes to prevent birth defects.

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

MOTION

On motion of Senator Bender, Senator Madsen was excused.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 254 and the pending amendment by Senator Cantu on page 2, after line 3, deferred February 24, 1988.

MOTION

On motion of Senator Cantu, and there being no objection, the amendment was withdrawn.

MOTION

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

On page 1, after line 3, insert the following:

"Sec. 1. Section 2, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 302, Laws of 1985 and RCW 46.20.021 are each amended to read as follows:

(1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser included offense within the offenses described in RCW 46.20.342(1), 46.20.416, 46.20.420, and 46.65.090.

(2) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. ~~((All surrendered licenses shall be returned by))~~ The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department ((to)) shall notify the issuing department ((together with information)) that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(3) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations."

Renumber the section following consecutively.

MOTIONS

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

On line 1 of the title, after "RCW" insert "46.20.021 and"

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 254, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 254, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 254, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon,

Kreidler, Lee, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator McCaslin - 1.

Excused: Senators Conner, Deccio, Madsen, West - 4.

ENGROSSED HOUSE BILL NO. 254, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 318, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, P. King, Nutley, Prince and Chandler) (by request of Insurance Commissioner)

Revising provisions on insurance.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Financial Institutions and Insurance amendment was adopted:

On page 3, after line 22, insert the following section and renumber the remaining sections accordingly:

NEW SECTION. Sec. 5. A new section is added to chapter 48.07 RCW to read as follows:

(1)(a) Any insurer duly organized under the laws of any other state and admitted to transact insurance business in this state may become a domestic insurer upon complying with all requirements of law for the organization of a domestic insurer in this state and by designating its principal place of business at a location in this state. Such domestic insurer is entitled to a certificate of authority to transact insurance in this state, subject to the conditions set forth in (b) of this subsection, and is subject to the authority and the jurisdiction of this state.

(b) Before being eligible to become a domestic insurer under this section, an admitted insurer shall advise the commissioner, in writing, thirty days in advance of the proposed date of its plan to become a domestic insurer. The commissioner must approve the plan in advance of the proposed date. The commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the commissioner may require, the commissioner finds that the plan is consistent with law, and that no reasonable objection to the plan exists. If the commissioner fails to approve the plan, the commissioner shall state his or her reasons for failure to approve the plan in an order issued at the hearing.

(2) After providing thirty days advance written notice of its plan to the commissioner and upon the written approval of the commissioner in advance of the proposed transfer date, any domestic insurer of this state may transfer its domicile to any other state in which it is admitted to transact the business of insurance. Upon transfer of domicile, the insurer ceases to be a domestic insurer of this state. If otherwise qualified under the laws of this state, the commissioner shall admit the insurer to do business in this state as a foreign insurer. The commissioner shall approve any proposed transfer of domicile unless the commissioner determines after a hearing, pursuant to such notice as the commissioner may require, that the transfer is not in the best interests of the public or the insurer's policyholders in this state. If the commissioner fails to approve a proposed transfer of domicile, the commissioner shall state his or her reasons for failure to approve the transfer in an order issued at the hearing.

(3) When a foreign insurer, admitted to transact business in this state, transfers its corporate domicile to this state or to any other state, the certificate of authority, appointment of statutory agent, and all approved licenses, policy forms, rates, filings, and other authorizations and approvals in existence at the time the foreign insurer transfers its corporate domicile shall continue in effect.

(4) Any insurer transferring its corporate domicile under this section shall file any amendments to articles of incorporation, bylaws, or other corporate documents that are required to be filed in this state before the insurer may receive approval of its proposed plan by the commissioner."

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

On page 16, after line 3, insert the following:

NEW SECTION. Sec. 20. Section 5 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

On page 12, line 4, after "companies" insert "or insurance brokers whose average daily balance for premiums received on behalf of insureds in the state of Washington equals or exceeds one million dollars"

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

On page 12, line 12, strike "or damage" and insert "~~((or damage))~~"

MOTION

Senator Warnke moved that the following amendment be adopted:

On page 14, line 25, insert the following new sections, and renumber the remaining sections accordingly:

NEW SECTION. Sec. 18. A new section is added to chapter 48.30 RCW to read as follows:

(1) If an insurer prepares an estimate based on use of any aftermarket crash parts, the estimate shall identify the aftermarket crash parts and shall include the following notice in no smaller than ten-point type:

"This estimate has been prepared based on the use of motor vehicle crash parts that were not manufactured or supplied by the manufacturer of your motor vehicle. Such parts must be certified in accordance with RCW 48.30.—(5) (subsection (5) of this section) to be at least the same quality as the parts being replaced, unless you agree to accept noncertified parts. Upon request, we will provide you with a copy of any warranty for such parts for comparison purposes."

(2) The insurer shall provide the estimate to the registered owner or duly authorized representative and upon request shall provide the registered owner or duly authorized representative with a copy of any warranty for the aftermarket crash parts listed in the estimate.

(3) An insurer shall not require the use of noncertified aftermarket crash parts for which the insurer has prepared an estimate unless the insurer obtains the written consent of the registered owner or his or her authorized representative.

(4) For purposes of this section, "aftermarket crash part" means a motor vehicle replacement part, sheet metal or plastic, that constitutes the visible exterior of the vehicle, including an inner or outer panel, is generally installed as the result of a collision, and is not supplied by the original equipment manufacturer.

(5) For purposes of this section, "certified" means tested and approved by an independent test facility having the capability to scientifically analyze automotive parts to be the same kind of part as the part being replaced and at least the same quality with respect to fit, finish, function, and corrosion resistance.

(6) A violation of this section constitutes an unfair act or practice affecting the public interest under chapter 19.86 RCW.

NEW SECTION. Sec. 19. A new section is added to chapter 46.71 RCW to read as follows:

An original equipment manufacturer supplying a crash part shall warrant that the part meets the same quality standards used in manufacturing the original equipment being replaced."

POINT OF ORDER

Senator Newhouse: "Mr. President, I rise to the point of order that the amendment expands the scope and title of the bill. The original bill is what's known as a departmental omnibus bill, in this case for the Insurance Commissioner. Last year the Insurance Commissioner had this same bill before this body and the same thing happened to it. Some controversial amendments were added and the net effect was to kill the bill. I don't want to see that happen again. I suggest that departments should be entitled to corrective legislation, without being loaded down with controversial amendments. I'd like to suggest that this is beyond the scope of even an omnibus bill."

MOTION

On motion of Senator Warnke, and there being no objection, the amendment was withdrawn.

MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn, Johnson and Rasmussen be adopted:

On page 16, after line 3, insert the following and renumber the remaining sections accordingly:

NEW SECTION. Sec. 21. (1) The insurance commissioner shall establish a committee to review health care coverage relating to temporomandibular joint disorder. This committee shall include one member from each of the four caucuses of the legislature to be appointed by

the appropriate presiding officer in the House or Senate, representatives of the commissioner, the medical and dental professions, insurers, health care service contractors, health maintenance organizations, health care providers and those representing persons with temporomandibular joint disorder.

(2) Not later than November 1, 1988, the commissioner shall receive a report from the committee established under this section. This report shall include any recommendations for legislation, if needed.

(3) Any legislative recommendations presented to the commissioner pursuant to this section shall be referred to the state health coordinating council for its review and recommendation.

(4) The committee established under this section shall be dissolved on January 1, 1989."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Wojahn, Johnson and Rasmussen to Second Substitute House Bill No. 318.

The motion by Senator Wojahn carried and the amendment was adopted.

MOTIONS

On motion of Senator Wojahn, the following title amendments were considered simultaneously and adopted.

On page 1, line 1, after "insurance;" strike "and" and on line 4 of the title before the period insert "; and creating a new section"

On page 1, line 1 of the title strike "and" and on line 4 of the title before the period insert "; and adding a new section to chapter 48.07 RCW"

On motion of Senator von Reichbauer, the rules were suspended, Second Substitute House Bill No. 318, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 318, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 318, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Smith - 1.

Excused: Senators Conner, Deccio, Madsen, West - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 318, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

EDITOR'S NOTE: See colloquy regarding Second Substitute House Bill No. 318, as amended by the Senate, on the 51st day of the session, March 1, 1988.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1297, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, Kremen and McLean)

Establishing procedures to foreclose on properties with delinquent payments of assessments.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture amendments were considered simultaneously and adopted:

On page 8, line 2, after "(1)" strike "All" and insert "Prior to the treasurer executing and conveying the deed, all"

On page 8, line 21, after "be" strike "again assessed or"

On page 8, line 27, after "assessments" insert a comma and strike "that have been cancelled by the deed to the irrigation district, and the"

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1297, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Barr, under the bill, these irrigation assessments do not constitute a lien under the Homestead Act, do they?"

Senator Barr: "I don't think so, but I'm not clear on that. I don't think they do. I didn't hear it in the committee activities and in all of the discussion, that was not brought out—anything about the assessments—so I'm pretty sure that it does not, but I could stand corrected."

Senator Rasmussen: "Thank you, one other question. I note that after they pay the assessment, that a treasurer's deed is issued. Is this the land registration under the Torrens Title Act that the treasurer issues?"

Senator Barr: "I didn't understand your question."

Senator Rasmussen: "It indicates that a treasurer's deed—a treasurer's deed is not title insurance—the issue is under land registration or the Torrens Title?"

Senator Barr: "I think that is right, yes."

Senator Rasmussen: "Quite a bit of that farm land is registered under the Torrens Title, but I raised the question the other day in committee and a couple of insurance people or financial loan people indicated they'd never heard of land registration or the Torrens Title, which of course is very much cheaper than title insurance."

Senator Barr: "The treasurer's deed—that's part of this complicated process where the treasurer would have to provide the deed. I assume that the title insurance is a part of that and the title insurance would be provided."

Senator Rasmussen: "I don't think they provide title insurance, but thank you anyway."

Senator Barr: "Yes, I'm not clear on that."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1297, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1297, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Paterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Moore, Smith, Smitherman - 3.

Excused: Senators Conner, Deccio, Madsen, West - 4.

SUBSTITUTE HOUSE BILL NO. 1297, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1306, by Representatives Peery, Betzoff, Cole, Schoon, Pruitt, Wang, Holland, Silver, Cooper, Fisher, Meyers, Day, Taylor, Grimm, Rasmussen, Basich, Walker, Todd, Dellwo, Winsley, May, Doty, Spanel, Amondson, McLean, D. Sommers, Moyer, Ferguson and P. King

Specifying the disciplinary authority and protecting classified school employees.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1306.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1306, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Vognild - 1.

Excused: Senators Conner, Deccio, Madsen, West - 4.

HOUSE BILL NO. 1306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1318, by Representatives Holm, Betrozoff, Peery, Walker, Spanel, Pruitt and Unsoeld (by request of Governor Gardner)

Extending the time period for applications for the schools for the twenty-first century pilot project.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1318.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1318, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Garrett, Moore, Talmadge - 3.

Excused: Senators Conner, Deccio, Madsen, West - 4.

HOUSE BILL NO. 1318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Barr was excused.

SECOND READING

HOUSE BILL NO. 1332, by Representatives Silver and H. Sommers

Removing requirement that state bond certificates be printed by the public printer.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 1, line 17, after "reports" strike all of the material down to and including "committee" on line 18 and insert ", or to the printing of bond certificates or bond offering disclosure documents"

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1332, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1332, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1332, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Smith - 1.

Excused: Senators Barr, Conner, Decclo, Madsen, West - 5.

HOUSE BILL NO. 1332, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:29 a.m., Senator Newhouse moved that the Senate recess until 6:00 p.m.

Senator Vognild objected to the motion to recess until 6:00 p.m.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse that the Senate recess until 6:00 p.m.

ROLL CALL

The Secretary called the roll and the motion to recess carried by the following vote: Yeas, 23; nays, 22; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Excused: Senators Conner, Decclo, Madsen, West - 4.

At 11:39 a.m., the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:01 p.m. by Senator McDonald.

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

REPORTS OF STANDING COMMITTEES

February 25, 1988

EHB 178 Prime Sponsor, Representative Cole: Establishing the school district pay equity and job analysis assessment project. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Gaspard, Lee, Rinehart.

*Referred to Committee on Rules for second reading.

February 25, 1988

SHB 567 Prime Sponsor, Committee on Human Services: Providing funding sources for county domestic violence prevention programs. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 657 Prime Sponsor, Committee on Constitution, Elections and Ethics: Prohibiting false political advertising. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 725 Prime Sponsor, Committee on Education: Providing a pilot program to provide health and assessment services before school begins. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 752 Prime Sponsor, Committee on Judiciary: Revising the definition of second degree assault. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Madsen, Nelson, Newhouse, Niemi.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 791 Prime Sponsor, Committee on Judiciary: Regulating camping clubs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 832 Prime Sponsor, Committee on Environmental Affairs: Penalizing governmental entities for the unauthorized disposal of solid waste. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, Kreidler, Rinehart.

Passed to Committee on Rules for second reading.

February 26, 1988

ESHB 1175 Prime Sponsor, Committee on Financial Institutions and Insurance: Penalizing operation of a motor vehicle without insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Kreidler, Moore, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 24, 1988

ESHB 1267 Prime Sponsor, Committee on Transportation: Authorizing alternative forms of security for state ferry construction contracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Paterson, Chairman; Nelson, Vice Chairman; DeJarnatt, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1269 Prime Sponsor, Committee on Health Care: Revising provisions relating to community supervision. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

EHB 1273 Prime Sponsor, Representative R. King: Extending the effect of collective bargaining agreements. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 25, 1988

E2SHB 1284 Prime Sponsor, Committee on Ways and Means/Appropriations: Revising provisions governing campaign financing. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1296 Prime Sponsor, Committee on Commerce and Labor: Eliminating the delivery requirement for seized liquor. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, McMullen, Smitherman, Warnke.

Passed to Committee on Rules for second reading.

February 26, 1988

E2SHB 1301 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing for farm-worker housing. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Rinehart.

Referred to Committee on Ways and Means.

February 25, 1988

SHB 1302 Prime Sponsor, Committee on Judiciary: Establishing penalties for sexual offenses against developmentally disabled persons. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1319 Prime Sponsor, Committee on Commerce and Labor: Establishing minimum standards for leave for family care. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Conner, Deccio, McMullen, Smitherman, Warnke, West, Williams.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1329 Prime Sponsor, Committee on Judiciary: Changing provisions relating to the homestead exemption. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Vice Chairman; Halsan, Madsen, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1339 Prime Sponsor, Committee on Judiciary: Increasing penalties for the illegal transfer of food stamps. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1368 Prime Sponsor, Committee on Judiciary: Revising provisions on enforcement of judgments. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1369 Prime Sponsor, Committee on Financial Institutions and Insurance: Regulating escrow. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1370 Prime Sponsor, Committee on Ways and Means/Revenue: Increasing the head of family exemption for personal property taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1988

HB 1371 Prime Sponsor, Representative Appelwick: Revising transfer tax provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1377 Prime Sponsor, Committee on Judiciary: Regulating precursor drugs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Niemi.

Passed to Committee on Rules for second reading.

February 26, 1988

ESHB 1384 Prime Sponsor, Committee on Human Services: Approving juvenile detention standards. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1391 Prime Sponsor, Committee on Environmental Affairs: Providing oil dump and holding tank pump stations information to boaters. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler, Patterson, Rinehart.

Passed to Committee on Rules for second reading.

February 26, 1988

EHB 1396 Prime Sponsor, Representative Wang: Revising industrial insurance disability benefits. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Anderson, Vice Chairman; Conner, Deccio, McMullen, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1412 Prime Sponsor, Committee on Environmental Affairs: Providing for disclosure of flood plain information. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1419 Prime Sponsor, Committee on Judiciary: Revising provisions relating to the collection of criminal justice information. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1424 Prime Sponsor, Committee on Health Care: Revising provisions on community custody. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1429 Prime Sponsor, Committee on Judiciary: Providing for home detention under the sentencing reform act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Vice Chairman; Halsan, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1432 Prime Sponsor, Committee on Judiciary: Revising criminal mental defenses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Pullen, Chairman; Halsan; Hayner, Nelson, Newhouse, Talmadge.

Referred to Committee on Ways and Means.

February 25, 1988

SHB 1460 Prime Sponsor, Committee on Judiciary: Revising jury selection and summoning. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1988

HB 1463 Prime Sponsor, Representative Belcher: Providing for orders requiring parents to comply with residential provisions for a child. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1988

HB 1464 Prime Sponsor, Representative Armstrong: Strengthening contempt orders for the failure to pay child support. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Pullen, Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1469 Prime Sponsor, Committee on Transportation: Authorizing the department of transportation to exchange land for improvements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Barr, Bender, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1988

HB 1482 Prime Sponsor, Representative Rasmussen: Revoking or suspending juveniles' drivers licenses for violation of certain drug or alcohol laws. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1487 Prime Sponsor, Committee on Financial Institutions and Insurance: Regulating collision damage waivers for rental cars. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; West, Vice Chairman; Johnson, Kreidler, McCaslin, Moore, Rasmussen, Sellar, Smitherman.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1494 Prime Sponsor, Committee on Judiciary: Establishing the period when a person can bring an action for damages resulting from childhood sexual abuse. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pullen, Chairman; McCaslin, Vice Chairman; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1510 Prime Sponsor, Committee on Local Government: Amending provisions for annexation by water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 26, 1988

ESHB 1511 Prime Sponsor, Committee on Local Government: Amending provisions for water and sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 25, 1988

HB 1515 Prime Sponsor, Representative H. Sommers: Modifying the termination dates of various state agencies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1523 Prime Sponsor, Committee on Human Services: Prohibiting visitation between abusive parent and child. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 26, 1988

ESHB 1534 Prime Sponsor, Committee on Judiciary: Authorizing children's testimony to be recorded and admissible as evidence in certain cases. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Hayner, Madsen, Nelson, Newhouse, Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1536 Prime Sponsor, Committee on Judiciary: Revising the laws governing parenting plans. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1988

HB 1546 Prime Sponsor, Representative Brekke: Revising provisions governing consultation by department of social and health services on reports of abuse. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 26, 1988

HB 1558 Prime Sponsor, Representative Sayan: Revising provisions relating to teachers' retirement options. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1988

HB 1559 Prime Sponsor, Representative Sayan: Providing for termination of membership in the teachers' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1988

HB 1560 Prime Sponsor, Representative Sayan: Modifying public retirement benefits for persons who have attained age seventy and one-half and are still employed. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1572 Prime Sponsor, Committee on Environmental Affairs: Creating a wetlands management committee. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Halsan, Hansen, Rinehart.

Referred to Committee on Ways and Means.

February 24, 1988

EHB 1585 Prime Sponsor, Representative Leonard: Revising provisions for juvenile dependency proceedings. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1586 Prime Sponsor, Committee on Human Services: Revising rules for dependency proceedings. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 25, 1988

EHB 1587 Prime Sponsor, Representative Rayburn: Providing for open adoptions. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Vice Chairman; Craswell, Garrett, Stratton.

Passed to Committee on Rules for second reading.

February 24, 1988

EHB 1588 Prime Sponsor, Representative Anderson: Revising certain procedures governing dependency proceedings. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Fleming, Garrett, Stratton.

Passed to Committee on Rules for second reading.

February 25, 1988

2SHB 1589 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing plans for treating high-risk youth. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Garrett, McDonald, Stratton.

Referred to Committee on Ways and Means.

February 26, 1988

SHB 1592 Prime Sponsor, Committee on Commerce and Labor: Authorizing workers' compensation for workers with asbestos-related diseases. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Conner, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1612 Prime Sponsor, Committee on Transportation: Prescribing penalties for failure to post disabled parking signs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Kiskaddon, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 25, 1988

HB 1616 Prime Sponsor, Representative Sprenkle: Authorizing purchase of certain state trust lands for parks use. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Barr, Benitz, DeJarnatt, Kreidler, Patterson.

Referred to Committee on Ways and Means.

February 25, 1988

ESHB 1627 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing a family life education program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bender, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1988

EHB 1630 Prime Sponsor, Representative Walk: Requiring insurance for continued registration of tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Bender, DeJarnatt, Garrett, Kiskaddon, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1988

HB 1636 Prime Sponsor, Representative Spanel: Providing for the retention of records by energy recovery or incineration facilities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Barr, Benitz, DeJarnatt, Kreidler, Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1655 Prime Sponsor, Committee on Education: Specifying the uses of capital funds by school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman; Bauer, Bender, Gaspard, Rinehart.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1676 Prime Sponsor, Committee on Human Services: Revising provisions relating to community action agencies. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1683 Prime Sponsor, Committee on Housing: Amending mobile home landlord-tenant provisions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1689 Prime Sponsor, Committee on Local Government: Revising the distribution and payment of investment earnings on property tax receipts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1696 Prime Sponsor, Committee on Ways and Means/Revenue: Revising excise tax exemptions on agriculture. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Anderson, Vice Chairman; Bailey, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1728 Prime Sponsor, Committee on Commerce and Labor: Establishing office of information and assistance within the department of labor and industries. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Conner, McMullen, Smitherman, Warnke, Williams.

Passed to Committee on Rules for second reading.

February 26, 1988

2SHB 1733 Prime Sponsor, Committee on Ways and Means: Revising investment policies for funds of the department of labor and industries. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Kreidler, Moore, Sellar, Smitherman.

Referred to Committee on Ways and Means.

February 26, 1988

SHB 1739 Prime Sponsor, Committee on State Government: Assisting the Washington state guard in civil affairs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 25, 1988

EHB 1796 Prime Sponsor, Representative Padden: Requiring specific access service for "976" information-access telephone services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Benitz, Chairman; Madsen, Nelson, Newhouse, Owen, Stratton, Williams.

Passed to Committee on Rules for second reading.

February 25, 1988

ESHB 1817 Prime Sponsor, Committee on Transportation: Facilitating public and private funding of local transportation improvements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, Metcalf, Owen.

Passed to Committee on Rules for second reading.

February 26, 1988

HB 1833 Prime Sponsor, Representative Dorn: Revising provisions for a mayor pro tempore. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 25, 1988

E2SHB 1835 Prime Sponsor, Committee on Ways and Means: Providing for economic diversification in the Tri-Cities. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Conner, Deccio, McMullen, Smitherman, Warnke, West.

Passed to Committee on Rules for second reading.

February 24, 1988

HB 1836 Prime Sponsor, Representative Hargrove: Encouraging economic self-sufficiency through self-employment of families receiving aid to families with dependent children. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, McDonald, Stratton.

Passed to Committee on Rules for second reading.

February 25, 1988

SHB 1845 Prime Sponsor, Committee on State Government: Revoking concealed pistol licenses of persons carrying them while under the influence of drugs or alcohol. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1988

EHB 1851 Prime Sponsor, Representative Sayan: Removing age restrictions for certain state residential schools. Reported by Committee on Health Care and Corrections

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chairman; Johnson, Vice Chairman; Kreidler, Smith, Wojahn.

Referred to Committee on Ways and Means.

February 26, 1988

SHB 1852 Prime Sponsor, Committee on State Government: Modifying membership of the deferred compensation committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1857 Prime Sponsor, Committee on Transportation: Creating a transportation improvement board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Owen.

Passed to Committee on Rules for second reading.

February 24, 1988

ESHB 1858 Prime Sponsor, Committee on Human Services: Requiring consideration of minority race or minority ethnic heritage in adoptions and foster care placements. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Kiskaddon, Chairman; Bailey, Vice Chairman; Craswell, Fleming, Garrett, Stratton.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1860 Prime Sponsor, Committee on Transportation: Penalizing fraudulent failure to register vehicles, boats, or airplanes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, DeJarnatt, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 24, 1988

SHB 1883 Prime Sponsor, Committee on Transportation: Adjusting the scope of vehicle dealer regulations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Bender, DeJarnatt, McMullen, Metcalf, Owen, Sellar.

Passed to Committee on Rules for second reading.

February 26, 1988

HB 1929 Prime Sponsor, Representative Rayburn: Extending the effective date of certain emergency drought relief laws. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Rinehart.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1993 Prime Sponsor, Committee on Agriculture and Rural Development: Providing for drought relief. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Hansen, Rinehart.

Referred to Committee on Ways and Means.

February 25, 1988

EHJM 4033 Prime Sponsor, Representative Jones: Petitioning Congress to adopt legislation establishing a uniform closing time for polling places. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf.

Passed to Committee on Rules for second reading.

February 25, 1988

HJM 4035 Prime Sponsor, Representative Unsoeld: Petitioning Congress to study the claims of veterans exposed to Agent Orange. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Zimmerman, Vice Chairman; DeJarnatt, Garrett, Halsan, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

February 26, 1988

HJR 4222 Prime Sponsor, Representative Holland: Increasing the head of family personal property tax exemption. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 25, 1988

SHCR 4403 Prime Sponsor, Committee on Natural Resources: Providing for the development of rules to permit gillnet fishing during daylight hours. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Smith, Vice Chairman; Benitz, DeJarnatt, Kreidler, Owen, Paterson.

Passed to Committee on Rules for second reading.

MOTIONS

Senator Newhouse moved that all bills be referred as designated with the exception of Engrossed House Bill No. 178.

*Senator Newhouse moved that Engrossed House Bill No. 178 be referred to the Committee on Ways and Means.

POINT OF ORDER

Senator Vognild: "Mr. President, a point of order. Pursuant to Rule 16, I question that the motion is properly before the body. I'd like a ruling from the chair, please."

RULING BY THE ACTING PRESIDENT

Acting President McDonald: "Senator Vognild, Rule 16 reads, 'A majority of all members elected to the Senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had.' My understanding is that the agreement between the majority and minority has been to allow this practice to take place in order to do the business and in order to read in bills. Therefore, on the basis of precedent, I would find your parliamentary inquiry out of order."

Engrossed House Bill No. 178 was referred to the Committee on Ways and Means.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Energy and Utilities was relieved of further consideration of House Bill No. 1881.

On motion of Senator Newhouse, House Bill No. 1881 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Substitute House Bill No. 1436.

On motion of Senator Newhouse, Substitute House Bill No. 1436 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Second Substitute House Bill No. 1565.

On motion of Senator Newhouse, Second Substitute House Bill No. 1565 was referred to the Committee on Ways and Means.

MOTION

At 6:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:30 p.m., Monday, February 29, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTIETH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, February 29, 1988

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Shawn Saling and Jason Betts, presented the Colors. Sister Maria Cleto, director of the social ministry program for Saint Edward's Church of Seattle, Washington, and a guest of Senator George Fleming, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 1988

ESHB 1089 Prime Sponsor, Committee on Ways and Means/Revenue: Prohibiting a business and occupation tax deduction for amounts received as compensation from public entities for services rendered as employee benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognil, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

SHB 1366 Prime Sponsor, Committee on Ways and Means/Appropriations: Providing for judges retirement. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Saling, Smith, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

SHB 1373 Prime Sponsor, Committee on Ways and Means/Revenue: Eliminating the current year tax cancellation for property becoming exempt from property tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Moore, Newhouse, Saling, Talmadge, Vognil, Warnke.

Passed to Committee on Rules for second reading.

February 29, 1988

ESHB 1388 Prime Sponsor, Committee on Housing: Exempting temporary lodging for homeless persons from state and local excise taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

SHB 1389 Prime Sponsor, Committee on Ways and Means/Appropriations: Creating the emergency food and shelter program revolving account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Saling, Talmadge, Vognil, Warnke, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1988

ESHB 1420 Prime Sponsor, Committee on Local Government: Revising provisions on property taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Johnson, Newhouse, Saling, Smith, Talmadge, Vognil, Williams, Wojahn, Zimmerman.

February 27, 1988

SHB 1446 Prime Sponsor, Committee on Local Government: Authorizing loans for emergency public works projects. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Vognil, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

ESHB 1450 Prime Sponsor, Committee on Trade and Economic Development: Extending the excise tax deferral and credit programs for manufacturing and research and development activities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Vognil, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1988

EHB 1507 Prime Sponsor, Representative Appelwick: Revising the sales and use tax exemptions for food products sold by vendors required to have a worker's permit under RCW 69.06.010. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bluechel, Deccio, Fleming, Gaspard, Johnson, Lee, Moore, Newhouse, Smith, Talmadge, Vognil, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

EHB 1553 Prime Sponsor, Representative Nutley: Limiting grants and loans from the housing trust fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Saling, Smith, Talmadge, Vognil, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

HB 1554 Prime Sponsor, Representative H. Sommers: Authorizing the sale of bonds at a discount. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Talmadge, Williams.

Passed to Committee on Rules for second reading.

February 27, 1988

2SHB 1565 Prime Sponsor, Committee on Ways and Means: Revising provisions on alcoholism and drug addiction treatment. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Vognild, Williams, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

SHB 1572 Prime Sponsor, Committee on Environmental Affairs: Creating a wetlands management committee. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

ESHB 1594 Prime Sponsor, Committee on Agriculture and Rural Development: Providing for a water use efficiency study. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

HB 1616 Prime Sponsor, Representative Sprengle: Authorizing purchase of certain state trust lands for parks use. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1617 Prime Sponsor, Committee on Judiciary: Clarifying the definition of "costs" received as part of court actions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Vognild, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Moore, Talmadge.

Passed to Committee on Rules for second reading.

February 29, 1988

2SHB 1640 Prime Sponsor, Committee on Ways and Means/Appropriations: Establishing the G. Robert Ross public service award program for outstanding public service by faculty. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Smith, Talmadge, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1988

HB 1649 Prime Sponsor, Representative Sayan: Revising pension portability provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bauer, Fleming, Gaspard, Moore, Talmadge, Vognilid, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 29, 1988

SHB 1680 Prime Sponsor, Committee on Ways and Means/Revenue: Revising permit requirements on sales tax exemptions for nonresidents. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Cantu, Gaspard, Hayner, Johnson, Lee, Saling, Smith, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1988

SHB 1685 Prime Sponsor, Committee on Ways and Means: Providing for state caseload forecasts. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Fleming, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Vognilid, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

HB 1710 Prime Sponsor, Representative Jones: Approving projects approved by the public works board. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Saling, Smith, Talmadge, Vognilid, Warnke, Williams, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

SHB 1754 Prime Sponsor, Committee on Ways and Means/Revenue: Revising administrative provisions on taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Newhouse, Saling, Smith, Vognilid, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

HB 1819 Prime Sponsor, Representative Unsoeld: Revising the property tax exemption for houses for the aged. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Deccio, Hayner, Johnson, Newhouse, Smith, Vognild, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 29, 1988

EHB 1851 Prime Sponsor, Representative Sayan: Removing age restrictions for certain state residential schools. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Deccio, Gaspard, Johnson, Lee, Newhouse, Saling, Talmadge, Williams.

Passed to Committee on Rules for second reading.

February 29, 1988

HB 1881 Prime Sponsor, Representative Appelwick: Changing provisions relating to excise taxation of electrical energy. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Deccio, Fleming, Gaspard, Johnson, Lee, Smith, Talmadge, Williams, Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 29, 1988

GA 9152 JOHN F. NADDY, III, appointed July 18, 1987, for a term ending July 1, 1991, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Kiskaddon, Vice Chairman, Bauer, Bender, Craswell, Gaspard, Lee, Rinehart.

Passed to Committee on Rules.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9130, Philip T. Bork, as a member of the Board of Industrial Insurance Appeals, was confirmed.

APPOINTMENT OF PHILIP T. BORK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Fleming - 1.

PERSONAL PRIVILEGE

Senator Benitz: "Mr. President, a point of personal privilege. Members of the Senate and our friends in the gallery, you have on your desk a rather sizable apple. It's called a Forty-eight, which means it's forty-eight apples to the box--almost a pound apiece. They didn't get that size by the process they've been through. These are irradiated apples which means that they are absolutely sterile. They can go any place in the world. It's a process by which we hope we can get in Japan, in a tremendous export market. There are a couple of other things. The reason I wanted to do it today is that we only have this day, one year in four, so we wanted something new for February 29th, and that is the new apple that you have before you. Further, there's a little scratch pad that goes with it and that logo at the top of the scratch pad is the international symbol for irradiated foods. I hope that you become better acquainted with it as the years roll along.

"Further, there's a story by Battelle, who has provided this irradiation, and has provided me with the apples that go along with it. It's a very interesting one. Some of you may have some concern. Many people are concerned about irradiated foods, but if you'll notice on that sheet, that's all our astronauts have when they're in space--the irradiated foods. People who are concerned, I guess I would draw the likeness that my father told, about the turn of the century, when the automobile came in. The people in the German community where I grew up made organizations to make sure they got rid of that automobile, because it was scaring the horses to death and having run-aways and wrecking their equipment. Besides that, the Dutchmen said, 'Those automobiles can't go over these muddy roads; we'd never have roads to accommodate them.' That's the kind of situation that we have with some people that are overly concerned about irradiation. Enjoy the fine apple."

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9132, Joseph A. Dear, as Director of the Department of Labor and Industries, was confirmed.

Senator Rasmussen spoke to the confirmation of Joseph A. Dear as Director of the Department of Labor and Industries.

APPOINTMENT OF JOSEPH A. DEAR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Kiskaddon, McMullen - 2.

SECOND READING

ENGROSSED HOUSE BILL NO. 1401, by Representatives Spanel, Holland, Belcher, Cole, Ferguson, Grant, Grimm, Winsley, Rayburn, Nutley, Leonard, Doty, Sanders, Lewis, Silver, Wang, Sayan, Appelwick, Bristow, Patrick, Taylor, Heavey, Kremers, Holm, May, Brough, Jesernig, Schoon, Moyer, Rasmussen, Unsoeld, Brekke and Day

Expanding the business and occupation tax exemption for sheltered work-shops.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1401.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1401 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Owen - 1.

ENGROSSED HOUSE BILL NO. 1401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1472, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Baugher, McLean, Nealey, Rayburn, Doty, Grant, Rasmussen, Holm and Todd) (by request of Department of Agriculture)

Revising provisions relating to apiaries.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1472.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1472 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1473, by Committee on Agriculture and Rural Development (originally sponsored by Representatives McLean, Doty, Rasmussen and Holm) (by request of Department of Agriculture)

Revising provisions relating to food processors.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1473.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1473 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1543, by Representatives Cantwell, Brooks, Day, Vekich, D. Sommers, Braddock, Bristow, Lux, P. King, Sprengle, Meyers and Lewis

Eliminating the requirement of a practical examination for recertification of emergency medical technicians if other requirements are met.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Health Care and Corrections amendment was adopted:

On page 1, line 18, after "examination" strike all material down to an including "met" on line 21 and insert "and completed a program of ongoing training and evaluation, approved in rule by the county medical program director and the secretary"

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1543, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1543, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1543, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED HOUSE BILL NO. 1543, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1618, by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Leonard, Moyer, Padden, Scott, Anderson, Miller, Cooper, Ferguson, Sanders, May, Silver and Butterfield) (by request of Department of Social and Health Services)

Reorganizing and clarifying the laws regarding services to persons with developmental disabilities.

The bill was read the second time.

MOTIONS

On motion of Senator Deccio, the following Committee on Health Care and Corrections amendments were considered simultaneously and adopted:

On page 14, line 9, after "disabilities," insert "the county governing authority and"

On page 17, line 10, strike "status of the person as eligible" and insert "person's eligibility"

On page 17, strike all of section 603 and renumber the remaining sections accordingly

On page 19, line 22, after "centers are" insert "permanently"

On motion of Senator Deccio, the following Committee on Health Care and Corrections amendments were considered simultaneously and adopted:

On page 20, line 34, strike "require" and insert "engage residents in" and after "of work" insert "or work"

On page 25, line 26, strike "POWER" and insert "LIMITED AUTHORITY"

On page 26, strike all of section 715 and renumber the remaining sections accordingly

On page 26, line 13 strike "EMERGENCY"

On page 26, line 14, after "CENTER" insert "FOR DIAGNOSTIC PURPOSES"

On page 26, beginning on line 14, strike "or local government"

On page 26, beginning on line 15, strike "and without first determining whether the person is eligible for service,"

On page 26, line 17, after "person" insert "eligible for services under this chapter"

On page 26, beginning on line 18, after "days" strike the remainder of the sentence and insert "for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided"

On page 26, line 26, after "person" and before the comma insert "or with any person"

On page 28, line 5, strike "state or local government" and insert "the state"

On page 34, line 28, strike "101 through 806" and insert "102(2)"

On page 35, beginning on line 36, strike "and other"

On page 36, beginning on line 11, strike "and other"

MOTIONS

Senator Deccio moved that the following Committee on Health Care and Corrections amendment be adopted:

On page 40, line 6, strike "101" and insert "801"

On motion of Senator Deccio, the following amendment to the Committee on Health Care and Corrections amendment was adopted:

Strike the committee amendment to page 40, line 6 and insert "On page 40, line 6 of the bill, strike sections 101 through 806 and insert section 102(7)"

The President declared the question before the Senate to be the adoption of the Committee on Health Care and Corrections amendment on page 40, line 6, as amended.

The motion by Senator Deccio carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1618, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1618, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1618, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Craswell, Smith - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1618, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 46, by Committee on Local Government (originally sponsored by Representatives May, Ferguson, Haugen, Lux, Miller, Berezoff, Allen, Braddock, Hine, Leonard and J. Williams)

Providing for the distribution of the local watercraft excise tax to cities and towns providing marine patrol services.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 49, chapter 3, Laws of 1983 2nd ex. sess. as last amended by section 155, chapter 7, Laws of 1985 and RCW 82.49.070 are each amended to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82.49.010 which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county (~~PROVIDED, That such agreement shall take into consideration any marine patrols provided as of June 30, 1983, and may~~). The county shall provide compensation for those municipal corporations in the county which are parties to the agreement and which provide marine patrol and/or boating safety services, including fire suppression and rescue services only as related to boating safety. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) Any city or town which was providing marine patrols prior to June 30, 1983, and which has not been a party to the interlocal agreement authorized by subsection (1) of this section may impose a tax of up to fifty cents per foot of the vessel per calendar year, or part thereof, which tax shall be a credit against the tax imposed by the county under subsection (1) of this section for vessels which are owned by residents of such city or town. The county is authorized to retain two percent of the revenue so collected on behalf of such city or town for collection and administrative costs.

(3) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

~~((3))~~ (4) The moneys collected under this section shall be distributed by the county monthly to cities or town imposing the tax authorized by subsection (2) of this section, and to the parties to the interlocal agreement, and other municipal corporations entitled to compensation, according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I would ask for the President to rule on the scope and object of this amendment which now expands the activity that was embodied in the original bill and which was addressed by the sponsor of the amendment that the original bill was to share those monies presently collected from the fifty cents per foot tax in the local jurisdiction. This amendment now imposes a new tax at the option of local governments that have a marine patrol as well as have an inner-local agreement, so it expands, considerably, what was the original intent of the measure."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 46 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1279, by Committee on Health Care (originally sponsored by Representatives Braddock, Brooks and May) (by request of Department of Corrections)

Revising provisions relating to financial and legal obligations of offenders.

The bill was read the second time.

MOTION

Senator Madsen moved that the following amendment by Senators Madsen and Pullen be adopted:

On page 9, after line 15, insert the following:

"Sec. 4. Section 16, chapter 219, Laws of 1979 ex. sess. and RCW 7.68.240 are each amended to read as follows:

Upon a showing by any convicted person or the state that five years have elapsed from the establishment of such escrow account and further that no actions are pending against such convicted person pursuant to ~~((this act))~~ RCW 7.68.200 through 7.68.280, the department shall immediately pay over fifty percent of any moneys in the escrow account to such person or his legal representatives and fifty percent of any moneys in the escrow account to the fund under RCW 7.68.035(4)."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Madsen and Pullen on page 9, after line 15, to Substitute House Bill No. 1279.

The motion by Senator Madsen carried and the amendment was adopted.

MOTIONS

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

On page 1, line 2 of the title, after "RCW 9.94A.200" strike "and" and insert a comma, and after "9.94A.380" insert ", and 7.68.240"

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1279, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1279, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1279, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Bluechel, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogrnild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Benitz, Craswell - 2.

SUBSTITUTE HOUSE BILL NO. 1279, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 280, by Representatives Heavey, Schmidt and Walk (by request of Department of Licensing)

Changing provisions relating to the suspension of a driver's license for failure to report an accident.

The bill was read the second time.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 1, after line 9, insert the following:

"Sec. 2. Section 19, chapter 121, Laws of 1965 ex. sess. as amended by section 55, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.171 are each amended to read as follows:

(1) The department shall file every application for a license or permit received by it and shall maintain suitable (~~indexes~~) records containing the following:

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions and findings that a traffic infraction has been committed received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the licensee's convictions, the findings that he has committed a traffic infraction, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department.

(3) Notwithstanding any provision of chapter 42.17 RCW to the contrary, the department shall not make available for public inspection or copying, or otherwise provide access to, applications for a driver's license or permit or identicard or information in its drivers' files concerning an applicant's, permittee's, or licensee's date of birth or physical or mental characteristics or conditions. The department shall not give, sell, or otherwise provide access to lists of individual holders of drivers' licenses or permits or identicards, or those persons' addresses.

Such records and information shall be made available:

(a) As necessary to carry out the duties or authorized activities of the department; or

(b) To a federal, state, local, or Canadian government agency or educational institution, or its authorized commercial agents or contractors, only for use in, and to the extent necessary for, the performance of the duties of the government agency as determined by the director; or

(c) To persons otherwise permitted by law to obtain access to or copies of the department's records, only to the extent necessary to achieve the purpose of the law or laws permitting such disclosure; or

(d) To an individual with a civil suit, as determined by the director.

Sec. 3. Section 46.52.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 99, Laws of 1984 and RCW 46.52.120 are each amended to read as follows:

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The case record shall be maintained in two parts.

(a) One part shall be the employment driving record of the person. This part shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another or an owner-operator, all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another or an owner-operator, and all findings that the person has committed a traffic infraction while the person is driving a commercial motor vehicle as an employee of another or an owner-operator. The same reports shall be entered when the person is a law enforcement officer or fire fighter as defined in RCW 41.26.030, or a state patrol officer, and is driving an official police, state patrol, or fire department vehicle in the course of their official duties.

(b) The other part shall include all other accidents, convictions, and findings that the person has committed a traffic infraction.

(3) Such records shall be for the confidential use of the director and the chief of the Washington state patrol and the director of the Washington traffic safety commission and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(4) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law."

POINT OF ORDER

Senator Warnke: "Mr. President, a point of order. I would raise the question of scope and object of the amendment. I would draw the President's attention to the title of the act. It is an act relating to the suspension of drivers privileges. The amendment speaks to the selling or the permission or the availability of drivers license lists and addresses for purchase or dissemination, so I don't think that it fits any place in the bill."

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of House Bill No. 280 was deferred.

SECOND READING

HOUSE BILL NO. 1300, by Representatives Basich, Sayan and Bumgarner (by request of Department of Fisheries)

Relating to charter boat licenses.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1300.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1300 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Benitz, Craswell - 2.

HOUSE BILL NO. 1300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1330, by Representatives R. King, Patrick, Walker, Wang, Sayan, Cole and Jones

Changing references to employee classes for collective bargaining purposes.

The bill was read the second time.

MOTION

Senator Warnke moved that the following amendment be adopted:

On page 4, after line 5, insert the following:

"Sec. 4. Section 2, chapter 108, Laws of 1967 ex. sess. as last amended by section 1, chapter 135, Laws of 1987 and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington, including district and municipal courts, except as otherwise provided by RCW 54.04.170, 54.04.180, and chapters 41.59, 47.64, and 53.18 RCW. The Washington state patrol shall be considered a public employer of state patrol officers appointed under RCW 43.43.020.

Sec. 5. Section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 2, chapter 135, Laws of 1987 and RCW 41.56.030 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public

employer of district and municipal court employees for wage-related matters is the respective county or municipal legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district or municipal court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district or municipal judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county of the second class or larger, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended."

POINT OF ORDER

Senator Lee: "Mr. President, I raise the point of order that the amendment is outside the scope and object of the bill and would like to speak to that. I agree with Senator Warnke that this is a measure that, to say the least, is confusing. For some, we tried it one way last year to put these court employees all under the county and the Governor then vetoed it. This is coming back and saying, 'Well, for some purposes, you are under the county and for some purposes you are under the judges.' The third alternative would be to say, for all purposes, you are under the court. I think that particular alternative was not brought out here. The very fact that we're even talking about that is the very reason that it is beyond the scope and object of the bill. You can see the title has to add additional sections, in fact, for it to be considered. It is an issue that the Legislature needs to address, but it is beyond the scope and object of this bill, which makes very simple corrections—simply changing section numbers—so that the existing statutes will comply with the gubernatorial veto."

MOTION

On motion of Senator Nelson, further consideration of House Bill No. 1330 was deferred.

MOTIONS

On motion of Senator Zimmerman, Senator McDonald was excused.

On motion of Senator Nelson, Senator Benitz was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1392, by Committee on Health Care (originally sponsored by Representatives D. Sommers, Braddock, Beck, Day, Betrozoff, Moyer, Sanders, Silver and Ferguson)

Exempting type A continuing care retirement communities from certificate of need requirements.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1392.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1392 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 41.

Voting nay: Senators Fleming, Kreidler, Niemi, Rinehart, Talmadge, Wojahn - 6.

Excused: Senators Benitz, McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 1392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1470, by Representatives Baugher, Schmidt and Walk (by request of Department of Transportation)

Regulating tandem-axle vehicles.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1470.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1470 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, McDonald - 2.

HOUSE BILL NO. 1470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1504, by Representatives P. King, Padden and Meyers

Making technical corrections to trust and estate law.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, House Bill No. 1504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1504.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1504 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtnild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, McDonald - 2.

HOUSE BILL NO. 1504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1514, by Representatives Ferguson, Haugen, Sanders, Cooper, Bumgarner and Nutley

Authorizing water districts to fluoridate water supply systems.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Rasmussen and Pullen be adopted:

Strike the sentence on line 13, down to "district." on line 14

Debate ensued.

Senator Pullen demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Metcalf, Rasmussen and Pullen to House Bill No. 1514.

The motion by Senator Metcalf failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1514.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1514 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtnild, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Lee, Metcalf, Moore, Pullen, Rasmussen, von Reichbauer, Warnke, West - 8.

Absent: Senator Cantu - 1.

Excused: Senators Benitz, McDonald - 2.

HOUSE BILL NO. 1514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1531, by Representatives Silver, H. Sommers, Anderson, Walk, Fuhrman, Chandler, Brough, Sanders, Moyer, K. Wilson, D. Sommers, Betzoff and Butterfield

Revising the criteria for sunset review and extending the program.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1531.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1531 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, McDonald - 2.

HOUSE BILL NO. 1531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1581, by Representatives Nelson, Miller, Todd, Barnes, Gallagher, Hankins, Jacobsen, Meyers, May, Brooks, Jesernig, Armstrong, Sutherland, Unsoeld, S. Wilson, Day and Dorn

Permitting banded rate tariffs for natural gas and electric services.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, Puget Power has the highest rates. A lot of people are switching over, because the gas company claims that they can, by switching away from electric heat to gas, save half of the costs. Would this allow Puget Power to reduce rates in a competitive position with gas rates?"

Senator Nelson: "Senator Rasmussen, thank you for that question. What will occur here is that Puget Power and/or the gas company in any jurisdiction, can submit for approval to the Utilities and Transportation Commission, a rate for a given classification of delivery of service—a minimum rate and a maximum rate—and therefore be able to apply that rate based on conditions such as the availability of gas or the availability of electric power and reduce the rate to essentially pass on those cost-savings immediately to the people who are subscribers to either electric or gas service.

"Today, for either of those two utilities to now make a reduction, they have to go through a full blown rate and tariff hearing in front of the Commission, so this provides flexibility not only to the utility to reduce or raise rates within this maximum/minimum area, but to essentially provide that cost-savings to it's customers."

Senator Rasmussen: "One further question, in relation to that, I notice that gas and electric are included in there. This could make Puget file for a banded tariff and the gas company would too, and the consumer may benefit, because they get to fighting on lower rates?"

Senator Nelson: "Oh, I don't know if it's essentially fighting. Everybody has a choice as to which particular form of energy they wish to subscribe to. I might point out, Senator Rasmussen, that these utilities will not be able to apply for the use of banded rates until there's an approval procedure in place by the Utilities and Transportation Commission."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1581.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1581, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, McDonald - 2.

*ENGROSSED HOUSE BILL NO. 1581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

*EDITOR'S NOTE: See colloquy on Engrossed House Bill No. 1581 on fifty-first day, March 1, 1988.

MOTION

At 3:39 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:30 p.m. by President Cherberg.

SECOND READING

ENGROSSED HOUSE BILL NO. 1629, by Representatives Schoon, Braddock, Brooks, Moyer, Kremen, D. Sommers, Sprenkle, May and Miller

Changing the definition of physician's assistant.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Health Care and Corrections amendment was adopted:

On page 1, line 18, beginning with "RCW" strike all material to the end and insert "Foreign medical school graduates shall not be eligible for registration as physician assistants after July 1, 1989. Those applying on or before that date shall remain eligible to register as a physician assistant after July 1, 1989: PROVIDED, That the graduate does not violate chapter 18.130 RCW or the rules of the board. The board shall adopt rules regarding applications for registration. The rules shall include board approval of training as required in RCW 18.71.051(1) and receipt of original translated transcripts directly from the medical school."

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1629, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1629, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1629, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 1629, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 280 and the pending amendment by Senator Cantu on page 1, line 9, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Warnke, the President finds that House Bill No. 280 is a measure which grants discretion to the Department of Licensing in suspending the privilege to drive for failure to file an accident report.

"The amendment proposed by Senator Cantu would exempt the names and addresses of drivers licensees from public disclosure and prohibit access to this information with certain exceptions.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Cantu to House Bill No. 280 was ruled out of order.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 280.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 280 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1271, by Committee on Health Care (originally sponsored by Representatives Armstrong, Brooks, Braddock, May and P. King) (by request of Department of Corrections)

Revising provisions relating to the department of corrections.

The bill was read the second time.

MOTIONS

On motion of Senator Deccio, the following Committee on Health Care and Corrections amendment was adopted:

On page 12, after line 9, insert a new section to read as follows:

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

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

On page 1, line 13 of the title, after "72.15.070" and before the period insert "and declaring an emergency"

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1271, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1271, as amended by the Senate, was deferred.

SECOND READING

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4210, by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Belcher, May, Hine, Dellwo, Ferguson, Nutley, Bristow, Cooper, Holm, L. Smith and Unsoeld)

Establishing procedures for the adoption of county home rule charters.

The resolution was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 1, line 2, after "ASSEMBLED:" strike the remainder of the resolution and insert:

"Article XI, section ... In addition to the methods of framing a county home rule charter which are contained in section 4 of this Article, a charter may be framed as provided in this section. The legislature shall without unreasonable delay enact legislation creating and appropriating funds for a temporary county home rule commission of fifteen members. The commission shall draft five alternative county "Home Rule" charters, a copy of which shall be submitted to the legislative authority of each county, and shall be retained by the state in its permanent records. None of the alternative county home rule charters drafted by the commission shall expand county powers or rights beyond those powers or rights permitted by state law or the Constitution. The commission shall exist not more than one year. Commission members shall be appointed by the governor with at least one-third of the members to consist of members of the legislature and elected county officials. A new county home rule commission with the same membership qualifications, which shall exist no longer than a one-year period, shall be appointed by the governor to redraft any of the alternative "Home Rule" charters whenever the legislature enacts legislation calling for the creation of a new temporary home rule commission. As far as practical, all commissions created under this section shall be representative of major geographic areas of the state and the state's demographic distribution.

A single alternative charter may be submitted at an election to voters of any county for their approval and ratification, or rejection, upon either: (1) An ordinance adopted by the county legislative authority; or (2) the filing of a petition calling for an election which is signed by registered voters of the county equal in number to ten percent of the voters voting at the last preceding general election in the county. Upon approval and ratification of a charter by the voters of the county under this section, the charter shall become the organic law of the county.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and that the ballot title of the foregoing constitutional amendment shall be: "Shall a temporary commission be created to draft five alternate county home-rule charters for ratification or rejection by the voters?"

On motion of Senator McCaslin, the rules were suspended, Substitute House Joint Resolution No. 4210, as amended by the Senate, was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Joint Resolution No. 4210, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Resolution No. 4210, as amended by the Senate, and the resolution failed to receive the constitutional two-thirds majority by the following vote: Yeas, 30; nays, 18; absent, 1.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Moore, Niemi, Owen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Wojahn, Zimmerman - 30.

Voting nay: Senators Anderson, Barr, Bauer, Cantu, Conner, Craswell, Decchio, Hansen, Hayner, McDonald, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Warnke, West, Williams - 18.

Absent: Senator Metcalf - 1.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4210, as amended by the Senate, having failed to receive the constitutional two-thirds majority, was declared lost.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1271, as amended by the Senate, deferred on third reading earlier today.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1271, as amended by the Senate, was returned to second reading and read the second time.

MOTION

Senator Owen moved that the following amendment be adopted:

On page 9, after line 14, insert the following:

"NEW SECTION, Sec. 14. The correctional institutions at Shelton shall be subject to an inmate population limit of no more than one hundred thirty-three percent of the rated capacity for the entire facility."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, do you agree with the statement by Senator Owen that the federal government says that we should have single cells as a standard?"

Senator Deccio: "No, I can't agree with that, because we if do reach that situation where, if the facilities are overcrowded, what are we going to do? We're going to leave them out on the street or we're going to shove them out the back door and let them in through the front door. There are some of those who need to stay longer than would be the case if we shoved them out, because we needed the room. The federal government apparently doesn't believe in it either, because it's taking its over-crowded situation and they're going to lease cells from the state of Washington for a short period of time. Again, if we allow this amendment to pass, we're going to have to build some more institutions."

Senator Rasmussen: "Well, that's my question. You led up to it, Senator Deccio. If we have enough vacant space that we can lease to the federal government, we certainly don't need to go to double ceiling. We can use that space that we built with the taxpayers money, for single ceiling. There isn't any shortage of space now that I know of. The Governor's proposing to raise money by renting the cells--the vacant cells that we have. Why don't we use those vacant cells then and that's all that Senator Owen's amendment would say, 'Use the vacant cells that we have, rather than try to make money on them.'"

Senator Deccio: "Senator Rasmussen, to further answer your question. Right now, that's not the problem. The lawsuit, that the Department of Corrections faces, is the reason for this bill. We're being sued, because there has been some double ceiling at Shelton. The purpose of the bill is to allow double ceiling all over the state. The renting, as I indicated just a moment ago, is only going to last eighteen months. We're no longer going to have any vacancies. The incarceration is going to increase to where we're going to have to go to double ceiling again--down the road or we're going to have to build some more facilities."

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

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Owen to Substitute House Bill No. 1271.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Johnson, Kreidler, Madsen, McCaslin, McMullen, Moore, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn - 25.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Saling, Sellar, Smith, West, Williams, Zimmerman - 24.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1271, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1271, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1271, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Hayner, Patterson, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1271, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

February 26, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1701, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING

SB 6758 by Senator Metcalf

AN ACT Relating to retail sales and use taxation on the advertisement of beer, wine, spirits, and liquor products; amending RCW 82.08.010, 82.12.020, and 82.14.020; reenacting and amending RCW 82.12.010; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1701 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt and Baugher) (by request of Office of Financial Management)

Adopting the supplemental transportation budget.

Referred to Committee on Transportation.

MOTION

At 5:19 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Tuesday, March 1, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 1, 1988

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Hayner and West.

The Sergeant at Arms Color Guard, consisting of Pages Nick Davis and Spencer Ravsten, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

On motion of Senator Newhouse, the following colloquy was presented before the Journal of the previous day was approved.

REMARKS BY SENATOR WILLIAMS

Senator Williams: "As Senator Newhouse has indicated, yesterday this body took action on Engrossed House Bill No. 1581, which authorized banded rates for electric and gas utilities. Due to some confusion, a floor colloquy intended to clarify some concerns with the bill did not occur. I would like to request that the colloquy be entered in yesterday's record before we begin today's business."

POINT OF INQUIRY

Senator Williams: "Senator Benitz, in relation to Engrossed House Bill No. 1581, the competitively driven arrangements are one step in the transition to a more competitive marketplace. Such pricing flexibility can benefit all utility customers and is appropriate even in an otherwise regulated industry. What standards would be used to determine the minimum and maximum rate?"

Senator Benitz: "Senator Williams, the standards will be set by the UTC based on input from the parties. At the low end of the rate band, the rate should at least cover cost so that captive ratepayers don't subsidize competitive service. At the high end, the rate should prevent monopoly pricing."

Senator Williams: "One additional point Senator Benitz. I want to clarify something. The bill indicates that to prove effective competition, a utility must show competition from energy sources not regulated by the UTC. Is that intended to include consumer-owned utilities such as municipals, public utility districts, cooperatives or mutuals?"

Senator Benitz: "It is not."

MOTION

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

MESSAGES FROM THE HOUSE

February 29, 1988

Mr. President:

The Speaker has signed HOUSE BILL NO. 1270, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 29, 1988

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1306,

HOUSE BILL NO. 1318, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 29, 1988

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5844,

SENATE BILL NO. 5953,

SENATE BILL NO. 6113,

SENATE BILL NO. 6262,

SENATE BILL NO. 6295,

SENATE BILL NO. 6296,

SENATE BILL NO. 6338,

SUBSTITUTE SENATE BILL NO. 6399,

SENATE BILL NO. 6516, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9125, Shiela A. Homchick, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF SHIELA A. HOMCHICK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Fleming, Hayner, West - 3.

MOTIONS

On motion of Senator Bender, Senator Fleming was excused.

On motion of Senator Zimmerman, Senators Hayner and Johnson were excused.

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9126, Daniel A. DiGuilio, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF DANIEL A. DIGILIO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator West - 1.

Excused: Senators Fleming, Hayner, Johnson - 3.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 46 and the pending striking amendment by Senator Talmadge, deferred February 29, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Nelson, the President finds that Engrossed Substitute House Bill No. 46 is a measure requiring cities and towns to be included in interlocal agreements regarding marine patrols and provides for arbitration, when necessary, to determine revenue sharing of boat tax funds.

"The amendment proposed by Senator Talmadge provides for taxing authority for cities and towns which are not part of an interlocal agreement regarding marine patrols.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Talmadge to Engrossed Substitute House Bill No. 46 was ruled out of order.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 46 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Garrett: "Senator Talmadge, it says, 'Any city or town which was providing marine patrol prior to June 30, 1983.' Now, that would include whether they were actually providing it with their own forces or if they were providing it by contract with someone else?"

Senator Talmadge: "I would presume so, Senator Garrett."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 46.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 46, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Garrett, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Patterson, Pullen, Saling, Sellar, Smith, Stratton - 27.

Voting nay: Senators DeJarnatt, Gaspard, Halsan, Kreidler, Madsen, McMullen, Moore, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Talmadge, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 20.

Absent: Senator West - 1.

Excused: Senator Fleming - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 46, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1330 and the pending amendment by Senator Warnke on page 4, line 5, deferred February 29, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Lee, the President finds that House Bill No. 1330 is a measure which clarifies ambiguities in the law by correcting internal references and definitions with regard to uniformed personnel and arbitration.

"The amendment proposed by Senator Warnke would add district and municipal courts to the list of employers subject to the Public Employees Collective Bargaining Act and further defines employer for the purpose of distinguishing between wage-related and non wage-related matters.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Warnke to House Bill No. 1330 was ruled out of order.

MOTION

On motion of Senator Lee, the rules were suspended, House Bill No. 1330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1330.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1330 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogniild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Fleming - 1.

HOUSE BILL NO. 1330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 608, by Committee on Judiciary (originally sponsored by Representatives P. King, Hargrove, Patrick, Heavey, Padden, Kremen, Crane, Bristow, Appelwick, Locke, Lewis, Moyer, L. Smith, Holm, Haugen, Todd, Jesernig and Sanders)

Imposing penalties for malicious reporting of child or dependent adult abuse or neglect.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 13, Laws of 1965 as last amended by section 2, chapter 206, Laws of 1987 and by section 9, chapter 524, Laws of 1987 and RCW 26.44.020 are each re-enacted and amended to read as follows:

For the purpose of and as used in this chapter:

- (1) "Court" means the superior court of the state of Washington, juvenile department.
- (2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.
- (3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term "practitioner" shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.
- (4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.
- (5) "Department" means the state department of social and health services.
- (6) "Child" or "children" means any person under the age of eighteen years of age.
- (7) "Professional school personnel" shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.
- (8) "Social service counselor" shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.
- (9) "Psychologist" shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (10) "Pharmacist" shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (11) "Clergy" shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Child abuse or neglect" shall mean the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety; AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

(13) "Child protective services section" shall mean the child protective services section of the department.

(14) "Adult dependent persons not able to provide for their own protection through the criminal justice system" shall be defined as those persons over the age of eighteen years who have been found legally incompetent pursuant to chapter 11.88 RCW or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW.

(15) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by state law by any person.

(16) "Negligent treatment or maltreatment" means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

(17) "Developmentally disabled person" means a person who has a disability defined in RCW 71.20.016.

(18) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(19) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

Sec. 2. Section 3, chapter 13, Laws of 1965 as last amended by section 3, chapter 206, Laws of 1987, by section 23, chapter 512, Laws of 1987, and by section 10, chapter 524, Laws of 1987 and RCW 26.44.030 are each reenacted and amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident in writing to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in

writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(6) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section, with consultants designated by the department, if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(7) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(8) Persons or agencies exchanging information under subsection (6) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(9) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(10) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(11) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(12) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1988. The report shall include recommendations on the continued use and possible expanded use of the tool.

(13) Upon receipt of such report the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

Sec. 3, Section 6, chapter 13, Laws of 1965 as last amended by section 9, chapter 129, Laws of 1982 and RCW 26.44.060 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

(b) A person convicted of a violation of subsection (4) of this section shall not be immune from liability under (a) of this subsection.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to RCW 26.44.056 shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

(4) A person who, intentionally and in bad faith or maliciously, knowingly makes a false report of abuse or neglect shall be guilty of a misdemeanor punishable in accordance with RCW 9A.20.021."

MOTIONS

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

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "amending RCW 26.44.060; reenacting and amending RCW 26.44.020 and 26.44.030; and prescribing penalties."

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 608, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, I want to make certain, in dealing with this bill, there is a definition contained in the bill of what is malice or acting maliciously and it indicates in the bill that a person has to intentionally and in bad faith or maliciously and knowingly make a false report before the penalty of this bill applies. If you have a set of circumstances where someone believes, in good faith, that child abuse is occurring--they believe through whatever circumstances are present--that that is true and they make a report to a law enforcement agency that in their view, child abuse has occurred, be that by a professional, or a neighbor or whoever, and it turns out that no child abuse has, in fact, been present in that set of circumstances. That would not provide, in my judgment and I hope in your judgment, for the penalties of this bill applying?"

Senator Pullen: "No, Senator Talmadge, it would not. Subsection (19) Section 1, clearly defines malice as meaning an evil intent, wish or design to vex, annoy or injure another person. In the circumstance you describe, those elements clearly were not there. There's a further protection in subsection (13) of Section 2, which provides that a law enforcement agency can arrange to interview the person making the report to determine if there was malice involved in the reporting. In the circumstances you describe, there would be no question, in my mind, that the conclusion would be that there was no malice."

Senator Talmadge: "Thank you, one last question, Senator. This bill is not intended in any way to require CPS or people in the Department of Social and Health Services to weigh whether or not malice or anything of that sort was present in the situation involving a report of child abuse?"

Senator Pullen: "No, law enforcement might have to weigh that question, but not CPS or DSHS personnel."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 608, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 608, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, West - 32.

Voting nay: Senators Bauer, Bender, DeJarnatt, Garrett, Gaspard, Kreidler, Moore, Niemi, Rinehart, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 16.

Excused: Senator Fleming - 1.

SUBSTITUTE HOUSE BILL NO. 608, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 668, by Representatives Braddock, Brooks and Holm

Authorizing the dental disciplinary board to adopt rules governing the use of anesthesia.

The bill was read the second time.

MOTIONS

On motion of Senator Deccio, the following Committee on Health Care and Corrections amendments were considered simultaneously and adopted:

On page 1, line 11, after "anesthesia" insert "by persons licensed under this chapter"
On page 1, strike everything after line 13

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 668, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 668, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 668, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Stratton - 1.

Absent: Senator Sellar - 1.

Excused: Senator Fleming - 1.

ENGROSSED HOUSE BILL NO. 668, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 932, by Committee on Housing (originally sponsored by Representatives Nutley, Padden, Leonard, Ebersole, Sanders, J. Williams, Lewis, Doty, Nealey, L. Smith, Brough, Winsley, Wineberry, Silver, Ballard, Betzoff, Taylor, Miller and D. Sommers)

Relating to rental payments to landlords from public assistance.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. (1) Persons receiving public assistance, particularly families, frequently have great difficulty obtaining adequate housing. The department of social and health services is directed to conduct a pilot program designed to show whether the supply of housing for persons on public assistance would increase if the department made rental payments directly to landlords.

(2) The department shall solicit not fewer than three nor more than seven local governing bodies for participation in the pilot program. In implementing this program the department shall:

(a) Provide a written statement notifying the recipient of public assistance that the landlord may not legally require direct payment from the department;

(b) Upon written request of the recipient pay to the recipient's landlord as defined in RCW 59.18.030, through the local governing body, that portion that equals ninety percent of the monthly public assistance grant which is allocated for rent in the department's payment standard under RCW 74.04.770 or ninety percent of the rent, whichever is less. No direct payment shall be made for rent of premises with respect to which the landlord is not in compliance with RCW 59.18.060;

(c) Promptly terminate such payments to the landlord upon the recipient's written request, provided that the recipient gives written notice of termination of direct payments to the landlord and the local governing body;

(d) Enter into an agreement with the local governing bodies selected to participate in the pilot program for the direct payment of rent to landlords.

(3) The local governing bodies selected to participate in the pilot program shall:

(a) Administer the pilot program using existing housing assistance providers, where appropriate;

(b) Charge the landlord a monthly fee of two dollars to cover the cost of administering each direct payment made under this section, which fee shall not be charged to the tenant;

(c) Charge the landlord a fee, up to fifty dollars, to cover the cost of inspecting and certifying that the housing unit is in compliance with the housing quality standards used for the United States department of housing and urban development, section eight existing housing program.

(4) The landlords participating in the pilot program shall mail to the secretary and the local governing body, by certified mail, a copy of any notice served upon the tenant under RCW 59.12.030 or 59.18.200 which terminates the tenancy. The notice, when mailed to the secretary and the local governing body, shall constitute the landlord's request that the secretary and local governing body cease making direct payments of rent to the landlord.

(5) No recipient of public assistance shall be liable to the department of social and health services for any amount incorrectly paid to a landlord under this section. The department shall recover such overpayment from the landlord under RCW 74.04.700.

(6) The department of social and health services shall adopt rules under chapter 34.04 RCW regarding the pilot program.

(7) The secretary may include in the department's annual report to the governor and the legislature a summary of the progress and status of the pilot program. The summary shall include but need not be limited to the results of the individual projects selected, the number of persons served, and recommendations for improving the program.

(8) The secretary shall immediately take such steps as are necessary to ensure that this section is implemented on its effective date. This section shall take effect July 1, 1988.

(9) This section shall terminate June 30, 1991, unless extended by law for an additional fixed period of time."

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

On page 1, line 2 of the title, after "assistance," strike the remainder of the title and insert "and creating a new section."

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 932 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator McCaslin, if the governing body, at the request of the state, only pays ninety percent of the grant, who pays the other ten percent?"

Senator McCaslin: "Senator, it says that the landlord or the tenant or the lessee, will pay that."

Senator Wojahn: "You mean the person that is leasing the building?"

Senator McCaslin: "Leasing the apartment or leasing the rental unit, they have a responsibility to pay a portion of it."

Senator Wojahn: "Does the public assistance person have to pay the additional ten percent, is what I'm asking?"

Senator McCaslin: "Well, as far as I know, yes. They've got to pay something."

Senator Wojahn: "Well, if it's being deducted from his grant, then you're going to still leave him ten percent to pay and the state pays ninety percent?"

Senator McCaslin: "That's how I understand it, because there will be a contract between the lessee and the lessor as far as the total amount, and then the state will pay and the lessee will pay."

Senator Wojahn: "And how are you going to finance the monitoring of this? You're going to have an overall body to monitor the money that's being paid out to be sure that the lessee—the person leasing the apartment—pays the additional ten percent. It seems to me, that this is going to cost a substantial amount of money just to administer this type of program."

Senator McCaslin: "I think that is the purpose of the pilot program, to determine whether or not, this is feasible and is economically feasible, Senator"

Senator Wojahn: "Where is this going to occur, if it's a pilot program—all over the state?"

Senator McCaslin: "No, I think it will determine wherever the DSHS sets it up."

Senator Wojahn: "I beg your pardon?"

Senator McCaslin: "Wherever DSHS determines it will be set up. That's part of their responsibility."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 932, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 932, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Halsan, Hansen, Hayner, Johnson, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Williams, Zimmerman - 39.

Voting nay: Senators Garrett, Kiskaddon, Kreidler, Niemi, Rasmussen, Rinehart, Talmadge, Wojahn - 8.

Absent: Senator Vognild - 1.

Excused: Senator Fleming - 1.

SUBSTITUTE HOUSE BILL NO. 932, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Zimmerman, Senator Barr was excused.

On motion of Senator Rinehart, Senator Owen was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1336, by Committee on Ways and Means/Revenue (originally sponsored by Representatives Ballard, Grimm, Rayburn, McLean, Ferguson, Lewis, Silver, Amondson, Kremen, Betzoff, Bristow, Rasmussen, Doty, Baugher, Fuhrman and Smith)

Revising sales and use tax provisions on the packing of horticultural products.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1336.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1336 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Barr, Fleming, Owen - 3.

SUBSTITUTE HOUSE BILL NO. 1336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1482, by Representatives Rasmussen, Dorn, Winsley, Crane, Holland, Holm, Cooper, Walker, Betrozoff, Rayburn, Scott, Hargrove, Grant, Kremen, Unsoeld, Barnes, Baugher, Doty, Moyer, Wineberry, Anderson, Jesernig, Jones, Brough, Basich, Meyers, Ballard, P. King, May, Taylor, Miller, Spanel, Silver, Ferguson and Butterfield

Revoking or suspending juveniles' drivers licenses for violation of certain drug or alcohol laws.

The bill was read the second time.

MOTIONS

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that many persons under the age of eighteen unlawfully use intoxicating liquor and controlled substances. The use of these substances by juveniles can cause serious damage to their physical, mental, and emotional well-being, and in some instances results in life-long disabilities.

The legislature also finds that juveniles who unlawfully use alcohol and controlled substances frequently operate motor vehicles while under the influence of and impaired by alcohol or drugs. Juveniles who use these substances often have seriously impaired judgment and motor skills and pose an unduly high risk of causing injury or death to themselves or other persons on the public highways.

The legislature also finds that juveniles will be deterred from the unlawful use of alcohol and controlled substances if their driving privileges are suspended or revoked for using illegal drugs or alcohol.

NEW SECTION. Sec. 2. A new section is added to chapter 13.40 RCW to read as follows:

(1) (a) If a juvenile under eighteen years of age, but thirteen or over, is found by juvenile court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(b) Except as otherwise provided in (c) of this subsection, a court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(c) The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first order issued with respect to the juvenile under section 7 of this act, or for a period of one year after the issuance of the order if it is the second or subsequent such order issued with respect to the juvenile.

(2) (a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.

NEW SECTION. Sec. 3. A new section is added to chapter 66.44 RCW to read as follows:

(1) If a juvenile under eighteen years of age, but thirteen or over, is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, the court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of this chapter, may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or section 7 of this act, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile.

NEW SECTION. Sec. 4. A new section is added to chapter 69.41 RCW to read as follows:

(1) If a juvenile under eighteen years of age, but thirteen or over, is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, the court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of this chapter, may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) The court shall not notify the department that the juvenile's driving privileges should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation with respect to the juvenile under this section or section 7 of this act, or for a period of one year after the issuance of the order if it is the second or subsequent such revocation issued with respect to the juvenile.

NEW SECTION. Sec. 5. A new section is added to chapter 69.50 RCW to read as follows:

(1) If a juvenile under eighteen years of age, but thirteen or over, is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, the court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of this chapter, may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or section 7 of this act, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile.

NEW SECTION. Sec. 6. A new section is added to chapter 69.52 RCW to read as follows:

(1) If a juvenile under eighteen years of age, but thirteen or over, is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

(2) Except as otherwise provided in subsection (3) of this section, the court, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of this chapter, may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) The court shall not notify the department that the juvenile's privilege to drive should be reinstated for a period of ninety days after the entry of the judgment if it is the first revocation issued with respect to the juvenile under this section or section 7 of this act, or for a period of one year after the entry of the judgment if it is the second or subsequent such revocation issued with respect to the juvenile.

NEW SECTION. Sec. 7. A new section is added to chapter 46.20 RCW to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to section 2, 3, 4, 5, or 6 of this act or from a diversion unit pursuant to section 2 of this act. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for one year or until the juvenile reaches eighteen years of age, whichever is longer.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section.

(4) If the department receives notice pursuant to section 2(2)(b) of this act from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section. The department shall not reinstate driving privileges earlier than ninety days after the date the juvenile entered into a diversion agreement for the first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW and not earlier than one year after the date the juvenile entered into a diversion agreement for a second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

Sec. 8. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 1, chapter 407, Laws of 1985 and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, section 7 of this act, or 46.61.515 and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 9. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 211, Laws of 1985 and by section 4, chapter 407, Laws of 1985 and RCW 46.20.311 are each reenacted and amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; ~~((or))~~ (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f) after the expiration of the applicable revocation period provided by section 7 of this act. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. Except for a revocation under section 7 of this act, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under section 7 of this act, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. A resident without a license or permit whose license or permit was revoked under RCW 46.20.308(6) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Talmadge moved that the following amendment to the Committee on Law and Justice amendment be adopted:

On page 11 of the Committee Amendment, after line 37, insert the following:

"NEW SECTION. Sec. 10. The legislature finds that county and city governments are in need of funding to offset the costs of the enforcement of laws prohibiting driving while intoxicated or impaired. The legislature also finds that cities and counties are experiencing increased costs resulting from alcohol and substance abuse by minors who drive while impaired. The legislature further finds that it is necessary for some cities and counties to receive additional funds in the form of state grants to provide for the equal administration of justice to traffic offenders and to ensure the safety of persons using the public highways of the state. It is the intent of the legislature that the state grants shall be awarded on the basis of the local jurisdiction's rate of performance in completing adjudication of arrests.

NEW SECTION. Sec. 11. From funds appropriated in section 14 of this act, the traffic safety commission shall distribute grants to cities and counties to enhance the apprehension, prosecution, and adjudication of serious traffic offenses. "Serious traffic offenses," as used in sections 11 through 13 of this act, means driving or being in physical control of a motor vehicle while under the influence of or impaired by intoxicating liquor or drugs. "Commission" means the traffic safety commission.

NEW SECTION. Sec. 12. (1) The commission shall establish an advisory committee to establish eligibility and evaluation criteria for the distribution of grants made under section 11 of this act. The committee shall consist of:

(a) Two prosecuting attorneys selected by the Washington association of prosecuting attorneys;

(b) One municipal attorney and one elected municipal official selected by the association of Washington cities;

(c) One elected county official selected by the Washington state association of counties;

(d) The administrator for the courts or the administrator's designee;

(e) A representative selected by the Washington state patrol; and

(f) A representative of law enforcement selected by the Washington association of sheriffs and police chiefs.

(2) Members of the advisory committee shall be appointed within thirty days of the effective date of this section.

(3) Members of the advisory committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 13. (1) The criteria developed by the commission and the advisory committee under section 12 of this act shall not be based on need. Instead, the criteria shall be based on reliable data measuring performance in the apprehension, prosecution, and adjudication of serious traffic offenses. The criteria shall recognize the higher relative enforcement costs borne by smaller units of government. The criteria shall also include a minimum grant amount to eliminate jurisdictions in which case volume and funding need is minimal. Cities not operating a municipal court are not eligible for grants under section 11 of this act.

(2) Before adoption by the commission, the criteria shall be presented to the appropriate committees of the legislature for review and comment. After adoption, the criteria shall be applied to performance data for the period August 1988 through December 1988. The grants shall be distributed before June 30, 1989.

(3) The grants shall be made to the legislative authority of the city or county for appropriation by the legislative authority to enhance effective apprehension, prosecution, and adjudication of serious traffic offenses. Each jurisdiction receiving a grant under this section shall establish an advisory committee to recommend expenditures from the grant moneys. The advisory committee shall include representatives of the executive, legislative, and judicial branches of the local government.

NEW SECTION. Sec. 14. (1) There is appropriated from the public safety and education account for the biennium ending June 30, 1989, the sum of one million dollars, or so much thereof as may be necessary, for the purposes of section 11 of this act. It is the intent of the legislature that the amount appropriated under this section not exceed the remaining balance in the public safety and education account on June 30, 1989.

(2) Not more than thirty-five thousand dollars of this appropriation may be spent by the commission for administrative purposes.

NEW SECTION. Sec. 15. Sections 10 through 13 of this act shall expire on December 31, 1989.

NEW SECTION. Sec. 16. Sections 10 through 15 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the section following consecutively.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order to ask the President to rule on the scope and object of this amendment to the committee amendment. I'd like to point out to the President, that as much as I feel the amendment to the committee amendment is a laudable effort, it should, in fact, be a measure that is addressed in a bill of its own. This particular amendment to the committee amendment establishes a new advisory committee to the Traffic Safety Commission, and as was pointed out, appropriates a million dollars for the purposes of now lending grant monies to the cities and counties for the apprehension, prosecution, and adjudication of serious traffic offenses, not just DWI or the use of drugs while driving, but for a myriad of other cited infractions.

"The grant certainly may be very worthwhile and would be, I think, a subject matter that we should address, but it certainly does not fit the scope and object of this bill, which deals strictly with drivers licenses as may be in the possession of a juvenile under eighteen who is now apprehended for having used drugs or alcohol while driving. I believe that the amendment to the committee amendment is beyond the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Nelson, further consideration of House Bill No. 1482 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 1492, by Representatives H. Sommers and Chandler (by request of Governor Gardner)

Revising various boards and commissions.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the following amendment by Senators Niemi, McCaslin, Bluechel, Zimmerman, DeJarnatt, Fleming and Vognild was adopted:

On page 18, after line 9, insert the following:

"PART V

ARTS COMMISSION

Sec. 23. Section 2, chapter 125, Laws of 1967 ex. sess. as amended by section 5, chapter 317, Laws of 1985 and RCW 43.46.045 are each amended to read as follows:

The ((commission may)) governor shall select ((and employ)) a full time executive director((-who)) from a list of three names submitted by the commission by September 1, 1988, and anytime thereafter that a vacancy occurs. The executive director shall receive no other salary and shall not be otherwise gainfully employed. Subject to the provisions of chapter 41.06 RCW, the executive director may also employ such clerical and other assistants as may be reasonably required to carry out commission functions. The executive director shall serve at the pleasure of the governor."

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and adopted:

On page 1, line 4 of the title, strike "and"

On page 1, line 5 of the title, after "76.44.020" and before the semicolon insert ", and 43.46.045"

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 1492, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Nelson: "Senator McCaslin, I notice in Section 4 of the measure that we now are changing a little bit about the current electrical examining board. It has a member representing small independent electrical contractors plus other members representing larger electrical contractors. Based on the effort that you've made now in the committee that you chair, do you understand the intent of this legislation to be that the small independent electrical contractors will continue to be represented on the new board, established by this bill?"

Senator McCaslin: "Absolutely, Senator."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Johnson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1492, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1492, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Johnson - 1.

ENGROSSED HOUSE BILL NO. 1492, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1288, by Representatives Haugen, S. Wilson, Rust, Ferguson, Kremen, Baugher, Cole, Vekich, Rayburn and P. King

Modifying hours during which liquor sales are allowed.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 9, after "sales" strike "to meet the needs of tourists, vacationers, or travelers" and insert "by vendors appointed under RCW 66.08.050(2) or products of their own manufacture, not to exceed one case of liquor per customer"

On motion of Senator Lee, the rules were suspended, House Bill No. 1288, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Newhouse, does this bill then, essentially, only apply to the winery on Whidbey Island or does it apply to other wineries around the state?"

Senator Newhouse: "To my knowledge, the only product that is made now that would come under this, is that one that you talk about."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1288, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1288, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogndl, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Voting nay: Senators Anderson, Craswell, Kreidler, Metcalf, Pullen, Rasmussen, Smith, Zimmerman - 8.

HOUSE BILL NO. 1288, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1612, by Committee on Transportation (originally sponsored by Representatives Todd, Sayan, Belcher, Valle, Crane, Winsley, Lux, B. Williams, Walk, Barnes, Leonard, Gallagher, Lewis and Ferguson)

Prescribing penalties for failure to post disabled parking signs.

The bill was read the second time.

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 1, section 1, line 21, strike "traffic infraction and shall be punished by a fine of twenty-five dollars plus statutory assessments" and insert "class 4 civil infraction under chapter 7.80 RCW"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Halsan to Substitute House Bill No. 1612.

The motion by Senator Halsan carried and the amendment was adopted.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1612, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1612, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1612, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1612, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1672, by Committee on Transportation (originally sponsored by Representatives Rasmussen, Schmidt, Walk, S. Wilson, Brough, May and Beck)

Requiring identification on large trucks.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, this will eliminate the requirement that pick-up trucks have weight placed on the side? What about commercial vehicles under the ten thousand pounds, you will see these signs--"

Senator Patterson: "This deals only with the larger trucks."

Senator Rasmussen: "Only with the larger trucks?"

Senator Patterson: "Only with the larger trucks."

Senator Rasmussen: "All the other requirements are eliminated?"

Senator Patterson: "That is right."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1672.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1672 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Conner, Lee - 2.

SUBSTITUTE HOUSE BILL NO. 1672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1760, by Representatives Chandler, Winsley, Nutley, Todd, Ferguson, Lux, Betzoff, Hargrove and Sanders

Revising provisions for industrial loan companies.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, what is this rule of seventy-eight? I'm not familiar with that and I wonder what we're endorsing."

Senator von Reichbauer: "Senator Rasmussen, as one of the members who signed the bill out of the committee, I appreciate your interest in this seventy-eight bill. Senator Moore is the specialist in this particular area and I'm going to let Senator Moore answer this particular question, because he specializes in this particular phase of the loan operation."

Senator Rasmussen: "Did I hear the chairman say he didn't know what it was, Mr. President?"

Senator von Reichbauer: "Senator Rasmussen, fortunately my good friend, Senator McDonald, has offered to explain that to you."

REMARKS BY SENATOR McDONALD

Senator McDonald: "Senator Rasmussen, my knowledge on the rule of seventy-eight is fairly limited, although the way it is calculated is that you take the twelfth month, the eleventh month, the tenth month, the ninth month and you add up from the first month through the twelfth month and it equals seventy-eight. Then, you take the total amount of payments back for the basic charges and then if you bail out after one month—you take twelve off of seventy-eight and you would owe—let's see—sixty-six seventy-eighths of the charges. If you are in for two months, then you have twelve plus eleven off of seventy-eight and that's fifty-five seventy-eighths. It is commonly known as the sum of the digits amendment method. That's basically my extent of knowledge on that whole issue."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator von Reichbauer, I guess what I'm interested in knowing is why we need this bill at all? I'm unclear as to what the practices of these industrial loan companies is, involving fees that they charge—the two percent fee limit—and what the actual practice is at the present time. I'm intrigued that the rule of seventy-eight would apparently still apply to loans of thirty-six months or less and I guess I'm also somewhat concerned about the provision in the bill that says that these entities can engage in loan practices where they will ask the borrower to pay for various kinds of costs associated with the loan. It says that the authorization is given to agree with the borrower which means the standard form will say 'borrower you're going to pay for title insurance, appraisals, recording, reconveyance, and releasing fees, etc.' Perhaps you could tell us what the present state of the relationship is between the borrower and lender and why this bill is necessary and perhaps to some extent who it affects?"

Senator von Reichbauer: "Senator Talmadge asked a very good question as to why this bill is needed. This bill passed the House of Representatives by a vote of ninety-eight to zero. It passed out because of the need to reform the activities between those involved with industrial loan companies. For example, this bill will limit the industrial loan companies to charge a two percent fee on only that amount which is advanced to the borrower, rather than the total amount of the loan. Another reform is authorizing to charge borrowers for title insurance. The third one which I think is very important for those who are concerned about in-house activities is the aspect of this bill which restricts loan companies from using

in-house appraisers. Lastly, we talked about the rule of seventy-eight which is bringing us down to a more reform approach to this problem.

"This bill passed the House Financial Institutions Committee thirteen to nothing; the House floor ninety-eight to nothing; the Senate committee on which Senator Rasmussen serves, seven to nothing. I believe it is one that deserves the merit of this body."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1760.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1760 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Rinehart, Talmadge - 2.

Absent: Senators Kreidler, Stratton - 2.

HOUSE BILL NO. 1760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:33 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pro Tempore Bluechel.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9128, James Roper, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF JAMES ROPER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hayner, Johnson, Patterson - 3.

MOTION

On motion of Senator Lee, Gubernatorial Appointment No. 9133, Sara T. Harmon, as Chair of the Board of Industrial Insurance Appeals, was confirmed.

APPOINTMENT OF SARA T. HARMON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Zimmerman, Senator Barr was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817, by Committee on Transportation (originally sponsored by Representatives Hine, Patrick, Walk, Cantwell, Ferguson, Allen, Holland, May, P. King and Todd)

Facilitating public and private funding of local transportation improvements.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. PURPOSE. The legislature finds that there is an increasing need for local and regional transportation improvements as the result of both existing demands and the foreseeable future demands from economic growth and development within the state, including residential, commercial, and industrial development.

The legislature intends with this chapter to enable local governments to develop and adopt programs for the purpose of jointly funding, from public and private sources, transportation improvements necessitated in whole or in part by economic development and growth within their respective jurisdictions. The programs should provide a fair and predictable method for allocating the cost of necessary transportation improvements between the public and private sectors. The programs should include consideration of public transportation as a method of reducing off-site transportation impacts from development. The legislature finds that the private funds authorized to be collected pursuant to this chapter are for the purpose of mitigating the impacts of development and are not taxes. The state shall encourage and give priority to the state funding of local and regional transportation improvements that are funded in part by local, public, and private funds.

The authority provided by this act for local governments to create and implement local transportation programs is intended to be supplemental, except as expressly provided in sections 3(9), 6, and 7 of this act, to the existing authorities and responsibilities of local governments to regulate development and provide public facilities.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions set forth in this section apply throughout this chapter.

(1) "Developer" means an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other person undertaking development and their successors and assigns.

(2) "Development" means the subdivision or short platting of land or the construction or reconstruction of residential, commercial, industrial, public, or any other building, building space, or land.

(3) "Direct result of the proposed development" means those quantifiable transportation impacts that are caused by vehicles or pedestrians whose trip origin or destination is the proposed development.

(4) "Local government" means all counties, cities, and towns in the state of Washington and transportation benefit districts created pursuant to chapter 36.73 RCW.

(5) "Off-site transportation improvements" means those transportation capital improvements designated in the local plan adopted under this chapter that are authorized to be undertaken by local government and that serve the transportation needs of more than one development.

(6) "Transportation impact fee" means a monetary charge imposed on new development for the purpose of mitigating off-site transportation impacts that are a direct result of the proposed development.

(7) "Fair market value" means the highest price in terms of money that a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus, measured at the time of the dedication to local government of land or improved transportation facilities.

NEW SECTION. Sec. 3. LOCAL PROGRAMS AUTHORIZED. Local governments may develop and adopt programs for the purpose of jointly funding, from public and private sources, transportation improvements necessitated in whole or in part by economic development and growth within their respective jurisdictions. Local governments shall adopt the programs by ordinance after notice and public hearing. Each program shall contain the elements described in this section.

(1) The program shall identify the geographic boundaries of the entire area or areas generally benefited by the proposed off-site transportation improvements and within which transportation impact fees will be imposed under this chapter.

(2) The program shall be based on an adopted comprehensive, long-term transportation plan identifying the proposed off-site transportation improvements reasonable and necessary to meet the future growth needs of the designated plan area and intended to be covered by

this joint funding program, including acquisition of right of way, construction and reconstruction of all major and minor arterials and intersection improvements, and identifying design standards, levels of service, capacities, and costs applicable to the program. The program shall also indicate how the transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions. The program shall also indicate how public transportation and ride-sharing improvements and services will be used to reduce off-site transportation impacts from development.

(3) The program shall include at least a six-year capital funding program, updated annually, identifying the specific public sources and amounts of revenue necessary to pay for that portion of the cost of all off-site transportation improvements contained in the transportation plan that will not foreseeably be funded by transportation impact fees. The program shall include a proposed schedule for construction and expenditures of funds. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for such off-site transportation improvements.

(4) The program shall authorize transportation impact fees to be imposed on new development within the plan area for the purpose of providing a portion of the funding for reasonable and necessary off-site transportation improvements to solve the cumulative impacts of planned growth and development in the plan area. Off-site transportation impacts shall be measured as a pro rata share of the capacity of the off-site transportation improvements being funded under the program. The fees shall not exceed the amount that the local government can demonstrate is reasonably necessary as a direct result of the proposed development.

(5) The program shall provide that the funds collected as a result of a particular new development shall be used in substantial part to pay for improvements mitigating the impacts of the development or be refunded to the property owners of record. Fees paid toward more than one transportation improvement may be pooled and expended on any one of the improvements mitigating the impact of the development. The funds shall be expended in all cases within six years of collection by the local government or the unexpended funds shall be refunded.

(6) The program shall also describe the formula, timing, security, credits, and other terms and conditions affecting the amount and method of payment of the transportation impact fee as further provided for in section 4 of this act. In calculating the amount of the fee, local government shall consider and give credit for the developer's participation in public transportation and ride-sharing improvements and services.

(7) The administrative element of the program shall include: an opportunity for administrative appeal by the developer and hearing before an independent examiner of the amount of the transportation impact fee imposed; establishment of a designated account for the public and private funds appropriated or collected for the transportation improvements identified in the plan; methods to enforce collection of the public and private funds identified in the program; designation of the administrative departments or other entities responsible for administering the program, including determination of fee amounts, transportation planning, and construction; and provisions for future amendment of the program including the addition of other off-site transportation improvements. The program shall not be amended in a manner to relieve local government of any contractual obligations made to prior developers.

(8) The program shall provide that private transportation impact fees shall not be collected for any off-site transportation improvement that is incapable of being reasonably carried out because of lack of public funds or other foreseeable impediment.

(9) The program shall provide that no transportation impact fee may be imposed on a development by local government pursuant to this program when mitigation of the same off-site transportation impacts for the development is being required by any government agency pursuant to any other local, state, or federal law.

NEW SECTION. Sec. 4. TRANSPORTATION IMPACT FEE. The program shall describe the formula or method for calculating the amount of the transportation impact fees to be imposed on new development within the plan area. The program may require developers to pay a transportation impact fee for off-site transportation improvements not yet constructed and for those jointly-funded improvements constructed since the commencement of the program.

The program shall define the event in the development approval process that triggers a determination of the amount of the transportation impact fees and the event that triggers the obligation to make actual payment of the fees. However, the payment obligation shall not commence before the date the developer has obtained a building permit for the new development or, in the case of residential subdivisions or short plats, at the time of final plat approval, at the developer's option. If the developer of a residential subdivision or short plat elects to pay the fee at the date a building permit has been obtained, the option to pay the transportation impact fee by installments as authorized by this section is deemed to have been waived by the developer. The developer shall be given the option to pay the transportation impact fee in a lump sum, without interest, or by installment with reasonable interest over a period of five years or more as specified by the local government.

The local government shall require security for the obligation to pay the transportation impact fee, in the form of a recorded agreement, deed of trust, letter of credit, or other instrument determined satisfactory by the local government. The developer shall also be given credit against its obligations for the transportation impact fee, for the fair market value of off-site land or improved transportation facilities dedicated to the local government. If the value of the dedication exceeds the amount of transportation impact fee obligation, the developer is entitled to reimbursement from transportation impact fees attributable to the dedicated facilities and paid by subsequent developers within the plan area.

Payment of the transportation impact fee entitles the developer and its successors and assigns to credit against any other fee, local improvement district assessment, or other monetary imposition made specifically for the designated off-site transportation improvements intended to be covered by the transportation impact fee imposed pursuant to this program. The program shall also define the criteria for establishing periodic fee increases attributable to construction and related cost increases for the improvements designated in the program.

NEW SECTION. Sec. 5. INTERLOCAL COOPERATION—CONSISTENCY AND ASSISTANCE. Local governments are authorized and encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs authorized by this chapter for the purpose of accomplishing regional transportation planning and development. Local governments shall also seek, to the greatest degree practicable, consistency among jurisdictions in the terms and conditions of their programs for the purpose of increasing fairness and predictability on a regional basis. Local governments shall seek comment, in the development of their programs, from other affected local governments, state agencies, and governments authorized to perform public transportation functions. Local governments are also encouraged to enter into interlocal agreements to provide technical assistance to each other, in return for reasonable reimbursement, for the purpose of developing and implementing such transportation programs.

Sec. 6. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 17, chapter 327, Laws of 1987 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. No county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements pursuant to RCW 58.17.110 within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat (~~PROVIDED, That~~). A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.— RCW (sections 1 through 5 of this act). Any such voluntary agreement (~~shall be~~) is subject to the following provisions:

- (1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;
- (2) The payment shall be expended in all cases within five years of collection; and
- (3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39. — RCW (sections 1 through 5 of this act).

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

Sec. 7. Section 12, chapter 327, Laws of 1987 and RCW 36.73.120 are each amended to read as follows:

(1) A transportation benefit district may impose a fee or charge (~~(either direct or indirect)~~) on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land only if done in accordance with chapter 39. — RCW (sections 1 through 5 of this act).

(2) Any fee or charge imposed under this section shall be used exclusively for transportation improvements constructed by a transportation benefit district. The fees or charges so imposed must be reasonably necessary as a result of the impact of (~~(collective)~~) development, construction, or classification or reclassification of land on identified transportation needs.

(3) When fees or charges are imposed by a district within which there is more than one city or both incorporated and unincorporated areas, the legislative authority for each city in the district and the county legislative authority for the unincorporated area must approve the imposition of such fees or charges before they take effect.

NEW SECTION. Sec. 8. WAIVERS OF PROTEST—RECORDING—LIMITS ON ENFORCEABILITY. If an owner of property enters into an agreement with a city or town waiving the property owner's right under RCW 35.43.180 to protest formation of a local improvement district, the agreement must specify the improvements to be financed by the district and shall set forth the effective term of the agreement, which shall not exceed ten years. The agreement must be recorded with the auditor of the county in which the property is located. It is against public policy and void for an owner, by agreement, as a condition imposed in connection with proposed property development, or otherwise, to waive rights to object to the property owner's individual assessment (including the determination of special benefits allocable to the property), or to appeal to the superior court the decision of the city or town council affirming the final assessment roll.

NEW SECTION. Sec. 9. PREFORMATION EXPENDITURES. The city or town engineer or other designated official may contract with owners of real property to provide for payment by the owners of the cost of the preparation of engineering plans, surveys, studies, appraisals, legal services, and other expenses associated with improvements to be financed in whole or in part by a local improvement district (not including the cost of actual construction of such improvements), that the owners elect to undertake. The contract may provide for reimbursement to the owner of such costs from the proceeds of bonds issued by the district after formation of a district under this chapter, from assessments paid to the district as appropriate, or by a credit in the amount of such costs against future assessments assessed against such property under the district. Such reimbursement shall be made to the owner of the property at the time of reimbursement. The contract shall also provide that such costs shall not be reimbursed to the owner if a district to construct the specified improvements (as the project may be amended) is not formed within six years of the date of the contract. The contract shall provide that any preformation work shall be conducted only under the direction of the city or town engineer or other appropriate city or town authority.

NEW SECTION. Sec. 10. CREDITS FOR OTHER ASSESSMENTS. A city or town ordering a local improvement upon which special assessments on property specifically benefited by the improvement are levied and collected, may provide as part of the ordinance creating the local improvement district that moneys paid or the cost of facilities constructed by a property owner in the district in satisfaction of obligations under chapter 39. — RCW (sections 1 through 5 of this act), shall be credited against assessments due from the owner of such property at the time the credit is made, if those moneys paid or facilities constructed directly defray the cost of the specified improvements under the district and if credit for such amounts is reflected in the final assessment roll confirmed for the district.

NEW SECTION. Sec. 11. ASSESSMENT REIMBURSEMENT ACCOUNTS. A city or town ordering a local improvement upon which special assessments on property specifically benefited by the improvement are levied and collected, may provide as part of the ordinance creating the local improvement district that the payment of an assessment levied for the district on underdeveloped properties may be made by owners of other properties within the district, if they so

elect, subject to terms of reimbursement set forth in the ordinance. The terms for reimbursement shall require the owners of underdeveloped properties on whose behalf payments of assessments have been made to reimburse all such assessment payments to the party who made them when those properties are developed or redeveloped, together with interest at a rate specified in the ordinance. The ordinance may provide that reimbursement shall be made on a one-time, lump sum basis, or may provide that reimbursement shall be made over a period not to exceed five years. The ordinance may provide that reimbursement shall be made no later than the time of dissolution of the district, or may provide that no reimbursement is due if the underdeveloped properties are not developed or redeveloped before the dissolution of the district. Reimbursement amounts due from underdeveloped properties under this section are liens upon the underdeveloped properties in the same manner and with like effect as assessments made under this chapter. For the purposes of this section, "underdeveloped properties" may include those properties that, in the discretion of the legislative body of the city or town, (1) are undeveloped or are not developed to their highest and best use, and (2) are likely to be developed or redeveloped before the dissolution of the district.

NEW SECTION, Sec. 12. WAIVERS OF PROTEST—RECORDING—LIMITS ON ENFORCEABILITY. If an owner of property enters into an agreement with a county waiving the property owner's right under RCW 36.88.030, 36.88.040, 36.88.050, 36.88.060, and 36.88.065 to protest formation of a road improvement district, the agreement must specify the improvements to be financed by the district and shall set forth the effective term of the agreement, which shall not exceed ten years. The agreement must be recorded with the auditor of the county in which the property is located. It is against public policy and void for an owner, by agreement, as a condition imposed in connection with proposed property development, or otherwise, to waive rights to object to the property owner's individual assessment (including the determination of special benefits allocable to the property), or to appeal to the superior court the decision of the county council affirming the final assessment roll.

NEW SECTION, Sec. 13. PREFORMATION EXPENDITURES. The county engineer or other designated official may contract with owners of real property to provide for payment by the owners of the cost of the preparation of engineering plans, surveys, studies, appraisals, legal services, and other expenses associated with improvements to be financed in whole or in part by a local improvement district (not including the cost of actual construction of such improvements), that the owners elect to undertake. The contract may provide for reimbursement to the owner of such costs from the proceeds of bonds issued by the district after formation of a district under this chapter, from assessments paid to the district as appropriate, or by a credit in the amount of such costs against future assessments assessed against such property. Such reimbursement shall be made to the owner of the property at the time of reimbursement. The contract shall also provide that such costs shall not be reimbursed to the owner if a district to construct the specified improvements (as the project may be amended) is not formed within six years of the date of the contract. The contract shall provide that any preformation work shall be conducted only under the direction of the county engineer or other appropriate county authority.

NEW SECTION, Sec. 14. CREDITS FOR OTHER ASSESSMENTS. A county ordering a road improvement upon which special assessments on property specifically benefited by the improvements are levied and collected, may provide as part of the ordinance creating the road improvement district that moneys paid or the cost of facilities constructed by a property owner in the district in satisfaction of obligations under chapter 39, RCW (sections 1 through 5 of this act), shall be credited against assessments due from the owner of such property at the time the credit is made, if those moneys paid or facilities constructed directly defray the cost of the specified improvements under the district and if credit for such amounts is reflected in the final assessment roll confirmed for the district.

NEW SECTION, Sec. 15. ASSESSMENT REIMBURSEMENT ACCOUNTS. A county ordering a road improvement upon which special assessments on property specifically benefited by the improvement are levied and collected, may provide as part of the ordinance creating the road improvement district that the payment of an assessment levied for the district on underdeveloped properties may be made by owners of other properties within the district if they so elect, subject to terms of reimbursement set forth in the ordinance. The terms for reimbursement shall require the owners of underdeveloped properties on whose behalf payments of assessments have been made to reimburse all such assessment payments to the party who made them when those properties are developed or redeveloped, together with interest at a rate specified in the ordinance. The ordinance may provide that reimbursement shall be made on a one-time, lump sum basis, or may provide that reimbursement shall be made over a period not to exceed five years. The ordinance may provide that reimbursement shall be made no later than the time of dissolution of the district, or may provide that no reimbursement is due if the underdeveloped properties are not developed or redeveloped before the dissolution of the district. Reimbursement amounts due from underdeveloped properties under this section are liens upon the underdeveloped properties in the same manner and with like effect as assessments made under this chapter. For the purposes of this section, "underdeveloped properties" may include those properties that, in the discretion of the county legislative authority, (1) are

undeveloped or are not developed to their highest and best use, and (2) are likely to be developed or redeveloped before the dissolution of the district.

Sec. 16. Section 4, chapter 126, Laws of 1983 and RCW 35.72.040 are each amended to read as follows:

The procedures for assessment reimbursement contracts shall be governed by the following:

(1) An assessment reimbursement area shall be formulated by the city, town, or county based upon a determination by the city, town, or county of which parcels adjacent to the improvements would require similar street improvements upon development.

(2) The preliminary determination of area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by ((registered)) certified mail to the property owners of record within the proposed assessment area. If any property owner requests a hearing in writing within twenty days of the mailing of the preliminary determination, a hearing shall be held before the legislative body, notice of which shall be given to all affected property owners. The legislative body's ruling is determinative and final.

(3) The contract must be recorded in the appropriate county auditor's office within thirty days of the final execution of the agreement.

(4) If the contract is so filed, it shall be binding on owners of record within the assessment area who are not party to the contract.

NEW SECTION, Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. This act is intended to be prospective, not retroactive, in its application.

NEW SECTION, Sec. 18. Section captions used in this act do not constitute any part of the law.

NEW SECTION, Sec. 19. Sections 1 through 5 of this act constitute a new chapter in Title 39 RCW entitled "Local Transportation Act." Sections 8 through 11 of this act are added to chapter 35.43 RCW. Sections 12 through 15 of this act are added to chapter 36.88 RCW."

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

On line 1 of the title, after "Improvements;" strike the remainder of the title and insert "amending RCW 82.02.020, 36.73.120, and 35.72.040; adding new sections to chapter 35.43 RCW; adding new sections to chapter 36.88 RCW; adding a new chapter to Title 39 RCW; and creating a new section."

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1817, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1817, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1817, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Rasmussen - 1.

Excused: Senator Barr - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1862, by Committee on Natural Resources (originally sponsored by Representatives Cole, Winsley, Sayan, Basich, Scott, Holland, Lux, Wineberry, Belcher, Nutley, Walker, Vaile, Haugen, Dorn, Locke, Spanel, Anderson, K. Wilson, Jacobsen, Brekke, Nelson, Leonard and Fisher)

Providing for plans for the use of local beaches.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1862.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1862 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Voting nay: Senators Hansen, Zimmerman - 2.

Excused: Senator Barr - 1.

SUBSTITUTE HOUSE BILL NO. 1862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1690, by Committee on Housing (originally sponsored by Representatives Ferguson, Cooper, Winsley, Miller, Nutley, Crane, Baugher, Sanders, Lux, Haugen, Beck, Day, Meyers, Betrozoff, Nelson and Cantwell)

Requiring cities and counties to review need for manufactured homes.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 7, after "review" insert "by the city"

On page 2, line 4, after "review" insert "by the city"

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Talmadge, I'm not as familiar with this bill as I should be. I notice we're amending two separate sections of the RCW. Do those both apply to cities or does one apply to cities and the other to counties?"

Senator Talmadge: "I believe, Senator Lee, that one applies to cities and the other is a model city statute--the model ordinance for cities--the optional code cities. Senator Garrett is more expert with this than I am, but they both apply to cities. I looked to see if it might not apply to counties, but it doesn't. It's two separate sections relating to cities only."

Senator Lee: "So, this particular act that we're passing as far as encouraging the use of mobile homes as part of the comprehensive plan really only applies to cities?"

Senator Talmadge: "I guess that's right. The only thing I was concerned about looking at was that the language specifically said that each comprehensive plan which does not allow for the siting of manufactured homes on individual lots shall be subject to a review of the needs and demands for such homes. I wasn't clear by whom the review was to be done. I wanted to make clear it was the cities."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Talmadge.

The motion by Senator Talmadge carried and the amendments were adopted.

MOTION

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

On page 2, after line 25, insert the following:

"Sec. 3 Section 46.44.093, chapter 12, Laws of 1961 as amended by section 55, chapter 7, Laws of 1984 and RCW 46.44.093 are each amended to read as follows:

The department of transportation or the local authority is authorized to issue or withhold such special permit at its discretion ~~((or;)), although where a mobile home is being moved, the verification of a valid license under chapter 46.70 RCW as a mobile home dealer or manufacturer, or under chapter 46.76 RCW as a transporter, shall be done by the department or local government. If the permit is issued, ((to)) the department or local authority may limit the number of trips, ((or-to)) establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise ((to)) limit or prescribe conditions of operation of the vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces, or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.~~

NEW SECTION. Sec. 4. A new section is added to chapter 46.76 RCW to read as follows:

(1) Any person or organization that transports any mobile home or other vehicle for hire shall comply with this chapter and chapter 81.80 RCW. Persons or organizations that do not have a valid permit or meet other requirements under chapter 81.80 RCW shall not be issued a transporter license or transporter plates to transport mobile homes or other vehicles. RCW 46.76.065(5) applies to persons or organizations that have transporter licenses or plates and do not meet the requirements of chapter 81.80 RCW.

(2) This section does not apply to mobile home manufacturers or dealers that are licensed and delivering the mobile home under chapter 46.70 RCW."

MOTION

On motion of Senator Madsen, the following amendment by Senators Madsen and Lee was adopted:

On page 2, after line 25, insert the following:

"Sec. 3, Section 1, chapter 153, Laws of 1980 and RCW 43.22.440 are each amended to read as follows:

(1) The legislature finds that inspections of mobile home installation are not done on a consistent basis. Mobile homes provide housing for many people in the state, and improperly installed mobile homes are a serious health and safety risk. Where possible and practical, mobile homes should be treated the same as any housing inhabited or to be inhabited by persons in this state, including housing built according to the state building code.

(2) In consultation with the ((governor's)) factory assembled structures advisory board for mobile homes, the director of labor and industries shall by rule establish ((minimum)) uniform standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the federal national mobile home construction and safety standards act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the installation of mobile homes shall be enforced and fees charged by the counties and cities in the same manner the state building code is enforced under RCW 19.27.050. ((The rules may, to the extent deemed necessary by the director, provide for inspection and enforcement of the standards so established, and may permit the director to appoint an agent, or agents, as necessary to provide for the inspections and enforcement.

~~((2)) (3) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the consumer protection act, chapter 19.86 RCW and subject to the remedies provided in that chapter."~~

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title after "homes;" insert "amending RCW 46.44.093; adding a new section to chapter 46.76 RCW;"

On page 1, line 1 of the title, after "homes;" insert "amending RCW 43.22.440;"

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1690, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1690, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1690, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Barr - 1.

SUBSTITUTE HOUSE BILL NO. 1690, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1884, by Representatives Prince, Nealey and D. Sommers

Permitting legal loads from other states to move in border areas.

The bill was read the second time.

MOTION

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

On page 5, after line 14, insert the following:

*NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.010;
- (2) Section 2, chapter 22, Laws of 1963 ex. sess., section 1, chapter 67, Laws of 1965, section 225, chapter 158, Laws of 1979, section 223, chapter 3, Laws of 1983 and RCW 82.37.020;
- (3) Section 3, chapter 22, Laws of 1963 ex. sess., section 4, chapter 83, Laws of 1967 ex. sess., section 4, chapter 317, Laws of 1977 ex. sess., section 29, chapter 49, Laws of 1983 1st ex. sess. and RCW 82.37.030;
- (4) Section 4, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.040;
- (5) Section 5, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.050;
- (6) Section 6, chapter 22, Laws of 1963 ex. sess., section 2, chapter 67, Laws of 1965 and RCW 82.37.060;
- (7) Section 7, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.070;
- (8) Section 8, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.080;
- (9) Section 9, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.090;
- (10) Section 10, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.100;
- (11) Section 11, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.110;
- (12) Section 12, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.120;
- (13) Section 13, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.130;
- (14) Section 14, chapter 22, Laws of 1963 ex. sess., section 3, chapter 67, Laws of 1965 and RCW 82.37.140;
- (15) Section 5, chapter 67, Laws of 1965 and RCW 82.37.145;
- (16) Section 15, chapter 22, Laws of 1963 ex. sess., section 4, chapter 67, Laws of 1965 and RCW 82.37.150;
- (17) Section 16, chapter 22, Laws of 1963 ex. sess., section 7, chapter 89, Laws of 1967 ex. sess. and RCW 82.37.160;
- (18) Section 17, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.170;
- (19) Section 13, chapter 161, Laws of 1982 and RCW 82.37.175;
- (20) Section 18, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.180;
- (21) Section 2, chapter 28, Laws of 1974 ex. sess. and RCW 82.37.190;
- (22) Section 22, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.900;
- (23) Section 23, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.910; and
- (24) Section 24, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.920."

MOTION

Senator Anderson moved that the following amendment by Senators Anderson and McMullen be adopted:

On page 5, after line 14, insert the following:

*NEW SECTION. Sec. 2. The legislature finds and declares that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. The legislature further finds that it is in the public interest and for the protection of the health, property, and welfare of the

residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in such areas and to alleviate the impact of such added burdens.

NEW SECTION. Sec. 3. A new section is added to chapter 66.08 RCW to read as follows:

For the purposes of this section, the term "border area" means Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville, Port Angeles, Sumas, and that area of Whatcom county commonly referred to as Point Roberts.

Funds allocable to border areas under RCW 66.08.190 shall be distributed pursuant to a formula developed by the department of community development, by rule, based on border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. All such funds received by Whatcom county pursuant to this allocation shall be spent within the Point Roberts area.

Sec. 4. Section 6, chapter 175, Laws of 1957 and RCW 66.08.190 are each amended to read as follows:

When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(1) Three-tenths of one percent to the department of community development to be allocated to border areas under section 3 of this 1988 act; and

(2) From the amount remaining after distribution under subsection (1) of this section, fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act shall take effect July 1, 1989."

POINT OF INQUIRY

Senator Talmadge: "Senator Anderson, the question I have, I guess, is how we define the circumstances under which someone has an excessive impact on a local area that would then merit the State Legislature coming forth with additional monies for those local areas? By that I mean, we in Seattle have excessive impact from the cost of a number of people coming to our area, and the Social Service System bearing those costs. We have some real problems with drug trafficking, which we suspect comes from other parts of the state into our area. We have some real concerns about things like DWI funding and the impact of that on our areas as people come through the largest urban area in the state of Washington on I-5 and I-90. Maybe you could tell me what constitutes a sufficient local impact that merits state involvement?"

Senator Anderson: "Yes, Senator Talmadge, we have gone through this discussion in the Ways and Means Committee before. The comment is that this money is already being allocated to the border towns and is just a permanent funding source for the border towns. It's not any more money than they're currently receiving, it's just a permanent funding. The other comment to that is as an international area and people crossing the borders, and congestion increased from an international border, that's the difference between a site specific area within the state and international border."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Anderson and McMullen on page 5, after line 14, to Engrossed House Bill No. 1884.

The motion by Senator Anderson carried and the amendment was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendments were considered simultaneously and adopted:

On line 1 of the title, after "vehicles;" strike "and" and after "46.44.041" insert "; and repealing RCW 82.37.010, 82.37.020, 82.37.030, 82.37.040, 82.37.050, 82.37.060, 82.37.070, 82.37.080, 82.37.090, 82.37.100, 82.37.110, 82.37.120, 82.37.130, 82.37.140, 82.37.145, 82.37.150, 82.37.160, 82.37.170, 82.37.175, 82.37.180, 82.37.190, 82.37.900, 82.37.910, and 82.37.920"

On line 1 of the title, after "vehicles;" strike "and" and after "46.44.041" and before the period insert "and 66.08.190; adding a new section to chapter 66.08 RCW; creating a new section; and providing an effective date"

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 1884, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Vognild was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1884, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1884, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Moore, Niemi, Talmadge - 3.

Excused: Senators Barr, Vogtild - 2.

ENGGROSSED HOUSE BILL NO. 1884, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

EDITOR'S NOTE: The following colloquy relates to Second Substitute House Bill No. 318, as amended by the Senate, which passed the Senate February 26, 1988.

PERSONAL PRIVILEGE

Senator Bender: "Thank you, Mr. President, a point of personal privilege. There's something we would like to have stated in the Journal—a question and answer and I'd like to ask Senator von Reichbauer to yield to a question."

POINT OF INQUIRY

Senator Bender: "Thank you, Senator von Reichbauer. This deals with a bill that has already passed the Senate. This is Second Substitute House Bill No. 318 and something needs to be clarified with regards to a change in the legislation and my question to you is this, can the Insurance Commissioner take this regulatory action before a hearing even though such a hearing has been demanded?"

Senator von Reichbauer: "Senator Bender, Mr. President and members of the Senate. The Senate passed Second Substitute House Bill No. 318, an Act relating to Insurance on Friday, February 26, 1988. On page 14 of the bill, beginning on line 28, there is language providing that the Insurance Commissioner may take certain named regulatory action 'subject to a hearing if one is demanded.' The question raised was whether the Insurance Commissioner could take this regulatory action before a hearing even though such hearing has not been demanded. The answer to this question is, 'no.' It was not and is not my intent, nor do I believe it to be the intent of the Senate to permit the Insurance Commissioner to take any of the named regulatory actions before a hearing is held if such hearing is demanded by a regulated party."

SECOND READING

HOUSE BILL NO. 1361, by Representatives Holm, Belcher, Unsoeld, Basich and Rasmussen

Creating a twenty-fourth community college district.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Mr. President, you know, I always had a little trouble reading some of these pieces of legislation, not being an attorney. When I hear such great phrases as 'peace and tranquility,' it really makes me nervous, and when I see such three such divergent characters all urging that this bill be passed, it makes

me a little nervous and I'd like to ask one question. And any one of the three of you are entitled to answer and I'll be happy. I'd like to know, does this bill, in any way, save the taxpayers any money, in that the overhead will be lowered so that more money goes to teaching or just what is the end result?"

Senator Saling: "Senator Moore, for the past two years, there have only been two Presidents in this community college district instead of three, as there were before. When the bill failed two years ago, the board took action to dismiss the district President. He is no longer here and in effect, we have been saving the state the money for the past two years of that district office, so that will continue in a savings to the state."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry, Mr. President. Is it right for Senator Moore to call these three characters, 'characters?'"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "The President will ignore your point of inquiry."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1361.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1361 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Barr, Vognild - 2.

HOUSE BILL NO. 1361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of House Bill No. 1482 and the pending amendment by Senator Talmadge on page 11 of the Committee on Law and Justice striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Nelson, the President finds that House Bill No. 1482 is a measure which provides for the revocation of driving privileges of certain juveniles found to have committed an offense involving the unlawful use of intoxicating liquor, controlled substances, legend drugs or imitation controlled substances.

"The amendment proposed by Senators Talmadge to the Committee on Law and Justice amendment appropriates funds to the Traffic Safety Commission to distribute grants to local governments to apprehend, prosecute and adjudicate the offenses of driving a motor vehicle while under the influence of intoxicating liquor or drugs and establishes an advisory committee to propose criteria for these distributions.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Talmadge to the Committee on Law and Justice amendment to House Bill No. 1482 was ruled out of order.

The President declared the question before the Senate to be the adoption of the striking Committee on Law and Justice amendment to House Bill No. 1482.

Debate ensued.

The motion by Senator Pullen carried and the Committee on Law and Justice amendment was adopted.

MOTIONS

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

On line 1 of the title, after "juveniles;" strike the remainder of the title and insert "amending RCW 46.04.480; reenacting and amending RCW 46.20.311; adding a new section to chapter 13.40 RCW; adding a new section to chapter 66.44 RCW; adding a new section to chapter 69.41 RCW; adding a new section to chapter 69.50 RCW; adding a new section to chapter 69.52 RCW; adding a new section to chapter 46.20 RCW; creating a new section; and prescribing penalties."

On motion of Senator Pullen, the rules were suspended, House Bill No. 1482, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1482, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1482, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Vognild - 1.

HOUSE BILL NO. 1482, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1951, by Representatives Nutley, Peery, Butterfield, Cooper, Ferguson, Lux, Sutherland, Vekich and D. Sommers

Providing rate review exemption for certain hospitals.

The bill was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 70.39 RCW to read as follows:

(1) The commission shall exempt a hospital from the rate review and approval provisions of RCW 70.39.140 if:

(a) The hospital is located within fifteen miles of one or more hospitals located in a jurisdiction that is not subject to RCW 70.39.140; and

(b) The hospital or hospitals not subject to RCW 70.39.140 have the existing capacity to absorb twenty-five percent or more of the patients served by the hospital exempted under this section.

(2) The exemption provided by this section shall not affect the exempted hospital's responsibility to make on a timely basis all filings required by the commission pursuant to this chapter. In addition, an exempted hospital shall provide on a timely basis other pertinent data that may be requested from time to time by the commission.

(3) This section shall expire June 30, 1991."

MOTIONS

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

On page 1, line 1 of the title, after "review" strike the remainder of the title and insert "and approval; and adding a new section to chapter 70.39 RCW."

On motion of Senator Nelson, the rules were suspended, House Bill No. 1951, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1951, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1951, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 41.

Voting nay: Senators Bender, Benitz, Moore, Newhouse, Niemi, Talmadge, Williams - 7.

Excused: Senator Vogt - 1.

HOUSE BILL NO. 1951, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1278, by Representative Winsley

Authorizing continued superior court jurisdiction over weed control in certain lakes.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

On page 1, after line 12, insert the following:

"The superior court shall hold hearings under RCW 90.24.040 whenever subsequent petitions are filed with it concerning weed control on a lake over which it has continuing jurisdiction for weed control purposes. If the court finds that the weed control proposals are in the best interests of the abutting property owners, it shall determine what measures should be taken to accomplish these objectives, the probable annual cost thereof, and by its order apportion the cost among the persons whose property abuts on the lake in proportion to the lineal feet of waterfront owned by each, which sum shall constitute a lien against the real property. Payments of these sums shall be made to the county treasurer who shall place these payments into a special fund to be known as "Lake weed removal fund." The court shall appoint a suitable person, to be compensated by the property owners, to undertake weed control activities as decreed by the court."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources amendment to House Bill No. 1278.

The motion by Senator Metcalf carried and the committee amendment was adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1278, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1278, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1278, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Bauer, Conner, Fleming, Hansen, Stratton - 5.

Absent: Senator Anderson - 1.

Excused: Senator Vognild - 1.

HOUSE BILL NO. 1278, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Johnson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1320, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Chandler, Nutley, Betrozoff, Peery and Meyers) (by request of Office of Insurance Commissioner)

Revising provisions on the cancellation and renewal of insurance policies.

The bill was read the second time.

MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

After the enacting clause, insert the following and renumber the remaining sections accordingly:

"Sec. 1. Section 1, chapter 14, Laws of 1987, and RCW 48.18.289 are each amended to read as follows:

(1) Whenever a notice of cancellation or nonrenewal or an offer to renew is (~~required to be~~) furnished to an insured (~~under~~) in accord with any provision of this chapter, a copy of such notice shall or offer be provided at the same time to the agent on the account or to the broker of record for the insured."

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1320, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1320, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1320, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Barr, Bauer, Hansen - 3.

Excused: Senators Johnson, Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1320, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1333, by Committee on Judiciary (originally sponsored by Representatives Locke, Brough, Dellwo, Walker, Heavey, Belcher, Todd and P. King)

Revising sexual offenses.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and adopted:

On page 2, beginning on line 31, after "perpetrator and" strike ": (a) The" and insert "the"

On page 2, beginning on line 33, after "victim" strike all material down to and including "conduct" on line 36

On page 3, beginning on line 6, after "and" strike "; (α) The" and insert "the"

On page 3, beginning on line 8, after "victim" strike all material down to and including "conduct" on line 11

On page 3, beginning on line 17, after "and" strike "; (α) The" and insert "the"

On page 3, beginning on line 19, after "victim" strike all material down to and including "conduct" on line 22

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and adopted:

On page 3, beginning on line 27, after "perpetrator and" strike "; (α) The" and insert "the"

On page 3, beginning on line 29, after "victim" strike all material down to and including "conduct" on line 32

On page 4, beginning on line 4, after "and" strike "; (α) The" and insert "the"

On page 4, beginning on line 6, after "victim" strike all material down to and including "conduct" on line 9

On page 4, beginning on line 15, after "and" strike "; (α) The" and insert "the"

On page 4, beginning on line 17, after "victim" strike all material down to and including "conduct" on line 20

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and adopted:

On page 19, line 34, after "second degree" delete ";" and insert "or"

On page 19, line 34, after "first" insert "or second"

On page 19, line 34, after "first degree" strike "; or indecent liberties by forcible compulsion"

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 22, line 12, strike "indecent liberties" and insert "((~~indecent liberties~~)) child molestation in the first or second degree"

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment not be adopted:

On page 28, after line 12, insert the following:

NEW SECTION, Sec. 24. A new section is added to chapter 9A.88 RCW to read as follows:

Patronizing a prostitute. (1) A person is guilty of patronizing a prostitute if:

(a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or

(b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or

(c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

(2) For purposes of this section, "sexual conduct" has the meaning given in RCW 9A.88.030.

(3) Patronizing a prostitute is a misdemeanor."

Renumber the sections consecutively and correct internal references accordingly.

MOTION

Senator Nelson moved that the Committee on Law and Justice amendment on page 28, after line 12, to Substitute House Bill No. 1333 be adopted.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Nelson to adopt the Committee on Law and Justice amendment on page 28, after line 12, to Substitute House Bill No. 1333.

The motion by Senator Nelson failed and the committee amendment was not adopted.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

On page 28, after line 12, insert the following:

"Sec. 24. Section 2, chapter 262, Laws of 1984 and RCW 9.68A.011 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout ((~~the (this))~~) this chapter.

(1) To "photograph" means to make a print, negative, slide, motion picture, or videotape. A "photograph" means any tangible item produced by photographing.

(2) "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph.

(3) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation ~~((for the purpose of sexual stimulation of the viewer));~~

(d) Sodomasochistic abuse for the purpose of sexual stimulation of the viewer;

(e) Exhibition of the genitals or unclothed public ~~((er)),~~ rectal, or breast areas of any minor for the purpose of sexual stimulation of the viewer;

(f) Defecation or urination for the purpose of sexual stimulation of the viewer; and

(g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

(4) "Minor" means any person under eighteen years of age.

(5) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

Sec. 25. Section 3, chapter 262, Laws of 1984 and RCW 9.68A.040 are each amended to read as follows:

(1) A person is guilty of sexual exploitation of a minor if the person:

(a) Compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance;

(b) Aids, invites, employs, authorizes, or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; or

(c) Being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance.

(2) Sexual exploitation of a minor is~~((~~

~~((a))) a class B felony punishable under chapter 9A.20 RCW ~~((if the minor exploited is less than sixteen years old at the time of the offense; and~~~~

~~((b)) a class C felony punishable under chapter 9A.20 RCW if the minor exploited is at least sixteen years old but less than eighteen years old at the time of the offense)).~~

Sec. 26. Section 4, chapter 262, Laws of 1984 and RCW 9.68A.050 are each amended to read as follows:

A person who:

(1) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or

(2) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct

is guilty of a class C felony punishable under chapter 9A.20 RCW.

~~((3) As used in this section, "minor" means a person under sixteen years of age;))~~

Sec. 27. Section 5, chapter 262, Laws of 1984 and RCW 9.68A.060 are each amended to read as follows:

~~((1))~~ A person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct is guilty of a class C felony punishable under chapter 9A.20 RCW.

~~((2) As used in this section, "minor" means a person under sixteen years of age;))~~

Sec. 28. Section 6, chapter 262, Laws of 1984 and RCW 9.68A.070 are each amended to read as follows:

~~((1))~~ A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a gross misdemeanor.

~~((2) As used in this section, "minor" means a person under sixteen years of age;))~~

Sec. 29. Section 7, chapter 262, Laws of 1984 and RCW 9.68A.080 are each amended to read as follows:

~~((1))~~ A person who, in the course of processing or producing visual or printed matter either privately or commercially, has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct shall immediately report such incident, or cause a report to be made, to the proper law enforcement agency. Persons failing to do so are guilty of a gross misdemeanor.

~~((2) As used in this section, "minor" means a person under sixteen years of age;))~~

Sec. 30. Section 8, chapter 262, Laws of 1984 as amended by section 2, chapter 319, Laws of 1986 and RCW 9.68A.090 are each amended to read as follows:

((†)) A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor, unless that person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

~~((2) As used in this section, "minor" means a person under eighteen years of age.))~~

Sec. 31. Section 9, chapter 262, Laws of 1984 and RCW 9.68A.100 are each amended to read as follows:

((†)) A person is guilty of patronizing a juvenile prostitute if that person engages or agrees or offers to engage in sexual conduct with a minor in return for a fee, and is guilty of a class C felony punishable under chapter 9A.20 RCW.

~~((2) As used in this section, "minor" means a person under eighteen years of age.))~~

Sec. 32. Section 10, chapter 262, Laws of 1984 as amended by section 3, chapter 319, Laws of 1986 and RCW 9.68A.110 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to individual case treatment in a recognized medical facility or individual case treatment by a psychiatrist or psychologist licensed under Title 18 RCW, or to lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.050, 9.68A.060, or 9.68A.090, ~~((or 9.68A.100.))~~ it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim.

(4) ~~((In a prosecution under RCW 9.68A.050 or 9.68A.060, it is not a defense that the defendant did not know the alleged victim's age. PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least sixteen years of age based on declarations by the alleged victim.))~~ In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, it shall be an affirmative defense that the defendant was a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim.

NEW SECTION, Sec. 33. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Niemi: "Thank you, Mr. President, a point of order. I request a ruling on this amendment for scope and object. My remarks really would be the same as what Senator Talmadge and what Senator Pullen said about the previous amendment. I personally have some doubts about the constitutional voice for vagueness of this amendment, but beyond that, I am afraid that this amendment would jeopardize a very important sexual assault bill for children. We stand the same chance of having the whole bill thrown out, because of this amendment, as we would of the prior one."

There being no objection, the President deferred further consideration of Substitute House Bill No. 1333.

President Pro Tempore Bluechel assumed the chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 1354, by Representatives Pruitt, Sanders, Meyers, Dorn, Rasmussen, Lewis, Anderson, Basich, Heavey, Zellinsky and Cooper

Repealing the sunset of the department of veterans affairs.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1354.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1354 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Kiskaddon - 1.

Excused: Senator Vognd - 1.

ENGROSSED HOUSE BILL NO. 1354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4222, by Representatives Holland, Appelwick, Taylor, Grimm, Silver, Braddock, Fuhrman, Bristow, Nealey, Valle, Padden, Brough, McLean, Basich, Schoon, H. Sommers, Winsley, May, B. Williams, Butterfield, Beck, Ballard, Lewis, J. Williams, Amondson, Sanders, Kremen, Berozoff, Miller, Hine, Holm and Cooper

Increasing the head of family personal property tax exemption.

The resolution was read the second time.

MOTION

Senator Williams moved that the following amendment by Senators Williams and Talmadge be adopted:

On page 1, line 23, after "power" strike everything down through "dollars" on line 25 and insert "(-by appropriate legislation, to exempt personal property to the amount of three hundred (\$300.00) dollars) to exempt personal property to an amount set by appropriate legislation"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Williams and Talmadge to House Joint Resolution No. 4222.

The motion by Senator Williams failed and the amendment was not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, House Joint Resolution No. 4222 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator McDonald, a question I've always had and concerns me somewhat is what is personal property and what personal property tax have you paid in recent years on the personal property in your home--in your household?"

Senator McDonald: "Senator Patterson, I think, at the outset of--when we became a state, I think personal property was largely interpreted as for farms. Since that time, I believe testimony in the committee talked about more and more

into the business application, so consequently personal property is more broadly interpreted but you caught me, I don't have the best description I could give."

Senator Patterson: "Probably, the answer to my question is that you haven't paid any of it and I think it is totally misunderstood that personal property today, as it's been interpreted, is only being collected on business property. The point I'm trying to make in the discussion on this bill is the fact that in the state of Washington, in order to get around this part of the Constitution, and personal property is the best example that I know of, is personal property such as my automobile and your automobile. The way you get around the one percent restriction on personal and real property under our Constitution, is you just make it an excise tax. That way you get around the constitutional limitation of one percent. On the motor vehicle excise tax, we've now reached the point where it is 2.35—that is what the motor vehicle excise tax is. It's my personal property and I think it's a violation of the Constitution of the state of Washington that it's levied at that rate, because that was not put to a vote of the people of this state, to go over the one percent constitutional limit.

"I just thought this was a beautiful opportunity to discuss a very important issue in the tax policies of this state. I would suggest to you, if you're going to raise the limit of the personal property, most of our television sets have got up there to the point where you know some of them are a thousand dollars. I think maybe we ought to start paying the personal property tax on those expensive sets—that personal property. I just wanted to use this as an occasion to discuss it and point out to you, that we do a lot a things in a band-aid way around here and if there is anything we need in this state, it's a revision in the tax policies of this state, so we have some equity and fairness and not tax the way that we continue to tax in order to try to pay our bills. Thank you for the opportunity."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4222.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution Bill No. 4222 and the resolution passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Conner - 1.

HOUSE JOINT RESOLUTION NO. 4222, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1370, by Committee on Ways and Means/Revenue (originally sponsored by Representatives Holland, Appelwick, Taylor, Grimm, Silver, Braddock, Fuhrman, Bristow, Nealey, Valle, Padden, Brough, McLean, Basich, Schoon, H. Sommers, Winsley, May, B. Williams, Beck, Butterfield, Ballard, Baugher, Lewis, J. Williams, Amondson, Sanders, Kremen, Betzoff, Rasmussen, Doty, Hankins, Miller, Hine, Holm and Cooper)

Increasing the head of family exemption for personal property taxes.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1370.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1370 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

February 29, 1988

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1455,

SUBSTITUTE HOUSE BILL NO. 2036,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2052,

SUBSTITUTE HOUSE BILL NO. 2053,

SUBSTITUTE HOUSE BILL NO. 2054,

SUBSTITUTE SENATE BILL NO. 5147,

SUBSTITUTE SENATE BILL NO. 6096,

SENATE BILL NO. 6293,

SENATE BILL NO. 6362,

SENATE BILL NO. 6373,

SUBSTITUTE SENATE BILL NO. 6438,

SENATE BILL NO. 6494,

SENATE BILL NO. 6556,

ENGROSSED SENATE BILL NO. 6563,

SENATE JOINT MEMORIAL NO. 8026, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 8436 by Senators Metcalf, Warnke and Lee

Studying lottery commission practices and procedures.

Referred to Committee on Economic Development and Labor.

SCR 8437 by Senators Lee, Newhouse, Barr, Bailey, Zimmerman, Patterson, Anderson, West, Metcalf and Sellar

Establishing the joint select committee on unemployment compensation for agricultural workers.

Referred to Committee on Economic Development and Labor.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1455 by Committee on Ways and Means (originally sponsored by Representatives Bristow, Holland, Grimm, McLean and Wineberry) (by request of Governor Gardner)

Adopting the supplemental capital budget.

Referred to Committee on Ways and Means.

SHB 2036 by Committee on Ways and Means/Revenue (originally sponsored by Representatives Appelwick, Taylor, Grimm, Haugen, Ferguson and Basich)

Revising provisions on county sales and use tax equalization.

Referred to Committee on Ways and Means.

ESHB 2052 by Committee on Ways and Means (originally sponsored by Representatives Locke, Grimm, Holland and Ferguson)

Changing provisions relating to funding of construction and operation of public facilities.

Referred to Committee on Ways and Means.

SHB 2053 by Committee on Ways and Means (originally sponsored by Representative Grimm)

Providing for the transfer of money from the state lottery account to the general fund.

Referred to Committee on Ways and Means.

SHB 2054 by Committee on Ways and Means (originally sponsored by Representatives Grimm and Peery)

Authorizing waivers of state matching requirements for school construction projects.

Referred to Committee on Ways and Means.

SIGNED BY THE PRESIDENT

The President has signed:

HOUSE BILL NO. 1270,

HOUSE BILL NO. 1306,

HOUSE BILL NO. 1318.

SIGNED BY THE PRESIDENT

The President has signed:

SUBSTITUTE SENATE BILL NO. 5844,

SENATE BILL NO. 5953,

SENATE BILL NO. 6113,

SENATE BILL NO. 6262,

SENATE BILL NO. 6295,

SENATE BILL NO. 6296,

SENATE BILL NO. 6338,

SUBSTITUTE SENATE BILL NO. 6399,

SENATE BILL NO. 6516.

MOTION

At 3:59 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Wednesday, March 2, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 2, 1988

The Senate was called to order at 9:37 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Nelson, Smith, Warnke and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Jeff Genova and Paul Komarek, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 1, 1988

Mr. President:

The House has passed SENATE JOINT MEMORIAL NO. 8030, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 1, 1988

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8428, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 1, 1988

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 6143,

SENATE BILL NO. 6210,

SENATE BILL NO. 6211,

SUBSTITUTE SENATE BILL NO. 6252,

SUBSTITUTE SENATE BILL NO. 6264, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9145, Joseph H. Davis, as a member of the Commission on Judicial Conduct, was confirmed.

Senator Rasmussen spoke to the confirmation of Joseph H. Davis as a member of the Commission on Judicial Conduct.

APPOINTMENT OF JOSEPH H. DAVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 5.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Zimmerman - 44.

Absent: Senators Deccio, Nelson, Smith, Warnke, Wojahn - 5.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, I rise to a point of parliamentary inquiry. Under Senate Rule 15, which provides that the Senate must adjourn no later than 10:00 p.m., does that rule apply also to the meetings of the standing committees of the Senate?"

REPLY BY THE PRESIDENT

President Cherberg: "The answer is 'no,' Senator."

MOTIONS

On motion of Senator Zimmerman, Senators Smith and West were excused.
On motion of Senator Bender, Senator Warnke was excused.

MOTION

On motion of Senator McDonald, Gubernatorial Appointment No. 9146, Richard A. Davis, as Director of the Office of Financial Management, was confirmed.

APPOINTMENT OF RICHARD A. DAVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Williams, Zimmerman - 42.

Absent: Senators Hayner, Johnson, Sellar, Wojahn - 4.

Excused: Senators Smith, Warnke, West - 3.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1329, by Committee on Judiciary (originally sponsored by Representatives Crane, Brough, Sutherland, Lewis, Heavey, Padden, Nutley, Peery and Hargrove)

Changing provisions relating to the homestead exemption.

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendments by Senators Rasmussen and Pullen be considered simultaneously and be adopted:

On page 1, line 24, after "5" strike "on debts secured by a condominium's or homeowner association's lien."

On page 1, after line 24, insert the following:

"The homestead exemption is not available against a debt secured by a condominium's or homeowner association's lien provided that it is established by affidavit that all existing civil remedies have been exhausted including garnishment of wages, attachment of personal property and compliance with the notice and claim provisions for mechanics, laborers and materialmen liens pursuant to RCW 60.04."

On page 2, line 33, after "is" strike "not"

On page 2, line 35, strike "and"

On page 2, line 34, after "homesteads" strike "under RCW 6.13.080" and insert "unless all civil remedies have been exhausted as set forth in RCW 6.13.080(5) in which case such lien"

POINT OF INQUIRY

Senator Saling: "Senator Rasmussen, I have a question I would like to ask you concerning the Homestead Act and this particular amendment. If a person lives in a condominium, they have certain rules that they agree to live by, in order to share expenses in common areas of the condominium. I happen to live in a condominium and we're going to put a new roof on the condominium. Our rules and regulations say we shall share jointly in the cost of this. Now, if one person who lives in the condominium says, 'No, I'm not going to pay,' would they come under this amendment of the Homestead Act--that they would not have to pay because this would overrule the agreement that they signed when they moved into the condo?"

Senator Rasmussen: "No, sometimes we have a lot of senior citizens and we have a lot of retired people who move into condos. When they move in, they're aware they've got to make their payments to buy their condo or their home in a property development. When it comes down to the final word, you make your payment on your condo, and if you don't have the money for paying the homeowners association, you let it slide until you can pay it. There is only one case that I know of in some two hundred five units in this planned development called Pinebrook. There was only this one case and then they tried to bring suit and collect and invade the Homestead protection and the court said, 'You can't.' The Homestead is inviolate and should not be subject to attack. The court made quite a strong opinion on that.

"Probably, when you have two hundred and five people in a development—I don't know how many are in your condo—certainly if they absorb the cost of one, temporarily, they're not hurting. The problem arose where they said that we can invade the Homestead and the court said, 'No, you can't.'"

Further debate ensued.

EDITOR'S NOTE: See motion by Senator Rasmussen later on in the day requesting the following remarks by Senator Talmadge be included in the Journal.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate. I know the high esteem with which people in the Senate hold the attorneys who are members of the Senate. We frequently hear from people about how they love attorneys and all the rest, but one of the benefits of legal training is that you may know a little bit about things like this. The quality of misinformation that we've heard so far on this issue has been extraordinary.

"Let me explain to you how this issue works and why Senator Rasmussen's amendments are totally unnecessary. As an observation with respect to the Constitution, Senator Pullen, a number of the conservative members out here believe that you look to constitutional interpretation as to the framer's original intent. It's novel to take that approach, because condominiums didn't exist when the Constitution was drafted in 1889. They didn't come along until the Legislature created them as a property device in the mid 1900s, so the framers probably didn't have in mind that the homestead theory could apply to a condominium to begin with.

"First of all, if someone is a member of a homeowners association and they fail to pay their fees—along the lines of what Senator Saling has talked about—a lien is created. That is a right, then, to proceed against that individual in court. Somebody files a civil law suit to foreclose the lien. They foreclose the lien for the amount owed by that individual to the homeowners association. They get a judgment. The judgment then can be enforced in a number of ways. The judgment can be enforced by garnishing somebody's wages, it can be enforced by executing on real property, and in some limited instances, by attaching real property. What we're talking about when we talk about homestead, it's not exhausting civil remedies, because the civil remedies have already been exhausted and the judgment has already been obtained. The question is how do you collect the judgment. In collecting the judgment, the law that relates to sheriff's sales, Senator Rasmussen, already requires everything that you have in your amendment. You can't execute on real property. You can't collect on real property without having exhausted all of your nonsale of real property remedies. You have to try garnishment first. You have to do all of those things first already. Before you can go to a sheriff's sale to get the benefit of your judgment for foreclosure of the homeowners assessment, you have to go through all these things any way, so it's already done.

"I think the point here is that this set of amendments is probably not necessary. It is already done in the law relating to the execution on real property and sheriff's sales. It probably makes this whole thing very cumbersome and not workable. The particular problem is the kind of problem that Senator Saling identified. The homeowners have an assessment of five thousand dollars and they go through the process of getting a judgment and to collect on the judgment. They try to garnish the wages and there's nothing there. They try to garnish the checking account and nothing's there. They try to do all these civil things first on the non-real property things and can't find anything. There they are, left with a situation where

somebody's still sitting in that unit with a five thousand dollar obligation that they haven't paid. All of them need to have the roof fixed. It seems only appropriate that at that point they should be able to execute on the real property on the unit that they have and get the five thousand dollars, so that they all can get the roof fixed. That's all this thing does. It's very simple. These amendments are not necessary."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Rasmussen and Pullen to Substitute House Bill No. 1329.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 15; nays, 32; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Conner, Garrett, Gaspard, Hansen, Metcalf, Moore, Owen, Pullen, Rasmussen, Rinehart, Stratton, Wojahn - 15.

Voting nay: Senators Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Patterson, Saling, Sellar, Smith, Smitherman, Talmadge, Vognlid, von Reichbauer, West, Williams, Zimmerman - 32.

Absent: Senator Madsen - 1.

Excused: Senator Warnke - 1.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1329.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1329 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Rasmussen - 1.

Excused: Senator Warnke - 1.

SUBSTITUTE HOUSE BILL NO. 1329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall remain in effect through the balance of this session, that is March 10, 1988."

The President declared the question before the Senate to be the motion by Senator Newhouse to limit debate until March 10, 1988.

The motion by Senator Newhouse carried and debate was limited until March 10, 1988.

MOTION

At 10:28 a.m., on motion of Senator Newhouse, the Senate recessed until 11:00 a.m.

The Senate was called to order at 12:00 noon by President Cherberg.

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of one hundred and one year old Francis A. Baker and his family. The President appointed Senators Newhouse, DeJarnatt, Conner and Bluechel to escort the honored guests to the Senate Rostrum.

MOTION

On motion of Senator DeJarnatt, the following resolution was adopted:

SENATE RESOLUTION 1988-8726

by Senators DeJarnatt, Smith, Rasmussen and Zimmerman

WHEREAS, Francis A. Baker is in his one hundred and first year as a citizen of the state of Washington and the United States of America; and

WHEREAS, He faced a grown man's responsibilities at the age of twelve by taking over the family farm, and his full and varied career as a farmer, millwright, detective, and watchmaker did not end until he laid down his watchmaker's tools at the age of one hundred; and

WHEREAS, Francis A. Baker has led an active civic and fraternal life, helping his neighbors and fellow citizens by his deeds and charities; and

WHEREAS, His political activities included a trip to Kansas City as a voting delegate to the Progressive Party (Bull Moose) National Convention of 1912 to nominate Theodore Roosevelt for the Presidency; and

WHEREAS, His other travels took him to every one of the continental states of the Union and each of the Canadian Provinces; and

WHEREAS, Francis and his late wife of seventy-nine years, Rhoda Watson Baker, raised a family of seven children, ten grandchildren, twenty-seven great-grandchildren, and eight great-great-grandchildren; and

WHEREAS, He continues to be an active example to his family, to his town of Castle Rock, and to his state by living an honest, full, and productive life;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington salutes this grand citizen of the state, Francis A. Baker, in the fullness of his years and wishes him happiness and peace for all the rest of his days.

Senators Smith, Zimmerman, Rasmussen and Owen spoke to Senate Resolution 1988-8726.

The President introduced Mr. Francis A. Baker and members of his family who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Baker to address the Senate.

The committee escorted the honored guests from the Senate Chamber and the committee was discharged.

MOTION

At 12:18 p.m., on motion of Senator Newhouse, the Senate recessed until 1:45 p.m.

The Senate was called to order at 1:45 p.m. by President Cherberg.

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

MOTION

On motion of Senator Bender, Senator Talmadge was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9156, H. Jon Runstad, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF H. JON RUNSTAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Deccio, Smith, Smitherman, Stratton - 4.

Excused: Senator Talmadge - 1.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9157, Sally G. Schaefer, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

Senator Bauer spoke to the confirmation of Sally G. Schaefer as a member of the Board of Trustees for Clark Community College.

APPOINTMENT OF SALLY G. SCHAEFER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Talmadge - 1.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1383, by Committee on Human Services (originally sponsored by Representatives Leonard and Lux)

Changing provisions relating to alcoholism treatment programs.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the following Committee on Health Care and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 304, Laws of 1971 ex. sess. as amended by section 15, chapter 193, Laws of 1982 and RCW 69.54.040 are each amended to read as follows:

The secretary shall establish within the department a program designed to aid and rehabilitate persons suffering from problems relating to narcotic drugs, dangerous drugs, and alcohol. Without duplicating, and in coordination with the programs established by the state superintendent of public instruction, the secretary shall establish community educational programs outside of the kindergarten through twelve programs in the schools relating to alcohol and drug use and abuse. In addition, the secretary may enter into agreements for monitoring or verification of qualifications of counselors employed by approved drug treatment centers.

The secretary is authorized to promulgate rules and regulations pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this chapter and is authorized to contract, cooperate and coordinate with other public or private agencies or individuals for such purposes.

Sec. 2. Section 4, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.040 are each amended to read as follows:

The department, in the operation of the alcoholism program may:

- (1) Plan, establish, and maintain treatment programs as necessary or desirable;
- (2) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including contracts with public and private agencies, organizations, and

individuals to pay them for services rendered or furnished to alcoholics, persons incapacitated by alcohol, or intoxicated persons, and to enter into agreements for monitoring of verification of qualifications of counselors employed by approved treatment facilities:

(3) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant:

(4) Administer or supervise the administration of the provisions relating to alcoholics and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation:

(5) Coordinate its activities and cooperate with alcoholism programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons and for the common advancement of alcoholism programs:

(6) Keep records and engage in research and the gathering of relevant statistics:

(7) Do other acts and things necessary or convenient to execute the authority expressly granted to it; and

(8) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide treatment facilities for alcoholics, persons incapacitated by alcohol, and intoxicated persons.

Sec. 3. Section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who ((habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted)) suffers from the disease of alcoholism, characterized by a physiological dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological and/or psychological withdrawal if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(2) "Approved treatment facility" means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this chapter through a contract with the department under RCW 70.96A.080(6) and meeting the standards prescribed in RCW 70.96A.090(1) and approved under RCW 70.96A.090(3);

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

(4) "Department" means the department of social and health services;

(5) ((~~"Director" means the director of the division of alcoholism;~~

~~(6))~~ "Emergency service patrol" means a patrol established under RCW 70.96A.170;

~~((7))~~ (6) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to ((his)) the need for treatment or care and constitutes a danger to himself or herself, to any other person, or to property;

~~((8))~~ (7) "Incompetent person" means a person who has been adjudged incompetent by the superior court;

~~((9))~~ (8) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol;

~~((10))~~ (9) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, persons incapacitated by alcohol, and intoxicated persons;

(10) "Licensed physician" means a person licensed to practice medicine or osteopathy in the state of Washington.

Sec. 4. Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 14, chapter 439, Laws of 1987 and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his or her designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his or her designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the person in charge, or his or her designee, finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020. If placement in an alcohol treatment facility is deemed appropriate, the petition shall allege that: The person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for ((the voluntary)) detoxification or treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of

a more sustained treatment program, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within ~~((two))~~ five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is ~~((not))~~ eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained ~~((by-the))~~ in a facility, pursuant to RCW 70.96A.120 or 71.05.210, as now or hereafter amended, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is able to provide adequate and appropriate treatment for him or her ~~((and the treatment is likely to be beneficial))~~.

(5) A person committed under this section shall remain in the facility for treatment for a period of ~~((thirty))~~ sixty days unless sooner discharged. At the end of the ~~((thirty))~~ sixty-day period, he or she shall be discharged automatically unless the facility, before expiration of the period, files a petition for his or her commitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

~~((6))~~ ~~((A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.~~

~~((7))~~ Upon the filing of a petition for recommitment under subsection ~~((a))~~ (5) ~~((or (6)))~~ of this section, the court shall fix a date for hearing no less than ~~((three))~~ two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

~~((8))~~ (7) The approved treatment facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

~~((9))~~ (8) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, ~~((that he or she is no longer an alcoholic or))~~ the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

~~((10))~~ (9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

~~((11))~~ (10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

~~((12))~~ (11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the facility providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the facility designated to provide the less restrictive treatment is other than the facility providing the initial involuntary treatment, the facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county alcoholism specialist, and the court of original commitment. The facility designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the facility providing less restrictive care and the designated county alcoholism specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated county alcoholism specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated alcoholism specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive facility. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions."

MOTIONS

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

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "amending RCW 69.54.040, 70.96A.040, 70.96A.020, and 70.96A.140."

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1383, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1383, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1383, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Craswell, Metcalf - 2.

Excused: Senator Talmadge - 1.

SUBSTITUTE HOUSE BILL NO. 1383, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, by Committee on Ways and Means/Revenue (originally sponsored by Representative Rust)

Prohibiting a business and occupation tax deduction for amounts received as compensation from public entities for services rendered as employee benefits.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1089.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1089 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1371, by Representatives Appelwick and Dellwo

Revising transfer tax provisions.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 1371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1371.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1371 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore,

Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Lee, Smitherman - 2.

Excused: Senator Talmadge - 1.

HOUSE BILL NO. 1371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388, by Committee on Housing (originally sponsored by Representatives Nutley, J. Williams, Leonard, Sanders, Barnes, Wineberry, Padden, Hearvey, Anderson, Jacobsen, Valle, May, Ballard, Nelson, Jesernig, Todd, Moyer, Lux, Unsoeld, Ferguson and Day)

Exempting temporary lodging for homeless persons from state and local excise taxation.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended. Engrossed Substitute House Bill No. 1388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1388.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1388 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Haryner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Moore - 1.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420, by Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cooper, Appelwick, Sayan, Brough and H. Sommers)

Revising provisions on property taxes.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that, due to statutory and constitutional limitations, the interdependence of the regular property tax levies of the state, counties, county road districts, cities and towns, and junior taxing districts can cause significant reductions in the otherwise authorized levies of those taxing districts. The purpose of this act is to avoid unnecessary reductions in regular property tax revenue without exceeding existing statutory and constitutional limitations on cumulative regular property tax levy rates. The legislature declares that it is a purpose of the state, counties, county road districts, cities and towns, public hospital districts, library districts, fire protection districts, metropolitan park districts, and other taxing districts, to participate in the methods provided in this act by which revenue levels supporting the services provided by all taxing districts might be maintained.

Sec. 2. Section 1, chapter 107, Laws of 1986 and RCW 39.67.010 are each amended to read as follows:

Any agreement or contract between two taxing districts other than the state which is otherwise authorized by law may be made contingent upon a particular property tax levy rate of an identified taxing district other than the state where such rate affects the regular property tax rate of one of the parties to the contract and therefore affects the party's resources with which to perform under the contract.

~~((This section shall expire December 31, 1988.))~~

Sec. 3. Section 2, chapter 107, Laws of 1986 and RCW 39.67.020 are each amended to read as follows:

Any taxing district other than the state may transfer funds to another taxing district other than the state where the regular property tax levy rate of the second district may affect the regular property tax levy rate of the first district and where such transfer is part of an agreement whereby proration or reduction of property taxes is lessened or avoided.

~~((This section shall expire December 31, 1988.))~~

Sec. 4. Section 3, chapter 107, Laws of 1986 and RCW 84.55.092 are each amended to read as follows:

The regular property tax ~~((levies))~~ levy for each taxing district other than the state ~~((for taxes due in 1987 through 1991))~~ may be set at the amount which would ~~((otherwise))~~ be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 ~~((and 1987))~~ had been set at the full amount allowed under this chapter.

~~((This section shall expire December 31, 1991.))~~

Sec. 5. Section 84.52.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 255, Laws of 1987 and RCW 84.52.010 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, as now or hereafter amended, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) ~~The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law ((PROVIDED, That in the event of a levy made pursuant to RCW 84.54.230, the rates of levy for county and county road district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to RCW 84.54.230)), subject to section 8(1) of this 1988 act and subsection (2)(e) of this section; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010; and~~

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, public hospital districts, metropolitan park districts, and library districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; ~~((and))~~

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for cities and towns, fire protection districts under RCW 52.16.130, public hospital districts, metropolitan park districts, and library districts shall be adjusted as provided in section 8(2) of this 1988 act; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.130, and the certified property tax levy rates of public hospital districts, metropolitan park districts, and library districts, shall be reduced on a pro rata basis or eliminated.

Sec. 6. Section 7, chapter 138, Laws of 1987 and RCW 84.52.100 are each amended to read as follows:

(1) The governing body of any library district, public hospital district, metropolitan park district, or fire protection district may provide for the submission of a ballot proposition to the voters of the taxing district authorizing the taxing district to maintain its otherwise authorized tax levy rate, and authorizing an increase in the cumulative regular property tax limitation of nine dollars and fifteen cents per thousand dollars of assessed valuation within the taxing district, as provided in this section. A fire protection district may use this authority to increase its regular property tax levy up to fifty cents per thousand dollars of assessed valuation.

(2) A resolution by a governing body, requesting that a special election be called to submit such a ballot proposition to the voters, must be transmitted to the county legislative authority of the county, or county legislative authorities of the counties, within which the taxing district is located, at least forty-five days before the special election date at which the ballot proposition is submitted. The ballot proposition shall be worded substantially as follows:

"Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to maintain its otherwise statutory authorized property tax rate?"

The ballot proposition for a fire protection district shall be worded substantially as follows:

"Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to permit the fire protection district to impose its property tax at a value up to fifty cents per thousand dollars of assessed valuation?"

Approval of this ballot proposition by a simple majority vote shall authorize the following for the succeeding five consecutive year period: (a) Property tax rates of junior taxing districts are calculated first as if this proposition had not been approved; (b) subject to the one hundred six percent limitation, the regular property tax rate of the taxing district receiving such authorization is increased to a level not exceeding the lesser of: (i) its maximum statutory authorized regular property tax rate; or (ii) whatever tax rate it otherwise would have been able to impose plus an additional thirty-five cents per thousand dollars of assessed valuation; and (c) the cumulative property tax rate limitation is increased within the boundaries of the taxing district receiving this authorization to an amount equal to nine dollars and fifteen cents per thousand dollars of assessed valuation plus the increased amount of the regular levy rate of this taxing district, but not to exceed nine dollars and fifty cents per thousand dollars of assessed valuation.

(3) If two or more taxing districts that occupy a portion of the same territory receive such approval, the additional authorized taxing capacity above nine dollars and fifteen cents per thousand dollars of assessed valuation shall be distributed among these taxing districts by adjusting their levy rate requests in the same manner and under the same conditions as if they were the only taxing districts in the area subject to adjustment of their property tax rates and the levy rate adjustments were being made with the cumulative limitation of nine dollars and fifteen cents per thousand dollars of assessed valuation.

(4) Levies authorized under RCW 84.52.069 are not subject to the rate adjustments and the nine dollar and fifty cent per thousand dollar of assessed valuation cumulative limitation on regular property tax rates established by this section.

NEW SECTION. Sec. 7. A new section is added to chapter 82.14 RCW to read as follows:

There is hereby created in the state treasury an account to be known as the "municipal buy-down account." Effective July 1, 1989, one-half of the investment income earned on moneys in the local sales and use tax account created by RCW 82.14.050 and which has not been distributed according to RCW 82.14.060 shall be placed in this account. Any moneys in the account on May 1 and on November 1 of each year shall be transferred to the general fund.

NEW SECTION. Sec. 8. A new section is added to chapter 84.52 RCW to read as follows:

(1) If the aggregate levies for the state, a county, and any city or town located within counties of the fifth class and under exceed the aggregate limitations in RCW 84.52.043 or 84.52.050, the municipality's levy shall be reduced in the following manner:

(a) The city's or town's levy rate shall be reduced in the amount necessary that the limitations shall not be exceeded; and

(b) The state treasurer, upon direction of the department of revenue, shall distribute to the city or town from the account created by section 7 of this act, an amount equal to the amount the levy rate is reduced times the assessed value of the city or town. If there are insufficient funds in the account to make the distribution under this subsection (1)(b), the county in which the city or town is located shall pay to the city or town the amount of the insufficiency.

(2) In any county, if, after any reduction in levy rates required by RCW 84.52.010(2)(a) through (d) and any reduction required by subsection (1) of this section, the consolidated tax levy rate still exceeds the limitations in RCW 84.52.043 or 84.52.050, then the department pursuant to rules shall direct the county assessor to adjust the regular property tax levy rates in the following manner:

(a) First, the assessor determines a first preliminary rate pursuant to RCW 84.52.010(2)(f).

(b) Second, the assessor determines a second preliminary rate which is the additional rate, if any, permitted by RCW 84.52.100.

(i) If the preliminary rates together are sufficient to permit all rates subject to RCW 84.52.010(2)(f) to be levied without reduction, then the assessor shall extend on the tax rolls the full certified rates pursuant to RCW 84.52.010(2)(f) and 84.52.100.

(ii) If the preliminary rates together are not sufficient to permit all rates subject to RCW 84.52.010(2)(f) to be levied without reduction pursuant to both RCW 84.52.010(2)(f) and 84.52.100, the assessor shall reduce the rate of the taxing district subject to RCW 84.52.010(2)(e) with the smallest assessed valuation such that, after first allowing for any additional rate permitted by RCW 84.52.100, there is no reduction of the rates under RCW 84.52.010(2)(f). Where the reduction of the levy of a taxing district is not sufficient, the taxing district with the next smallest assessed valuation shall have its levy reduced under this subsection until there is no reduction of rates under RCW 84.52.010(2)(f). The assessor shall then extend on the tax rolls the rates derived pursuant to this subsection (b)(ii).

(3) The taxing districts whose levies would have been reduced but for subsection (2) of this section shall pay to each district that had its levy so reduced pursuant to subsection (2) of this section a proportionate share of the reduced amount based on the amount by which each district would have had its total levy rate reduced if subsection (2) of this section were not in effect and the rates had been adjusted pursuant to RCW 84.52.010(2)(f) and 84.52.100.

(a) In the case of a public hospital district, library district, fire protection district, or metropolitan park district whose levy is reduced under subsection (2) of this section, the district shall bear a proportionate share as if its rate were sufficient to collect its certified levy.

(b) In the case of a city or town that is annexed by a library district or a fire protection district, which city's or town's levy is reduced under this section, or is in a tax code area where a levy rate is reduced under this section, the city or town shall forgo receipt of, or pay to each district whose levy rate is reduced, ten percent of the amount which would otherwise be paid from each district whose levy rate is not reduced as a result of subsection (2) of this section, collectively not to exceed one-half of the following amount: The assessed valuation of the reduced district multiplied by a rate equal to the city's or town's levy rate, calculated based on its certified levy request, plus the rate(s) of the annexing district(s) minus the rate the city or town would have been able to levy were it not annexed, not to exceed twenty-two and one-half cents.

(4) Fifty-five percent of the amount under subsection (1) of this section shall be distributed on or before April 30 of the tax collection year for which the levy is reduced and forty-five percent on or before October 31 of that year.

(5) Fifty-five percent of the amount under subsection (2) of this section shall be distributed on or before May 31 of the tax collection year for which the levy is reduced and forty-five percent on or before November 30 of that year.

NEW SECTION. Sec. 9. The department of revenue shall adopt such rules consistent with this act as shall be necessary or desirable to permit its effective administration. The rules shall provide how section 8(2) of this act shall apply to a taxing district that has received authorization to increase its levy according to RCW 84.52.100 and use the method that will be the least costly to all taxing districts involved.

NEW SECTION. Sec. 10. The sum of fifty thousand dollars is transferred from the general fund to the municipal buy-down account created by section 7 of this act and is appropriated from this account to the state treasurer, for the biennium ending June 30, 1989, for the purposes of this act.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Madsen, the following amendments by Senators Madsen and McDonald to the Committee on Ways and Means amendment were considered simultaneously and adopted:

On page 2, line 15, after "contract" insert ": PROVIDED, That whenever a junior taxing district becomes a party to such an agreement, and that agreement affects another junior taxing district, each affected junior taxing district shall be a party to such a contract"

On page 2, line 31, after "avoided" insert ": PROVIDED, That whenever a junior taxing district becomes a party to such an agreement, and that agreement affects another junior taxing district, each affected junior taxing district shall be a party to such an agreement"

Senator Niemi moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 2, after line 15, insert the following:

"Sec. 4. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 1, chapter 468, Laws of 1987 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of sex, race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480."

Renumber the remaining sections consecutively and correct internal references accordingly.

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

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would have to raise the issue of scope and object on this amendment. This bill has to do with state school levies with municipal levies in a buy down provision that could be used by municipalities and by the counties and by the state. I think it's a reasonable amendment, but it has to do with discrimination and it does not, I believe, fit within the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1420 was deferred.

MOTION

At 1:33 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:16 p.m. by President Cherberg.

SECOND READING

INGROSSED SUBSTITUTE HOUSE BILL NO. 1404, by Committee on Health Care (originally sponsored by Representatives Bristow, Brooks, McLean, Holm, Braddock, Lux, Peery, Cooper and Day)

Revising provisions relating to licensure of nursing.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Health Care and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature recognizes the need to increase the pool of available nursing resources to meet new demands on the health care delivery system. The more complex nature of illnesses, constraints on reimbursement pressuring accelerated treatment and earlier patient discharge, the explosion of technology, and the parameters established by third-party payers requiring intense monitoring, may be diverting nurses from the bedside into early burnout, retirement, or employment elsewhere.

The state's nursing educational program, encompassing nursing assistants, licensed practical nurses, and licensed (registered) nurses should be better articulated for career mobility in order to make the nursing profession more attractive to individuals and for retaining qualified nurses in the health care delivery system. Barriers to licensure and employment should be eliminated to increase the number of nurses available for patient care.

The legislature declares this act is in the interest of the public health, safety, and welfare.

NEW SECTION, Sec. 2. The state board of nursing, in consultation with the state board of practical nursing, the superintendent of public instruction, vocational education agencies, the state board for community college education, and the higher education coordinating board, shall:

(1) Investigate current education programs for nurses in all settings, such as high schools, vocational-technical schools, community colleges, and universities, to identify the scope of nursing education programs in the state;

(2) Develop, for the purpose of approving nursing education programs for applicants for licensure, a model for articulation and career mobility to enable nurses at every level of the profession to progress to higher levels and advance their professional status by integrating into a recognized nursing curriculum;

(3) Develop innovative nursing education programs that include flexibility in classroom hours, in education program schedules, and through satellite locations so that individuals throughout the state have greater access to a nursing education program; and

(4) Investigate and support innovative models in clinical practice settings for the organization and delivery of nursing services.

The board of nursing shall present its final findings and recommendations to the legislature by January 1, 1989, with a work plan for this study to be submitted to the legislature in August, 1988.

NEW SECTION, Sec. 3. A new section is added to chapter 18.78 RCW to read as follows:

An applicant holding a credential in another state may be licensed by endorsement to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

Sec. 4. Section 5, chapter 222, Laws of 1949, as last amended by section 129, chapter 259, Laws of 1986 and RCW 18.78.050 are each amended to read as follows:

The board shall conduct examinations for all applicants for licensure under this chapter and shall certify qualified applicants to the department of licensing for licensing. The board shall also determine and formulate what constitutes the curriculum for an approved practical nursing program preparing persons for licensure under this chapter. The board shall establish criteria for licensure by endorsement.

The board may adopt rules or issue advisory opinions in response to questions from professional health associations, health care practitioners, and consumers in this state concerning licensed practical nurse practice. The board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years inactive or lapsed status.

The board shall adopt such rules as are necessary to fulfill the purposes of this chapter pursuant to chapter 34.04 RCW.

Sec. 5. Section 15, chapter 202, Laws of 1949 as last amended by section 14, chapter 133, Laws of 1973 and RCW 18.88.150 are each amended to read as follows:

Upon board approval of the application, the department shall issue a license by endorsement to practice nursing as a registered nurse without examination to an applicant who ~~(has been)~~ is duly licensed as a registered nurse by examination under the laws of another state, territory or possession of the United States.

An applicant graduated from a school of nursing outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass examinations as determined by the board.

Sec. 6. Section 8, chapter 202, Laws of 1949 as last amended by section 50, chapter 287, Laws of 1984 and RCW 18.88.080 are each amended to read as follows:

The board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensure under this chapter. It shall keep a record of all its proceedings and make such reports to the governor as may be required. The board shall define by regulation what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing professions. The board may adopt regulations or issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners, and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

The board shall approve such schools of nursing as meet the requirements of this chapter and the board, and the board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years (~~nonpracticing~~) inactive or lapsed status: The board shall establish criteria for licensure by endorsement. The board shall examine all applications for registration under this chapter, and shall certify to the director for licensing duly qualified applicants.

The department shall furnish to the board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 while away from home, be compensated in accordance with RCW 43.03.240.

Sec. 7. Section 19, chapter 202, Laws of 1949 as last amended by section 69, chapter 7, Laws of 1985 and RCW 18.88.190 are each amended to read as follows:

Every license issued under the provisions of this chapter, whether in an active or inactive status, shall be renewed, except as hereinafter provided. ~~((The board shall by regulation establish requirements of continuing nursing education as a condition of license renewal: PROVIDED: That membership in an organization shall not be a prerequisite or condition to the fulfillment of any continuous education requirement established as provided herein: PROVIDED FURTHER: That the board shall validate all educational programs established as provided herein:))~~ At least thirty days prior to expiration, the director shall mail a notice for renewal of license to every person licensed for the current licensing period. The applicant shall return the notice to the department with a renewal fee determined by the director as provided in RCW 43.24.086 before the expiration date. Upon receipt of the notice and appropriate fee, ~~((and if requirements for continuing nursing education have been met:))~~ the department shall issue to the applicant a license which shall render the holder thereof a legal practitioner of nursing in either active or inactive status for the period stated on the license. ~~((PROVIDED: That the requirement of continuing nursing education may for good cause shown be waived by the board. The department's costs for nurses' continuing education shall be borne from licensure fees: PROVIDED FURTHER: That the power of the board to establish continuing nursing education requirements as a condition of license renewal shall terminate on January 1, 1986, unless extended by law for an additional fixed period of time))~~.

Sec. 8. Section 20, chapter 202, Laws of 1949 as last amended by section 70, chapter 7, Laws of 1985 and RCW 18.88.200 are each amended to read as follows:

Any licensee who allows his or her license to lapse by failing to renew the license, shall upon application for renewal pay a penalty determined by the director as provided in RCW 43.24.086. If the applicant fails to renew the license before the end of the current licensing period, the license shall be issued for the next licensing period by the department upon written application and fee determined by the director as provided in RCW 43.24.086. Persons on lapsed status for three or more years must provide evidence of knowledge and skill of current practice as required by the board.

Sec. 9. Section 22, chapter 202, Laws of 1949 as amended by section 20, chapter 133, Laws of 1973 and RCW 18.88.220 are each amended to read as follows:

A person licensed under the provisions of this chapter desiring to retire temporarily from the practice of nursing in this state shall send a written notice to the director.

Upon receipt of such notice the name of such person shall be placed ~~((upon the nonpracticing list))~~ on inactive status. While remaining on this ~~((list))~~ status the person ~~((shall not be subject to the payment of any renewal fees and))~~ shall not practice nursing in the state as provided in this chapter. When such person desires to resume practice, application for renewal of license shall be made to the board and renewal fee payable to the state treasurer. Persons on ~~((nonpracticing))~~ inactive status for three years or more must provide evidence of knowledge and skill of current practice as required by the board or as hereinafter in this chapter provided.

NEW SECTION. Sec. 10. A new section is added to chapter 18.78 RCW to read as follows:

An individual may place his or her license on inactive status with proper notification to the department. The holder of an inactive license shall not practice practical nursing in this state. The inactive renewal fee shall be established by the director pursuant to RCW 43.24.086. Failure to renew an inactive license shall result in cancellation in the same manner as an active license. An inactive license may be placed in an active status upon compliance with the rules established by the board.

The provisions relating to the denial, suspension, and revocation of a license shall be applicable to an inactive or lapsed license. When proceedings to suspend or revoke an inactive license have been initiated, the license shall not be reinstated until the proceedings have been completed.

NEW SECTION. Sec. 11. A new section is added to chapter 18.88 RCW to read as follows:

Upon approval by the board and following verification of satisfactory completion of an advanced formal education, the department of licensing shall issue an interim permit authorizing the applicant to practice specialized and advanced nursing practice pending notification of the results of the first certification examination. If the applicant passes the examination, the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable. The holder of the interim permit is subject to chapter 18.130 RCW."

MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn, Barr and Deccio to the Committee on Health Care and Corrections amendment be adopted:

On page 5, after line 5 of the amendment, insert the following:

"Sec. 6. Section 6, chapter 222, Laws of 1949 as last amended by section 8, chapter 55, Laws of 1983 and RCW 18.78.060 are each amended to read as follows:

An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence, on a form provided by the board, verified under oath, that the applicant:

- (1) Is at least eighteen years of age;
- (2) Is of good moral character;
- (3) Is of good physical and mental health;
- (4) Has completed at least a tenth grade course or its equivalent, as determined by the board;

(5) Has completed an approved program of not less than nine months for the education of practical nurses, or its equivalent, as determined by the board.

To be licensed as a practical nurse, each applicant shall be required to pass an examination in such subjects as the board may determine within the scope of and commensurate with the work to be performed by a licensed practical nurse. Upon approval by the board, the department shall issue an interim permit authorizing the applicant to practice nursing as authorized under this chapter pending notification of the results of the first licensing examination following verification of satisfactory completion of an approved program of practical nursing. Any applicant failing to pass such an examination may apply for reexamination. If the applicant fails the examination, the interim permit expires upon notification and is not renewable.

Upon passing such examination as determined by the board, the director shall issue to the applicant a license to practice as a licensed practical nurse, providing the license fee is paid by the applicant and the applicant meets all other requirements of the board.

NEW SECTION. Sec. 7. Section 6 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect April 1, 1988. The director of licensing may immediately take such steps as are necessary to ensure that section 6 of this act is implemented on its effective date."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Wojahn, Barr and Deccio to the Committee on Health Care and Corrections amendment to Engrossed Substitute House Bill No. 1404.

The motion by Senator Wojahn carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Health Care and Corrections amendment, as amended, to Engrossed Substitute House Bill No. 1404.

The motion by Senator Nelson carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "nursing;" strike the remainder of the title and insert "amending RCW 18.78.050, 18.88.150, 18.88.080, 18.88.190, 18.88.200, and 18.88.220; adding new sections to chapter 18.78 RCW; adding a new section to chapter 18.88 RCW; and creating new sections."

On page 11, line 11 of the title amendment, before "18.88.190" insert "18.78.060."

On page 11, line 14 of the title amendment, strike "and"

On page 11, line 15 of the title amendment, before the period insert "; and providing an effective date"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1404, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1404, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1404, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators McDonald, Owen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1404, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1416, by Committee on Agriculture and Rural Development (originally sponsored by Representatives McLean, Haugen, Rayburn, Ballard, Betzoff, D. Sommers, Sanders, Nealey and Ferguson)

Revising provisions relating to private ways of necessity.

The bill was read the second time.

MOTIONS

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

On page 2, line 9, after "~~condemnee~~" strike everything through "action" on line 11

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1416, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Barr, no there won't be any lawyer-talk in this one. What I'm interested in knowing is that when you have a private way of necessity, usually, it's a right that develops by adverse possession. You've squatted on the property and you've used the private way of necessity to get to your land in some fashion or form and you've had to do that in an open and notorious way. You've had to do that obviously to the land owners. They know that this is all going on and the land owner hasn't thrown you off the property. What I'm trying to figure out is how, if you're going over a particular right-of-way, a particular way of necessity to your property, how the court is going to determine you have a right of ownership by adverse possession and then reroute you along the lines that Section 2 of this bill provides. How does that work?"

Senator Barr: "This measure is not to deal with a situation that you describe. I think from what you say, you're talking about someone who has used a right-of-way and then he's seeking adverse possession through there. Now, what this measure deals with is when you're seeking the first easement through this property. It does not deal with the court cases and that's a long and involved story. We had legislation here to deal with that and that didn't get out of Rules. This doesn't deal with those court cases like you described. It only deals with the original desire and right to get an easement through your neighbor's place."

Senator Talmadge: "My recollection, Senator, is you can get a private way of necessity by adverse possession. By indicating that you want to do that over a period of time and you essentially get that easement by prescriptive use--by the fact that you're doing it--are you saying this doesn't apply to prescriptive ways of necessity, but only applies to circumstances where the governmental bodies are going out and condemning the way?"

Senator Barr: "No, nothing to do with condemning the land or anything. That's just confusing the issue and it has nothing to do with the prescriptive easement case in courts. He's used it for over ten years and he demands prescriptive easement rights. It does not deal with that. It deals with--I moved up behind your house and there is no other way to get out except to have an easement through your property and this deals with that. It does two things. It says that we have to look at the least productive, the least valuable land to get that easement through there and then it deals with the attorney's fees if we go to court. That's all it does."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1416, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1416, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Moore, Talmadge - 2.

Absent: Senator Stratton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1416, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1813, by Representatives Rasmussen, Prince, Basich, Nealey, Grant, Silver, Bristow, Chandler and Crane

Changing the custodian of the revolving fund for the agriculture research facility at the Rainier school farm at Washington State University.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1813.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1813 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore,

Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Stratton - 1.

HOUSE BILL NO. 1813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1565, by Committee on Ways and Means Appropriations (originally sponsored by Representatives Brekke, Winsley, H. Sommers, Silver, Moyer, Braddock, Sutherland, Hine, May, D. Sommers and Butterfield) (by request of Department of Social and Health Services)

Revising provisions on alcoholism and drug addiction treatment.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 4, line 21, after "December 1, 1989," insert "This new section shall expire July 1, 1990, unless extended by law."

MOTION

On motion of Senator Pullen, the following amendment by Senators Pullen, Talmadge, Vognild and Newhouse was adopted:

On page 5, after line 4, insert the following:

"NEW SECTION, Sec. 7. A new section is added to chapter 18.72 RCW to read as follows:

All treatment or pretreatment records of license holders referred to or voluntarily participating in approved programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplining authority for cause. Monitoring records relating to license holders referred to the program by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, shall be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder."

Renumber the section following consecutively.

MOTIONS

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

On page 1, line 2 of the title, after "74.50.060," insert "adding a new section to chapter 18.72 RCW:"

On motion of Senator Nelson, the rules were suspended, Second Substitute House Bill No. 1565, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1565, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1565, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Bauer, Stratton - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1565, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1640, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Fox, Jacobsen, Miller, Kremen, Spanel, Heavey, Silver, Nelson, Jesernig, Braddock, Wineberry, Winsley, R. King, Valle, Leonard, Dellwo, Peery, Haugen, H. Sommers, Jones, Wang, Scott, P. King, Basich, Nutley, O'Brien, Hine, Sanders, Sayan, Pruitt, Todd, Lux, K. Wilson, Unsoeld, Betrozoff and Rust)

Establishing the G. Robert Ross public service award program for outstanding public service by faculty.

The bill was read the second time.

MOTION

Senator Saling moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that G. Robert Ross, immediate past president of Western Washington University, was an exemplary university president who helped lead his school to a position of increasing excellence and national prominence. Dr. Ross was a convincing spokesperson for excellence in all areas of education and was a leader who strongly encouraged the faculty and staff at Western Washington University to be actively involved in the pursuit of scholarly activities.

The legislature wishes to honor the public spirit, dedication, integrity, perseverance, inspiration, and accomplishments of Western Washington University faculty through the creation of the G. Robert Ross Distinguished Faculty Award.

NEW SECTION. Sec. 2. The G. Robert Ross distinguished faculty award is hereby established. The board of trustees at Western Washington University shall establish the guidelines for the selection of the recipients of the G. Robert Ross distinguished faculty award. The board shall establish a local endowment fund for the deposit of all state funds appropriated for this purpose and any private donations. The board shall administer the endowment fund and the award. The principal of the invested endowment fund shall not be invaded and the proceeds from the endowment fund may be used to supplement the salary of the holder of the award, to pay salaries of his or her assistants, and to pay expenses associated with the holder's scholarly work.

Sec. 3. Section 5, chapter 8, Laws of 1987 and RCW 28B.10.870 are each amended to read as follows:

All state four-year institutions of higher education shall be eligible for matching trust funds. An institution may apply to the higher education coordinating board for two hundred fifty thousand dollars from the fund when the institution can match the state funds with an equal amount of pledged or contributed private donations or with funds received through legislative appropriation specifically for the G. Robert Ross distinguished faculty award and designated as being qualified to be matched from trust fund moneys. These donations shall be made specifically to the professorship program, and shall be donated after July 1, 1985.

Upon an application by an institution, the board may designate two hundred fifty thousand dollars from the trust fund for that institution's pledged professorship. If the pledged two hundred fifty thousand dollars is not received within three years, the board shall make the designated funds available for another pledged professorship.

Once the private donation is received by the institution, the higher education coordinating board shall ask the state treasurer to release the state matching funds to a local endowment fund established by the institution for the professorship.

Sec. 4. Section 12, chapter 8, Laws of 1987 (uncodified) is amended to read as follows:

(1) For the biennium ending June 30, 1989, all appropriations to the Washington distinguished professorship trust fund shall be allocated as provided in this section. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts as defined in section 1 of this act for distinguished professorships have been deposited:

(a) (~~Forty-five percent~~) Two million two hundred fifty thousand dollars of the appropriation for the University of Washington;

(b) (~~Thirty percent~~) One million five hundred thousand dollars of the appropriation for Washington State University;

(c) (~~Twenty-five percent~~) One million dollars of the appropriation divided among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College.

(2) Distribution of funds allocated in subsection (1)(c) of this section shall be made in the following manner: Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College are guaranteed one professorship. ~~((The remaining professorship shall be allocated on a first come first served basis to a regional university or The Evergreen State College which has used the professorship guaranteed it, and qualified for an additional professorship under section 5 of this act. If the regional universities and The Evergreen State College have not obligated the unassigned professorship by May 1, 1989, that professorship may be allocated to either the University of Washington or Washington State University in accordance with rules promulgated by the higher education coordinating board.))~~

(3) As of January 1, 1989, if any funds reserved in subsection (1) (a) or (b) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher education, which has already fully utilized the professorships allocated to it by this section, and, in the case of the regional universities and The Evergreen State College, has exhausted the allocation in subsection (1)(c) of this section, may be eligible for such funds under rules promulgated by the higher education coordinating board.

NEW SECTION. Sec. 5. The sum of two hundred fifty thousand dollars is appropriated for the biennium ending June 30, 1989, from the state general fund to the Western Washington University for deposit in the G. Robert Ross distinguished faculty endowment fund. The appropriation in this section shall fulfill the matching requirements in RCW 28B.10.870 for an additional two hundred fifty thousand dollars from the distinguished professorship trust fund. This appropriation along with the matching money from the distinguished professorship trust fund will result in a total amount of five hundred thousand dollars to be deposited into the G. Robert Ross distinguished faculty endowment fund.

NEW SECTION. Sec. 6. Section 2 of this act is added to Title 28B RCW."

MOTION

On motion of Senator Saling, the following amendment by Senators Saling, Smitherman, Patterson, McDonald, Hansen, Anderson and von Reichbauer to the Committee on Ways and Means amendment was adopted:

On page 5, after line 16, insert the following:

"NEW SECTION. Sec. 5. A shortage of high-quality equipment in Washington's institutions of higher education hinders the ability of those institutions to provide the advanced instruction needed to maintain industrial competitiveness and spur economic development in the state. This problem can be at least partially solved by encouraging donations of modern equipment.

NEW SECTION. Sec. 6. Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and section 7 of this act:

(1) "Modern equipment" means equipment that is useful in the course of postsecondary and graduate instruction or research and is comparable to state-of-the-art equipment or equipment widely used currently in private industry, not-for-profit organizations, or government laboratories. This definition only applies to equipment that retains at least one-half its useful life at the time of donation.

(2) "Institutions of higher education" means those institutions of higher education defined in RCW 28B.10.016.

(3) "Donation" means a transfer to an institution of higher education of modern equipment that is not encumbered in any manner.

NEW SECTION. Sec. 7. (1) After issuing a need statement and accepting a donation of modern equipment, an institution of higher education shall promptly have the fair market value of such equipment assessed by a qualified, independent expert. However, when the price of the donated modern equipment is listed in current catalogs or price lists available to the general public, an independent expert need not be used. The assessed fair market value of such equipment or the listed value shall then be reported to the higher education coordinating board, along with such other information as the board deems necessary.

(2) Upon receipt of a report under subsection (1) of this section, the board may distribute to the recipient institution of higher education, if funds are available, an amount up to the fair market value of the donated equipment. These funds, and the proceeds of the funds, shall be used for the initial installation, operation, and maintenance of and training in the use of the donated equipment and the purchase of software or new equipment that will optimize the use of the donated equipment. If funding requested under this section is unavailable, the institution may, at its discretion, cancel and return the donation.

(3) In consultation with institutions of higher education, the board shall adopt rules and guidelines for the program. These rules and guidelines may include an allocation system based on factors including but not limited to: The amount of funding available for the program and the needs of special programs which have been designated as priority programs by the legislature, the governor, or the institutions."

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

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Second Substitute House Bill No. 1640.

The motion by Senator Saling carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.870; amending section 12, chapter 8, Laws of 1987 (uncodified); adding a new section to Title 28B RCW; creating new sections; and making an appropriation."

On motion of Senator Saling, the rules were suspended, Second Substitute House Bill No. 1640, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1640, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1640, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Deccio, Stratton, Vognild - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1640, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the chair.

SECOND READING

HOUSE BILL NO. 1649, by Representatives Sayan, Patrick, H. Sommers, Holland, Basich and D. Sommers

Revising pension portability provisions.

The bill was read the second time.

MOTION

Senator Hayner moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1, Section 1, chapter 192, Laws of 1987 and RCW 41.54.010 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (~~"Actuary" means the state actuary as established under chapter 44-44 RCW~~) "Average base salary" means the dual member's average base salary of the highest consecutive sixty months of service prior to the member's retirement. Periods constituting authorized leaves of absence shall not be used in the calculation of the average base salary.

(2) "Base salary" means salaries or wages earned by a member of a system during a payroll period for personal services and includes wages and salaries deferred under provisions (~~established pursuant to sections 403(b), 414(h), and 457~~) of the United States internal revenue code, but shall exclude overtime payments, nonmoney maintenance compensation, and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump sum payment.

(~~(3) "Average compensation" means, respectively, "final compensation" as defined in RCW 41-28-010 and 41-44-030(14), "average final compensation" as defined in RCW 41-32-010 and 41-40-010, "average earnable compensation" as used in RCW 41-32-496, and "average final salary" as defined in RCW 43-43-120.~~)

(4) "Service retirement allowance" means, respectively, "retirement allowance" as used or defined in RCW 41.28.130, 41.32.010, 41.40.010, 41.44.030(22), and 43.43.260.

(5) "Current system average final compensation" means that compensation or average compensation used in the service retirement benefit calculation of the current system with compensation being either that earned in the current system or the base salary earned in a prior system, whichever produces the greater benefit.

(6) "Prior system average final compensation" means the compensation or average compensation used in the service retirement benefit calculation of the prior system, with compensation being either that earned in the prior system or the base salary earned in any system in which dual membership is held, whichever produces the greater benefit.

(7) "Compensation" means, respectively, "compensation earnable" as defined in RCW 41.28.010, "earnable compensation" as defined in RCW 41.32.010, "compensation earnable" as defined in RCW 41.40.010, "compensation earnable" as defined in RCW 41.44.030, and "average final salary" as used in RCW 43.43.120(15).

(8) "Current system" means the system in which a member is currently making contributions and accruing service credit.

(9) (3) "Department" means the department of retirement systems.

((4)) (4) "Director" means the director of the department of retirement systems.

((1+)) (5) "Dual member" means a person who (a) is or becomes a member of a system on or after July 1, 1988, (b) has been a member of one or more other systems, and (c) has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from ((a prior)) any retirement system listed in RCW 41.50.030 or subsection (7) of this section.

((12)) "Prior system" means a system in which a person had previous membership but is no longer making member contributions.

(+3) (6) "Service" means the same as it may be defined in each respective system. For the purposes of RCW 41.54.030, military service granted under RCW 41.40.170(3) or 43.43.260 may only be based on service accrued under chapter 41.40 or 43.43 RCW, respectively.

((4+)) (7) "System" means the retirement systems established under chapters ((41-28;)) 41.32, 41.40, ((41-44;)) and 43.43 RCW and the city employee retirement systems for Seattle, Tacoma, and Spokane. The inclusion of an individual first class city system is subject to the procedure set forth in RCW 41.54.060.

Sec. 2. Section 3, chapter 192, Laws of 1987 and RCW 41.54.030 are each amended to read as follows:

(1) ((As used in this section, the percentage factor to be used in calculating a benefit under chapter 41.28 RCW shall be determined using only the service earned in a retirement system created under that chapter.

(2) The service retirement allowances to be paid to a dual member upon retiring from the current system because of service shall be the sum of:

(a) The service retirement allowance received under the current system as a result of multiplying the current system average final compensation by the percentage factor of the current system and the service earned under the current system; and

(b) The sum of the respective service retirement allowances received under prior systems as a result of multiplying each prior system's average final compensation by the percentage factor of that prior system and the service earned under that prior system.

(3) Eligibility to receive a service benefit under this chapter shall be based on (a) the criteria of any system in which dual membership is held, and (b) the dual member's combined systems' service;)) Except as limited in subsection (2) of this section, a dual member's service in all systems may be combined for the sole purpose of determining the member's eligibility to receive a service retirement allowance.

(2) A dual member must have five or more years of service in one system in order to have the member's service retirement allowances calculated under this section.

(3) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be allowed to substitute the member's average base salary from any system as the compensation used in calculating the allowance.

(4) The service retirement allowances from a system which, but for this ((chapter)) section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

Sec. 3. Section 4, chapter 192, Laws of 1987 and RCW 41.54.040 are each amended to read as follows:

(1) The retirement allowances calculated under RCW 41.54.030 shall be paid separately by each respective current and prior system. Any deductions from such separate payments shall be according to the provisions of the respective systems.

(2) Postretirement adjustments, if any, shall be applied by the respective systems based on the payments made under subsection (1) of this section.

(3) If a dual member dies in service in any system, the surviving spouse shall receive the same benefit from each system that would have been received if the member were active in the system at the time of death based on service actually established in that system. However, this subsection does not make a surviving spouse eligible for the survivor benefits provided in RCW 43.43.270.

Sec. 4. Section 7, chapter 192, Laws of 1987 and RCW 41.54.070 are each amended to read as follows:

The benefit granted by this chapter shall not result in a total benefit less than would have been received absent such benefit. The total sum of the retirement allowances received under this chapter shall not exceed the smallest amount the dual member would receive if all the service had been rendered in any one system. When calculating the maximum benefit a dual member would receive: (1) Military service granted under RCW 41.40.170(3) or 43.43.260 shall be based only on service accrued under chapter 41.40 or 43.43 RCW, respectively; and (2) the calculation shall be made assuming that the dual member did not defer any allowances pursuant to RCW 41.54.030(4). When a dual member's combined retirement allowances would exceed the limitation imposed by this section, the allowances shall be reduced by the systems on a proportional basis, according to service.

Sec. 5. Section 1, chapter 105, Laws of 1975-'76 2nd ex. sess. as last amended by section 9, chapter 192, Laws of 1987 and RCW 41.04.270 are each amended to read as follows:

(1) Notwithstanding any provision of chapter 2.10, 2.12, 41.26, 41.28, 41.32, 41.40, or 43.43 RCW to the contrary, on and after March 19, 1976, any member or former member who (a) receives a retirement allowance earned by said former member as deferred compensation from any public retirement system authorized by the general laws of this state, or (b) is eligible to receive a retirement allowance from any public retirement system listed in RCW 41.50.030, but chooses not to apply, or (c) is the beneficiary of a disability allowance from any public retirement system listed in RCW 41.50.030 shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system listed in RCW 41.50.030: PROVIDED, That (a) and (b) of this subsection shall not apply to persons who have accumulated less than fifteen years service credit in any such system.

(2) Nothing in this section is intended to apply to ~~((a))~~ any retirement system except those listed in RCW 41.50.030 ~~((and chapter 41.26 RCW, or (b)))~~ and the city employee retirement systems for Seattle, Tacoma, and Spokane. Subsection (1)(b) of this section does not apply to a dual member as defined in RCW 41.54.010.

NEW SECTION. Sec. 6. A new section is added to chapter 41.54 RCW to read as follows:

(1) The systems may pay a dual member a lump sum payment in lieu of a monthly benefit if the initial monthly benefit computed in accordance with RCW 41.54.030 would be less than fifty dollars. The lump sum payment shall be the greater of the actuarial equivalent of such monthly benefits or an amount equal to the individual's accumulated contributions plus accrued interest.

(2) It is the intent of the legislature that any member who receives a settlement under this section shall be deemed to be retired from the system making the lump sum payment.

NEW SECTION. Sec. 7. This act shall take effect July 1, 1988."

POINT OF ORDER

Senator Warnke: "Mr. President, a point of order. House Bill No. 1649 has a very limited scope and object, which is to clarify and delete certain existing pension portability definitions and provisions as enacted by the Legislature last year. The committee amendment changes the scope and object of this limited bill by providing a brand new definition of average base salary, which is the very foundation for qualifying for pension eligibility and for compensation levels. This is a new policy direction for the Legislature, not contemplated by the House Bill. For that reason, I believe, the committee amendment changes the scope and object of House Bill No. 1649."

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of House Bill No. 1649 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 692, by Committee on Judiciary (originally sponsored by Representatives Niemi, Locke, Jacobsen, Leonard, Sanders, P. King, May, Brough, L. Smith and Sprengle)

Changing opium dens to houses where controlled substances are made or used in moral nuisance statute.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

On page 4, after line 12, insert the following:

NEW SECTION, Sec. 4. The legislature finds that the manufacturing, selling, and distributing of unlawful controlled substances is becoming increasingly more prevalent and violent. Attempts by law enforcement officers to prevent the manufacture, sale, and distribution of illegal drugs is resulting in numerous life-threatening situations since drug dealers are using sophisticated weapons and modern technological devices to deter the efforts of law enforcement officials to enforce the controlled substance statutes. Dealers of unlawful drugs are employing a wide variety of violent methods to realize the enormous profits of the drug trade.

Therefore, the legislature finds that conversations regarding illegal drug operations may be intercepted and transmitted in certain limited circumstances without prior judicial approval to protect the life and safety of law enforcement officers, to enhance prosecution of drug offenses, and to protect the constitutional guarantees of privacy.

NEW SECTION, Sec. 5. A new section is added to chapter 9.73 RCW to read as follows:

(1) If, as part of a bona fide criminal investigation, a police commander or officer above the rank of first line supervisor determines that the safety of the consenting party is in danger, law enforcement personnel may, for the sole purpose of protecting the safety of the consenting party, intercept and transmit a private conversation or communication concerning the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW. This section does not authorize the interception, transmission, or recording of any telephone conversation or communication.

(2) A conversation or communication intercepted and transmitted pursuant to subsection (1) of this section may be recorded by any electronic or other device designed to record the conversation or communication regardless of how the device is powered or activated, and contemporaneous written notes or transcriptions of the conversation or communication may be made. No recollection, recording, transcription, or notes of such an interception and transmission are admissible in any civil or criminal case in any court of general or limited jurisdiction in this state, except when introduced with approval of a court and pursuant to court rules and then only (a) with the permission of a party to the conversation or communication who has not consented to the interception or transmission; or (b) in a prosecution for a "serious violent offense" as defined in RCW 9.94A.030 or in a civil suit for personal injury or wrongful death arising out of the same incident, in which a party who consented to the interception and transmission was a victim of the offense.

(3) Before any interception and transmission of a private conversation or communication pursuant to this section, the police commander or officer making the determination required by subsection (1) of this section shall complete a written authorization which shall include (a) the date and time the authorization is given; (b) the persons, including the consenting party, expected to participate in the conversation, to the extent known; (c) the expected date, location, and approximate time of the conversation; and (d) the reasons for believing the consenting party's safety will be in danger.

(4) Within fifteen days after any interception and transmission of a conversation or communication pursuant to this section, the law enforcement agency which made the interception and transmission shall submit a report to a judge of a court having jurisdiction and to the administrator for the courts, which report shall include a copy of the written authorization required by subsection (1) of this section and shall identify (a) the persons, including the consenting party, who participated in the conversation and (b) the date, location, and approximate time of the conversation.

NEW SECTION, Sec. 6. A new section is added to chapter 9.73 RCW to read as follows:

(1) The chief law enforcement officer of a law enforcement agency or his or her designee above the rank of first line supervisor may authorize the interception, transmission, and recording of a conversation or communication under the following circumstances:

(a) At least one party to the conversation or communication has consented to the interception, transmission, and recording; and

(b) The conversation or communication involves the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW.

(2) Before authorizing an interception under subsection (1) of this section, the agency's chief officer or designee shall prepare a written report indicating:

(a) That because of emergent needs of a criminal investigation, there was insufficient time to attempt to obtain judicial authorization for the interception under RCW 9.73.090, or that an unsuccessful good faith attempt was made to contact a judge or magistrate for such authorization. Such judge or magistrate shall be a designated judge or magistrate under subsection (6) of this section. The report shall contain specific details regarding any attempted contact, including: (i) The name of the designated judge or magistrate who the agency unsuccessfully attempted to contact; (ii) the exact time and date of the attempted contact; and (iii) the method or methods of attempted contact. If no contact was attempted, the report shall contain specific details as to why there was insufficient time to attempt to contact the designated judge or magistrate;

(b) That there is probable cause to believe, and the basis for the belief, that a nonconsenting party to the conversation or communication has committed or will commit an offense listed in subsection (1)(b) of this section;

(c) The names of the authorizing and consenting parties;

(d) The identity of the particular person, if known, who may have committed or may commit the offense;

(e) The details of the particular offense that may have been or may be committed; and

(f) The particular type of conversation or communication to be intercepted.

(3) No authorization made under this section is valid for more than twenty-four hours after the time it is signed by the authorizing officer. The authorizing officer shall sign the written report required under subsection (2) of this section, certifying the exact date and time of his or her signature. No interception, transmission, or recording made under subsection (1) of this section may be used for any purpose other than obtaining evidence for use in prosecuting an offense listed in subsection (1)(b) of this section.

(4) Within two judicial days after any authorization under this section, the law enforcement agency making the authorization shall submit the report required by subsection (2) of this section to the presiding judge of a superior court having jurisdiction over the offense involved, and shall mail a copy of the report to the office of the administrator for the courts and to any judge or magistrate identified in the report. In a multi-county judicial district or in the absence of the presiding judge, the report may be submitted to the court clerk for the presiding judge. At the court's earliest opportunity after receipt of the report, the presiding judge of the superior court shall hold or cause to be held a closed hearing to review the authorization and any recordings made pursuant to it. The court shall determine whether any of the requirements of subsection (2) of this section have been violated. If the court determines that any of the requirements have been violated, or that the information collected pursuant to the authorization is not related to the commission of an offense listed in subsection (1)(b) of this section, it shall order the destruction of all recordings or other evidence of the intercepted conversation or communication and order that no further interception be made pursuant to that authorization. Following a determination of such a violation, no one other than a party to the intercepted conversation or communication may testify in any civil or criminal action as to the content of the conversation or communication. A determination by the court that such a violation did not occur is in no way binding on a subsequent court's consideration of the validity of an authorization.

(5) In any subsequent judicial proceeding, evidence obtained through the interception or recording of a conversation is admissible only if the court finds:

(a) That there was probable cause as required by subsection (2)(b) of this section;

(b) That a good faith but unsuccessful effort was made to contact the designated judge or magistrate, or that there was insufficient time to attempt to contact the designated judge or magistrate; and

(c) That the informational requirements of subsection (2) of this section were met.

(6) Each superior court and each district court district shall designate, for each twenty-four hour period of the year, at least one judge or magistrate to be available for requests for written or telephonic authorizations under RCW 9.73.090(2).

(7) Any determination of invalidity of an authorization under subsection (4) or (5) of this section shall be reported by the court to the office of the administrator for the courts.

Sec. 7, Section 1, chapter 48, Laws of 1970 ex. sess. as last amended by section 2, chapter 38, Laws of 1986 and RCW 9.73.090 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter. The authorization is valid in other jurisdictions and for the interception of communications from additional persons if the persons are brought into the conversation or transaction by the nonconsenting party or if the nonconsenting party or such third persons cause or invite the consenting party to enter another jurisdiction.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged. If any recording or interception is made pursuant to authorization from a judge or magistrate under this subsection and the authorization is subsequently invalidated by a court, the recording or interception may nonetheless be introduced to impeach any party to the communication or conversation provided the application for the authorization was made in good faith.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under this section shall be effective for not more than seven days, after which period the issuing authority may upon application of the officer who secured the original authorization renew or continue the authorization for an additional period not to exceed seven days.

Sec. 8. Section 4, chapter 93, Laws of 1967 ex. sess. as amended by section 2, chapter 363, Laws of 1977 ex. sess. and RCW 9.73.060 are each amended to read as follows:

(1) Except as provided by subsection (2) of this section, any person who, directly or by means of a detective agency or any other agent, violates the provisions of this chapter shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this statute has injured his or her business, his or her person, his or her privacy, or his or her reputation. A person so injured shall be entitled to: (a) Actual damages (including mental pain and suffering endured by him on account of violation of the provisions of this chapter), or liquidated damages computed at the rate of one hundred dollars a day for each day of violation (not to exceed one thousand dollars); (b) statutory damages of twenty-five thousand dollars; and (c) a reasonable (attorney's) attorneys' fee and other costs of litigation. A continuous violation over a period of time shall be considered a single violation for purposes of determining statutory damages.

(2) An employee of a law enforcement agency is not liable for damages under this section for acts undertaken in good faith by that employee and with the reasonable belief that the acts were lawful, or for the acts of another employee of the agency. However, this limited immunity is not available to the law enforcement agency.

NEW SECTION. Sec. 9. The office of the administrator for the courts shall, by December 1 of each year, submit to the legislature a report on information received by it under sections 5 and 6 of this act. The report shall include at least the following: The number of authorizations made pursuant to each of those sections; and the number of authorizations under section 6 of this act that are subsequently invalidated."

Renumber the remaining sections consecutively

POINT OF ORDER

Senator Niemi: "Thank you, Mr. President. I would request a ruling on the scope and object of this amendment. Yesterday, I requested a ruling on scope and object of an amendment dealing with a bill dealing with sex crimes based partly on the underlying importance of the bill and the fact that the amendment would jeopardize the bill. This amendment deals with civil abatement for fighting drug cases--the underlying bill does. If this amendment hangs, it will jeopardize again what is really a very, very important tool in fighting drugs all over the state. Of course, these are crack houses we are talking about, particularly, in the city of Seattle. Any amendment that would jeopardize this bill by hanging for example a criminal law such as the amendment is on civil law--such as abatement is--would set back the city of Seattle, again, a year and the rest of the state another year with this much needed bill."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, I think the rules provides on these points of order that one may speak on each side. It appears that there are two speaking on one side."

Debate ensued.

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Newhouse, on points of order, there's no limitation on the debate."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 692 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1586, by Committee on Human Services (originally sponsored by Representatives Jones, Brække, Anderson, Crane, P. King and Rust)

Revising rules for dependency proceedings.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Children and Family Services amendment was adopted:

On page 2, line 21, after "shall" strike "be consistent with the best interests of the child, including" and insert "include"

On motion of Senator Nelson, the following Committee on Children and Family Services amendment was adopted:

On page 4, line 20, after "exist," insert "To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis."

MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Kiskaddon and Stratton be adopted:

On page 1, beginning on line 4, strike all the material down to and including "States." on page 5, line 31 and insert the following:

"NEW SECTION, Sec. 1. The legislature recognizes the importance of permanency and continuity to children and of fairness to parents in the provision of child welfare services. The legislature intends to create an independent monitoring system to periodically review children in substitute care.

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

(1) "Child" means a person within the jurisdiction of the juvenile court under Title 13 RCW.

(2) "Conflict of interest" means that a person appointed to a local citizen review board has a personal or pecuniary interest in a case being reviewed by that board.

(3) "Counselor" means a counselor within the division of juvenile rehabilitation in the department of social and health services.

(4) "Court" means the juvenile court.

(5) "Detention" or "detention facility" means a facility suitable for the safekeeping of a child who is taken into temporary custody pending investigation and disposition where the circumstances are such that the child must be kept in secure custody.

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

(7) "Local citizen review board" means the board under section 5 of this act.

(8) "Mature child" means a child who is able to understand and participate in the decision-making process without excessive anxiety or fear. A child fourteen years old or over shall be rebuttably presumed to be a mature child.

(9) "Records" means any information in written form, pictures, photographs, charts, graphs, recordings, or documents pertaining to a case.

(10) "Resides" or "residence," when used in reference to the residence of a child, means the place where the child is actually living and not the legal residence or domicile of the parent or guardian.

(11) "Shelter care" means temporary physical care in a facility licensed under RCW 74.15-.030 or in a home not required to be licensed under that section.

(12) "Substitute care" means an out-of-home placement directly supervised by the department or other agency, including placement in a foster family home, group home, or other institution or facility for the care of children. "Substitute care" does not include care in:

(a) A detention facility, forestry camp, or training school;

(b) A family home which the court has approved as a child's permanent placement, where a private child care agency has been appointed guardian of the child and where the child's care is entirely privately financed; or

(c) In-home placement subject to conditions or limitations.

(13) "Surrogate" means a person appointed by the court to protect the right of the child to receive procedural safeguards with respect to the provision of free appropriate public education.

NEW SECTION. Sec. 3. Subject to the availability of funds, the supreme court shall:

(1) Establish and approve policies and procedures for the creation and operation of local citizen substitute care review boards;

(2) Approve and cause to have conducted training programs for local citizen review board members;

(3) Provide consultation services on request to local citizen review boards;

(4) Establish reporting procedures to be followed by the local citizen review boards to provide data for the evaluation of this chapter;

(5) Monitor the local citizen review board to ensure the impartiality of reviews and consistency of review standards throughout the state;

(6) Employ staff and provide for support services for the local citizen review boards which shall be provided with staff through the local juvenile court in accordance with guidelines and procedures established by the supreme court;

(7) Direct the administrator for the courts to carry out duties prescribed by the supreme court relating to the administration of this chapter;

(8) Prepare a biennial report to the governor, the legislature, and the public regarding:

(a) State laws, policies, and practices affecting permanence and appropriate care for children in the custody of the department and other agencies;

(b) Whether local citizen review boards are effective in bringing about permanence and appropriate care for children in the custody of the department and other agencies;

(9) Adopt rules regarding:

(a) Removal of members of local citizen review boards for good cause. Good cause shall not include the fact that potential panel members had a child of their own, or one which was under their control, under the care of the division of children and family services;

(b) The time, content, and manner in which case plans and case progress reports shall be provided by the department or other agency or individual directly responsible for the care of the child to the local citizen review board. These rules may require that such information be provided in shorter time periods than those contained in statute;

(c) Procedures for providing written notice of the review to the department, any other agency directly responsible for the care or placement of the child, the parents or their attorneys, foster parents, surrogate parents, mature children or their attorneys, the court-appointed attorney or guardian ad litem of any child, any prosecuting attorney or attorney general actively involved in the case, and other interested persons. The notice shall include advice that persons receiving a notice may participate in the hearing and be accompanied by a representative;

(d) Procedures for securing or excusing the presence at the review of caseworkers and other employees of the department or other agencies directly responsible for the care of the child.

NEW SECTION. Sec. 4. At least one local citizen review board shall be created in each county with a population of five thousand or over, except that the two or more contiguous counties, each with a population of fewer than one hundred thousand may have joint local citizen review boards. Each local citizen review board shall be composed of three or five members appointed by the juvenile court. The court shall create additional local citizen review boards when the number of cases requiring review by existing boards exceeds one hundred for each local board.

NEW SECTION. Sec. 5. Each local citizen review board shall be appointed according to the following guidelines:

(1) As far as practicable, members of each local citizen review board shall represent the various socioeconomic and ethnic groups of the area served. In any case in which an Indian child as defined in the Indian child welfare act, 25 U.S.C. 1901 et seq. is assigned to a review panel, the composition of the panel shall be approved by the local Indian child welfare advisory committee or the local Indian child welfare advisory committee may serve as a local citizen review panel, if so authorized by the juvenile court.

(2) No person employed by a juvenile court, by the department, or by any private agency licensed or contracted by the department to provide services for clients of the division of children and family services may serve on any local citizen review board.

(3) No person who has had a child of his or her own, or one under his or her control, under the care of the division of children and family services within the last two years except foster parents may serve on any local citizen review board.

(4) All local citizen review board members shall serve a term of two years, except that if a vacancy occurs, a successor shall be appointed to serve the unexpired term. The term of each member shall expire on December 31 of the appropriate year. The terms of the initial members shall be staggered. Members may be reappointed and shall continue to serve until a successor is appointed.

(5) Pursuant to rules established by the supreme court, local citizen review board members may be removed for nonparticipation or for other cause.

(6) Each local citizen review board shall elect annually from its membership a chair and vice-chair to serve in the absence of the chair.

(7) Each local citizen review board shall meet at the nearest office of the department or another place mutually agreed to by a majority of the board as often as it considers necessary to carry out the duties of the board.

(8) Members of local citizen review boards shall be domiciled within the counties of the appointing courts.

NEW SECTION. Sec. 6. Prior to reviewing cases, all persons appointed to serve as local citizen review board members shall participate in a training program established and approved by the supreme court.

NEW SECTION. Sec. 7. (1) Before beginning to serve on a local citizen review board, each member shall swear or affirm to the court that the member shall keep confidential the information reviewed by the board and its actions and recommendations in individual cases.

(2) A member of a local citizen review board who violates the duty imposed by subsection (1) of this section is subject to dismissal from the board.

NEW SECTION. Sec. 8. Within ten days of entry of the order of disposition, or thirty days of placement in shelter care or substitute care, whichever comes first, the court shall assign the case of each child in substitute care to a local citizen review board and forward to the board a copy of the petition and the order of disposition for each child who has been found to be within the jurisdiction of the court and who has been placed in substitute care.

NEW SECTION. Sec. 9. (1) Each local citizen review board shall have access to:

(a) Any records of the court which are pertinent to the case; and

(b) Any records of the department that would be admissible in a dispositional review hearing, including school records and reports of private service providers contained in the records of the department or other agency.

(2) All requested records not already before the local citizen review board shall be submitted by the department within ten working days after receipt of the request. Copies may be sent in lieu of originals. All records and copies must be returned to the department within seven working days after completion of the review.

(3) If a local citizen review board is denied access to requested records, it may request a court hearing. The court may require the organization in possession of the records to show cause why the records should not be made available as provided by this section.

NEW SECTION. Sec. 10. (1) The local citizen review board shall review the case of each child in substitute care which is assigned by the court or is referred by the department as a result of care arrangements resulting from written parental consent. The review shall take place at times set by the board, the first review to be no more than one hundred eighty days after the child is removed from the home, unless the parents request an earlier review as provided for in accordance with this section. Subsequent reviews to take place no less frequently than once every six months thereafter until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship or an adoption proceeding

becomes final. Parents may request one expedited review at least thirty days after the child is removed from the home and within the first one hundred eighty days after removal. As soon as practical but no later than forty-five days after the denial, the board shall review any case where a petition to terminate parental rights has been denied.

(2) After reviewing each case, the local citizen review board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement, including whether the child could have been placed with relatives, to prevent or eliminate the need for removal of the child from the home, and to make it possible for the child to be returned home;

(b) The continuing need for and appropriateness of the placement;

(c) Compliance with the case plan;

(d) The progress which has been made toward alleviating the need for placement;

(e) A likely date by which the child may be returned home or placed for adoption;

(f) Other problems, solutions, or alternatives the board determines should be explored; and

(g) Whether the court should appoint an attorney or other person to represent or appear on behalf of the child under section 13 of this act.

(3) Whenever a member of a local citizen review board has a potential conflict of interest in a case being reviewed, the member shall declare to the local citizen review board the nature of the potential conflict prior to participating in the case review. The declaration of the member shall be recorded in the official records of the board. If, in the judgment of the majority of the local board, the potential conflict of interest may prevent the member from fairly and objectively reviewing the case, the local board may remove the member from participation in the review.

(4) The local citizen review board shall keep accurate records and retain these records on file. The local citizen review board shall send copies of its written findings and recommendations to the court, the department, and other participants in the review.

(5) The local citizen review board may hold joint or separate reviews for groups of siblings.

(6) The local citizen review board may disclose to parents and their attorneys, mature children and their attorneys, or other attorneys or guardians ad litem appointed to represent children, the department or other social agencies responsible for custody and/or supervision of a child in substitute care. Before participating in a local citizen review board case review, each participant shall swear or affirm to the board that the participant shall keep confidential the information disclosed by the board in the case review and to disclose it only as authorized by law.

(7) Anyone participating in a case review by a local citizen review board shall have immunity from any liability, civil or criminal, for defamation for statements made in good faith by the participant, orally or in writing, in the course of such case review. Members of the local citizen review board shall not be held liable in any civil action for recommending that a child be returned home, if the recommendation was made in good faith under this chapter. The participant shall have the same immunity with respect to participating in any judicial proceeding resulting from the review or recommendation of a local board to the juvenile court.

NEW SECTION. Sec. 11. (1) Unless excused from doing so by the local citizen review board, the department and any other agency directly responsible for the care and placement of the child shall require the presence of any employees having knowledge of the case at local board meetings.

(2) The court is not required to review the findings and recommendations of the local citizen review board in cases where the child has been placed in substitute care with signed parental consent and no court action has been filed unless the child is taken into custody pursuant to RCW 13.34.050 or 26.44.050.

(3) The local citizen review board may require the presence of specific employees of the department or applicable agency at local board meetings. If an employee fails to be present at such a meeting, the local review board may request a court hearing. The court may require the employee to be present and show cause why the employee should not be compelled to appear before the local citizen review board.

(4) As used in this section, "presence" includes telephone participation, but the caseworker on the case at the time of the meeting shall be physically present if required.

NEW SECTION. Sec. 12. In addition to reviewing individual cases of children in substitute care, local citizen review boards may make recommendations to the court and the department concerning substitute care services, policies, procedures, and laws.

NEW SECTION. Sec. 13. (1) The court shall review the findings and recommendations of the local citizen review board within ten days after the findings and recommendations are received by the court. If the court finds it appropriate, the court may on its own motion schedule a review hearing. The findings and recommendations of the local citizen review board shall become part of the juvenile court file.

(2) The department shall review the findings and recommendations of the local citizen review board within ten days after the findings and recommendations are received by the

department. The department may file a motion for a review hearing on the findings and recommendations of the review board. The recommendations shall be implemented unless there are inadequate resources to carry out the plan or unless good cause exists not to follow the findings of the local citizen review board. The findings and recommendations of the local citizen review board shall become part of the case file of the department. In cases where the child is in substitute care with parental consent as defined in subsection (2) of this section the department shall notify the local citizen review board if the department modifies the case plan recommended by the board.

(3) Upon its own motion or upon the request of the department, the local citizen review board or any interested party, the court may appoint an attorney or other person to represent or appear on behalf of the child. The guardian ad litem shall be appointed under chapter 13.34 RCW and shall perform duties under that chapter subject to the direction of the court, including periodic visits to the child in a substitute care setting for the purpose of monitoring the child's health, safety, and conditions of minimal nurture.

(4) The hearing shall be conducted in the manner provided by law for hearings involving juveniles, except that the court may receive testimony and reports as provided by law.

NEW SECTION. Sec. 14. (1) The state citizen review board operating account is created in the state treasury for the administrator for the courts to pay the expenses incurred under this chapter. Such expenses shall be paid only from funds specifically appropriated for the purposes of this chapter and no other moneys appropriated to the administrator for the courts shall be used for these purposes.

(2) The administrator for the courts may apply for and receive funds from federal, local, and private sources for carrying out the purposes of this chapter. Such funds shall be credited to the state citizen review board operating account.

NEW SECTION. Sec. 15. (1) Any public or private agency having legal custody and/or supervision, excluding those children for whom a plan of guardianship has been finalized by the court, shall file reports on the child with the juvenile court which entered the original order concerning the child or, where no such order exists, with the juvenile court of the county of the child's residence in the following circumstances:

(a) Where the child has been placed with the agency as a result of a court order and prior to, or as soon as practicable after the agency places the child in any placement including, but not limited to, the child's home, shelter care, or substitute care, unless the court has previously received a report or treatment plan indicating the actual physical placement of the child;

(b) Where the child has been placed with the agency as the result of a court order and remains under agency care for six consecutive months except for a child who has been committed to a state juvenile correctional facility; or

(c) Where the child has been surrendered for adoption or the parents' rights have been terminated and the agency has not physically placed the child for adoption or initiated adoption proceedings within six months of receiving the child.

(2) The department shall refer all written consents for voluntary placement of children to the juvenile court for referral to the local citizen review board within ten days of the signing of the consent.

(3) The reports required by subsection (1) (b) and (c) of this section shall be filed by the agency within thirty days of the initial placement and no less frequently than each six months thereafter. The agency shall file reports more frequently if the court so orders.

(4) The reports shall include, but not be limited to:

(a) A description of the problems or offenses which necessitated the placement of the child with the agency;

(b) A description of the type and an analysis of the effectiveness of the care, treatment, and supervision that the agency has provided for the child, together with a list of all placements made since the child has been in the guardianship or legal custody of an agency and the length of time the child has spent in each placement;

(c) A description of agency efforts to return the child to the parental home or find permanent placement for the child, including, where applicable, efforts to assist the parents in remedying factors which contributed to the removal of the child from the home;

(d) A proposed treatment plan or proposed continuation or modification of an existing treatment plan, including, where applicable, terms of visitation to be allowed and expected of parents and a description of efforts expected of the child and the parents to remedy factors which have prevented the return of the child to the parental home; and

(e) If continued substitute care is recommended, a proposed timetable for the child's return home or other permanent placement or a justification of why extended substitute care is necessary.

(5) Notwithstanding the requirements of subsection (4) of this section, reports following the initial report need not contain information contained in prior reports.

(6) Upon receiving any report required by this section, the court may hold a hearing to review the child's condition and circumstances and a determination by the court that clearly states the future status of the child and agreement or disagreement with the permanent planning goal recommended by the department. The court shall hold a hearing:

(a) In all cases under subsection (1)(c) of this section where the parents' rights have been terminated; or

(b) If requested by the child, the attorney for the child, if any, the parents, or the public or private agency having legal custody of the child within thirty days of receipt of the notice provided in subsection (8) of this section.

(7) The hearing provided in subsection (6) of this section shall be conducted in the manner provided by chapter 13.34 RCW, except that the court may receive testimony and reports as provided by statute. At the conclusion of the hearing, the court shall enter findings of fact if the decision is to continue the child in substitute care. Such findings shall specifically state:

(a) Why continued care is necessary as opposed to returning the child to the child's home or prompt action to secure another permanent placement; or

(b) The expected timetable for return or other permanent placement.

(8) Except where a child has been surrendered for adoption or the parents' rights have been terminated, the court shall send a copy of the report required by this section to the parents of the child and shall notify the parents either that a hearing will be held or that the parents may request a hearing at which time they may ask for modifications in the care, treatment, and supervision of the child. If the court finds that informing the parents of the identity and location of the foster parents of the child is not in the child's best interest, the court may order such information deleted from the report before sending the report to the parents.

(9) Where a child has been surrendered for adoption and the agency has not physically placed the child for adoption or initiated adoption proceedings within six months of receiving the child, the agency shall file a petition alleging that the child comes within the jurisdiction of the court.

(10) Any decision of the court made pursuant to the hearing provided in subsection (6) of this section shall be a final order for the purposes of this title.

Sec. 16. Section 3, chapter 259, Laws of 1957 as last amended by section 6, chapter 363, Laws of 1987 and RCW 2.56.030 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective: ((and))

(13) Coordinate and administer the local citizen substitute care review board program under sections 1 through 15 of this 1988 act; and

(14) Attend to such other matters as may be assigned by the supreme court of this state.

Sec. 17. Section 6, chapter 160, Laws of 1913 as last amended by section 3, chapter 311, Laws of 1983 and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child. If the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. ~~(The hearing on the petition shall be set for a time no later than forty-five days after the filing of the petition and shall be held at such time, unless for good cause the hearing is continued to a later time at the request of either party.)~~ The hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally at least five court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail at least ten court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(8) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 18. Section 4, chapter 188, Laws of 1984 and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed

child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

- (i) There is no parent or guardian available to care for such child;
- (ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;
- (iii) The parent, guardian, or legal custodian is not willing to take custody of the child;
- (iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home; or
- (v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall be consistent with the goal of achieving permanence for the child.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody (~~and~~), what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least ~~(every six months)~~ annually at a hearing in which it shall be determined whether court supervision should continue. The court may review the status more frequently at the request of the local citizen review board, the department or other agency supervising the out-of-home placement of the child, the child's parents, a child's attorney or guardian ad litem. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall direct the local citizen review board to review the status of the child and the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion including a brief description of the efforts and a statement about why further efforts would not have prevented or shortened the separation of the family. However, reasonable efforts shall be deemed to have been made if first contact with the child was during an emergency where the child was in jeopardy;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(v) When return of the child can be expected.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 19. Section 4, chapter 183, Laws of 1985 and RCW 26.44.115 are each amended to read as follows:

If a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050, the child protective services worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. Notice of the substitute care review board process under chapter 13.— RCW (sections 1 through 15 of this 1988 act) and the parents' rights under that process shall be provided to the parents within seventy-two hours after the child is removed from the home. Notice

may be given by any means reasonably certain of notifying the parents, including but not limited to, written, telephonic, or in-person oral notification. If the initial notification is provided by a means other than writing, the information shall also be provided to the parent in writing as soon thereafter as possible.

NEW SECTION, Sec. 20. This act shall be implemented only if specific funding, referring to this act by bill number, is provided in the omnibus appropriations act. If such specific funding is not provided by June 30, 1989, this act shall be null and void.

NEW SECTION, Sec. 21. Sections 1 through 15 of this act shall constitute a new chapter in Title 13 RCW.

NEW SECTION, Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

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

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe the amendment expands the scope and object of Engrossed Substitute House Bill No. 1586. I have received communication from the Superior Court Judges Association which indicates their opposition to this legislation despite representations on the floor that those people supported it. There is also a letter, I believe, to the members of the committee from the Chairman of the Board of Judicial Administration, Chief Justice Pearson, of the Washington Supreme Court, indicating their serious concerns about many aspects of this piece of legislation. I believe the amendment is designed to provide for local citizens review boards and it goes far beyond the purpose of the original version of Engrossed Substitute House Bill No. 1586 which dealt with permanency planning in a very limited way within the present limitation of the law relating to dependency. The addition of local citizen review boards expands the scope and object of the bill."

Further debate ensued.

MOTIONS

On motion of Senator Nelson, further consideration of Engrossed Substitute House Bill No. 1586 was deferred.

SECOND READING

HOUSE BILL NO. 1694, by Representatives Betrozoff, Peery, Holland, Rasmussen and P. King (by request of Superintendent of Public Instruction)

Specifying some of the personal qualifications that are prerequisites to applying for a teaching certificate.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1694.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1694 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Hansen, McMullen - 2.

HOUSE BILL NO. 1694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1507, by Representatives Appelwick, Taylor, Grimm, Haugen, Holland and Locke (by request of Governor Gardner)

Revising the sales and use tax exemptions for food products sold by vendors required to have a worker's permit under RCW 69.06.010.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendments be considered simultaneously and be adopted:

On page 2, line 33, after "containers;" insert "or"

On page 2, line 36, after "cocoa" strike all material down through "premises" on page 3, line 4

On page 5, line 10, after "containers;" insert "or"

On page 5, line 13, after "cocoa" strike all material down through "premises" on line 17

On page 5, after line 26, insert the following:

"NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 1, 1988."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means amendments to Engrossed House Bill No. 1507.

The motion of Senator McDonald carried and the committee amendments were adopted.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 5, after line 26, insert the following:

"NEW SECTION. Sec. 3. The department of revenue shall study the costs and problems imposed on retailers by modifications to the rate or base of the retail sales tax, including local option sales taxes. The department shall report the results of the study to the ways and means committees of the senate and house of representatives by October 1, 1988."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McDonald to Engrossed House Bill No. 1507.

The motion of Senator McDonald carried and amendment was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, after "69.06.010;" strike the remainder of the title and insert "amending RCW 82.08.0293 and 82.12.0293; providing an effective date; and declaring an emergency."

On page 1, line 3 of the title, after "69.06.010;" strike "and" and after "82.12.0293" insert "; and creating a new section"

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 1507, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Owen: "Senator McDonald, there's some confusion about what some of the things that are supposed to be covered under this. Is it the intent of this legislation to tax those foods received by a grocer in bulk which are simply transferred to smaller portions for sale?"

Senator McDonald: "It is not. The smaller portions must be sealed and treated as a grocery item."

Senator Owen: "What is an example of foods transferred from bulk to grocery shelves?"

Senator McDonald: "Senator Owen, in thinking through my vast knowledge of the grocery business, potato salad is received in ten gallon containers and transferred to small containers. Likewise, burritos and corn dogs may be handled in the same manner."

Senator Owen: "Senator McDonald, there is an exemption in the bill that exempts raw meats and we need to clarify whether that includes cooked shrimp, smoked salmon and cooked turkey, for instance?"

Senator McDonald: "These items qualify as meats and would be exempt under Section 1, subsection (ii) of the bill. The exemption would not apply if the items were sold from a deli from open containers for individual servings."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1507, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1507, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Anderson, Barr, Benitz, Bluechel, Deccio, DeJarnatt, Fleming, Gaspard, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Sellar, Smitherman, Talmadge, Vogtild, Williams - 28.

Voting nay: Senators Bailey, Bauer, Bender, Cantu, Conner, Craswell, Garrett, Halsan, Hayner, McCaslin, Moore, Pullen, Rasmussen, Saling, Smith, Stratton, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 21.

ENGROSSED HOUSE BILL NO. 1507, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1685, by Committee on Ways and Means (originally sponsored by Representatives Grimm, Holland, Locke, Silver, H. Sommers, Pruitt, Brough, May and Ferguson)

Providing for state caseload forecasts.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 138, Laws of 1984 as last amended by section 10, chapter 502, Laws of 1987 and by section 79, chapter 505, Laws of 1987 and RCW 82.01.120 are each reenacted and amended to read as follows:

(1) The director shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts. ((As used in this section and RCW 82.01.125 and 82.01.130, "supervisor" means the economic and revenue forecast supervisor.))

(2) The director of financial management shall employ a caseload forecast supervisor to supervise the preparation of all state caseload forecasts. The caseload forecast supervisor should possess broad training and experience in the social sciences, which may include, but need not be limited or restricted to, quantitative analysis and forecasting methods, economics, labor market economics, sociology, and social psychology.

(3) Approval by an affirmative vote of at least five members of the economic ~~((and))~~, revenue, and caseload forecast council is required for any decisions regarding employment of the supervisor. Employment of ~~((the))~~ a supervisor shall terminate after each term of three years, unless the supervisor is reappointed ~~((by the director))~~ and is approved by the economic ~~((and))~~, revenue, and caseload forecast council for another three years. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

((2)) (4) Four times each year, the economic and revenue forecast supervisor shall prepare, subject to the approval of the economic ~~((and))~~, revenue, and caseload forecast council under RCW 82.01.130(2):

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

~~((3))~~ (5) Four times each year, the caseload forecast supervisor shall prepare, subject to the approval of the economic, revenue, and caseload forecast council under RCW 82.01.130(2):

(a) An official state caseload forecast;

(b) An unofficial state caseload forecast based on optimistic caseload projections; and

(c) An unofficial state caseload forecast based on pessimistic caseload projections.

(6) The supervisors shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.01.130(3), to the governor and the members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives and the chair of the legislative transportation committee, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. All economic and revenue forecasts shall include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037.

(7) "Caseload," as used in this section and RCW 82.01.125 through 82.01.135, means the number of persons expected to meet eligibility requirements or require services from the aid to families with dependent children program, the community mental health and involuntary treatment program, the medicaid program, the nursing home program, state correctional institutions, state institutions for the mentally ill, developmentally disabled, and juvenile offenders, and other state-funded programs as determined by the council.

Sec. 2. Section 3, chapter 138, Laws of 1984 and RCW 82.01.125 are each amended to read as follows:

The administrator of the legislative evaluation and accountability program committee may request, and the supervisors shall provide, alternative economic ~~((and))~~, revenue, and caseload forecasts based on assumptions specified by the administrator.

Sec. 3. Section 4, chapter 138, Laws of 1984 and RCW 82.01.130 are each amended to read as follows:

(1) The economic ~~((and))~~, revenue, and caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. In making the two appointments to the council, the governor may designate two other persons to serve as members, in lieu of the two primary appointees, when the council is dealing with issues directly related to caseload forecasts.

The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The economic ~~((and))~~, revenue, and caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official, optimistic, and pessimistic state economic ~~((and))~~, revenue, and caseload forecasts prepared under RCW 82.01.120. If the council is unable to approve a forecast before a date required in RCW 82.01.120, the supervisors shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(3) A council member who does not cast an affirmative vote for approval of the official economic ~~((and))~~, revenue, and caseload forecast may request, and the supervisors shall provide, an alternative economic ~~((and))~~, revenue, and caseload forecast based on assumptions specified by the member.

(4) Members of the economic ~~((and))~~, revenue, and caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) Revenue and caseload forecasts adopted by the council shall indicate whenever the official forecast differs from staff recommendations.

Sec. 4. Section 5, chapter 138, Laws of 1984 as amended by section 23, chapter 158, Laws of 1986 and RCW 82.01.135 are each amended to read as follows:

(1) To promote the free flow of information and to promote legislative input in the preparation of forecasts, immediate access to all information relating to economic ~~((and))~~, revenue, and caseload forecasts shall be available to the economic ~~((and))~~, revenue, and caseload forecast work group, hereby created. Revenue collection information shall be available to the economic and revenue forecast work group the first business day following the conclusion of each collection period. Each state agency affected by caseloads shall submit caseload reports and data to the council as soon as the reports and data are available and shall provide to the council and the caseload forecast supervisor such additional raw, program-level data or information as may be necessary for discharge of their respective duties. The economic ~~((and))~~, revenue, and caseload forecast work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies or committees:

(a) Department of revenue;

- (b) Office of financial management;
- (c) Legislative evaluation and accountability program committee;
- (d) Ways and means committee of the senate; and
- (e) Ways and means committee of the house of representatives.

(2) The economic ~~((and))~~, revenue, and caseload forecast work group shall provide technical support to the economic ~~((and))~~, revenue, and caseload forecast council. Meetings of the economic ~~((and))~~, revenue, and caseload forecast work group may be called by any member of the group for the purpose of assisting the ~~((economic and revenue forecast))~~ council, reviewing ~~((the state economic and revenue))~~ forecasts, or reviewing monthly revenue collection data or for any other purpose which may assist the ~~((economic and revenue forecast))~~ council.

Sec. 5. Section 2, chapter 138, Laws of 1984 and RCW 41.06.087 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter does not apply to the economic ~~((and))~~, revenue, and caseload forecast supervisors and staff employed under RCW 82.01.120.

Sec. 6. Section 2, chapter 502, Laws of 1987 and RCW 43.88.030 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period based upon the estimated revenues and caseloads as approved by the economic ~~((and))~~, revenue, and caseload forecast council for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document. However, the estimated revenues or caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers ~~((and))~~, revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads, and policy and program changes. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object; and

(f) A delineation of each agency's activities, including those activities funded from non-budgeted, nonappropriated sources, including funds maintained outside the state treasury.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(h) Common school expenditures on a fiscal-year basis.

(3) A separate budget document or schedule may be submitted consisting of:

(a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 7. Section 43.88.120, chapter 8, Laws of 1965 as last amended by section 6, chapter 502, Laws of 1987 and RCW 43.88.120 are each amended to read as follows:

Each agency engaged in the collection of revenues shall prepare estimated revenues and estimated receipts for the current and ensuing biennium and shall submit the estimates to the director of financial management and the director of revenue at times and in the form specified by the directors, along with any other information which the directors may request.

A copy of such revenue estimates shall be simultaneously submitted to the economic and revenue forecast work group when required by the office of the economic ((and)), revenue, and caseload forecast council."

MOTIONS

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

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 82.01.125, 82.01.130, 82.01.135, 41.06.087, 43.88.030, and 43.88.120; and reenacting and amending RCW 82.01.120."

On motion of Senator Nelson, the rules were suspended. Substitute House Bill No. 1685, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1685, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1685, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Gaspard - 1.

Absent: Senators Bender, Stratton - 2.

SUBSTITUTE HOUSE BILL NO. 1685, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1553, by Representatives Nutley, J. Williams, Leonard, Sanders and Padden

Limiting grants and loans from the housing trust fund.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 8, chapter 298, Laws of 1986 and RCW 43.185.070 are each amended to read as follows:

(1) During each calendar year in which funds are available for use by the department from the housing trust fund, as prescribed in RCW 43.185.030, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources, but at least twice annually. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed thirty-seven thousand five hundred dollars in the fiscal year ending June 30, 1988 and seventy-five thousand dollars in the fiscal year ending June 30, 1989 and not to exceed five percent of annual revenues to the fund thereafter.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. Such projects and activities shall be evaluated under subsection (3) of this section.

(3) The department shall give preference for applications based on the following criteria:

(a) The degree of leveraging of other funds that will occur;

(b) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(c) Local government project contributions in the form of infrastructure improvements, and others;

(d) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(e) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least fifteen years;

(f) The applicant has the demonstrated ability, stability and resources to implement the project;

(g) Projects which demonstrate serving the greatest need; and

(h) Projects that provide housing for persons and families with the lowest incomes.

Sec. 2. Section 4, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 2, chapter 511, Laws of 1987 and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket; PROVIDED, That approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning

tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, less amounts of unclaimed prizes deposited in the Washington housing trust fund under RCW 67.70.190, (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;

(1) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

Sec. 3. Section 19, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 8, chapter 511, Laws of 1987 and RCW 67.70.190 are each amended to read as follows:

(1) Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, the prize shall be retained in the state lottery (~~fund for further use as prizes~~) account as provided in subsection (2) of this section and all rights to the prize shall be extinguished.

(2) Moneys retained in the state lottery account under subsection (1) of this section shall be distributed as follows:

(a) Fifty percent of the moneys, not exceeding one million dollars in any fiscal year, shall be deposited quarterly in the Washington housing trust fund under RCW 43.185.030; and

(b) The remainder of the moneys shall be retained in the state lottery account for further use as prizes.

Sec. 4. Section 24, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 7, chapter 513, Laws of 1987 and RCW 67.70.240 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under (~~the provisions of section 7 of this 1987 act~~) RCW 67.70.190; (5) for the purchase and promotion of lottery games and game-related services; and (6) for the payment of agent compensation.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION. Sec. 5. A new section is added to chapter 43.185 RCW to read as follows:

Money deposited in the housing trust fund from unclaimed prizes awarded by the state lottery pursuant to RCW 67.70.190 shall be used by the department to provide funding for eligible housing activities to benefit the homeless. This may include the funding of shelters and transitional and permanent housing for homeless families and individuals.

NEW SECTION. Sec. 6. Section 1 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. The remainder of this act shall take effect July 1, 1988.*

MOTION

On motion of Senator Lee, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 1, line 34 of the amendment, after "thereafter" insert "Funding of studies on homelessness and preservation of low-income housing shall be considered appropriate administrative costs".

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed House Bill No. 1553.

The motion by Senator McDonald carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "fund," strike the remainder of the title and insert "amending RCW 43.185.070, 67.70.040, 67.70.190, and 67.70.240; adding a new section to chapter 43.185 RCW; providing an effective date; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 1553, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1553, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1553, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogmild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Anderson, Cantu, McCaslin, Metcalf - 4.

ENGROSSED HOUSE BILL NO. 1553, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

REMARKS BY THE PRESIDENT

President Cherberg: "Honorable members of the Senate. With your indulgence, the President should like to have the opportunity to somewhat clarify the scope and object philosophy of the President. Senate Rule 65 contains the exact language of Article 2, Section 38 of the Washington State Constitution, and read as follows: 'No amendment to any bill shall be allowed which shall change the scope and object of the bill.'

"As presiding officer of the Washington State Senate, it is my duty to rule on any point of order which raises the question of whether an amendment changes the scope and object of a bill. The scope of a bill refers to the boundaries or limits of the legislation, sometimes referred to as a bill's ultimate intention. The object of legislation is its aim, purpose, end or goal.

"It is important to note that the Constitution and Rule are not concerned with the title of a bill. Frequently, legislators believe an amendment is in order because the title of a bill is broad, without fully realizing that the provisions do not pertain to the title, but to the bill itself.

"The reasoning behind the provisions are clear. If amendments which are foreign to the substance of a bill are permitted, the entire legislative process, including the important considerations by committees, could be avoided. Legislative 'logrolling' or 'paperhanging' is prevented by properly adhering to the letter and spirit of the provisions. The Constitution and Rule aim to prohibit amendments to a measure intended to secure enough votes when there may not be a majority of members favoring the measure or the amendment on their own. If a measure cannot stand on its own merits, it should not pass and this is what the Constitution and our Rule seek to prevent.

"I emphasize that my parliamentary rulings prohibiting certain amendments, in no way reflect my personal feelings on the merits of proposed amendments. On many occasions, I have been required to rule out of order, certain amendments which I personally favored. During the years, I have had occasion to rule on many major pieces of legislation that did, in fact, change the scope and object of the bill before the Senate."

MOTION

On motion of Senator Newhouse, the above remarks by the President will be included in the Journal.

MOTION

On motion of Senator Rasmussen, the remarks by Senator Talmadge on Substitute House Bill No. 1329, as amended by the Senate, which passed the Senate earlier today, will be included in the Journal.

EDITOR'S NOTE: The remarks by Senator Talmadge on Substitute House Bill No. 1329 were included on the floor action on the bill earlier today.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1333 and the pending Committee on Law and Justice amendment on page 28, line 12, deferred March 1, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Niemi, the President finds that Substitute House Bill No. 1333 is a measure which redefines sexual offenses against minors and establishes penalties for the commission of those offenses based upon age differences between the victim and the perpetrator.

"The proposed committee amendment would make changes in the child exploitation laws by redefining 'minor,' making it a crime to invite, employ or authorize a minor to engage in sexual conduct which is part of a live performance and providing certain defenses for law enforcement officers when investigating sex-related crimes against minors.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Law and Justice amendment on page 28, after line 12, to Substitute House Bill No. 1333 was ruled out of order.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

On page 28, after line 12, insert the following:

"NEW SECTION. Sec. 24. As used in sections 24 through 28 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Minor" means any person under the age of eighteen years.
- (2) "Harmful to minors" means any matter:
 - (a) Which the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest in minors; and
 - (b) Which explicitly depicts or describes, by prevailing standards in the adult community with respect to what is suitable for minors, patently offensive representations or descriptions of:
 - (i) Ultimate sexual acts, normal or perverted, actual or simulated; or
 - (ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, lewd exhibition of the genitals or genital area, sexually explicit conduct, sexual excitement, or sexually explicit nudity; or
 - (iii) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape, or torture; and
 - (c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.
- (3) "Sexually explicit conduct" means physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, perineum, or, if such person be a female, breast.
- (4) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (5) "Sexually explicit nudity" means the showing of the human male or female genitals, pubic area, buttocks, or perineum with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state.
- (6) "Matter" means a motion picture film, a publication, a sexual device, or any combination thereof.
- (7) "Motion picture film" means any:
 - (a) Film or plate negative;
 - (b) Film or plate positive;
 - (c) Film designed to be projected on a screen for exhibition;
 - (d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;
 - (e) Video tape or any other medium used to electronically reproduce images on a screen.

(8) "Publication" means any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or coin-operated machine.

(9) "Sexual device" means any artificial human penis, vagina or anus, or other device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildoes, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies, or other such chemicals or preparations.

(10) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

(11) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

NEW SECTION. Sec. 25. No person shall knowingly:

(1) Display matter which is harmful to minors in such a way that minors, as part of the invited general public, will be exposed to view such matter; however, a person shall be deemed not to have displayed matter harmful to minors if the matter is kept behind devices commonly known as blinder racks so that the lower two-thirds of the matter is not exposed to view;

(2) Sell, furnish, present, distribute, allow to view or hear, or otherwise disseminate to a minor, with or without consideration, any matter which is harmful to minors; or

(3) Present to a minor or participate in presenting to a minor, with or without consideration, any live performance which is harmful to minors.

NEW SECTION. Sec. 26. In any prosecution for violation of section 25 of this act, it shall be an affirmative defense that:

(1) The matter or performance involved was displayed or otherwise disseminated to a minor by the minor's parent or legal guardian, for bona fide educational purposes; or

(2) The matter or performance involved was displayed or otherwise disseminated to a minor with the written permission of the minor's parent or legal guardian, for bona fide educational purposes.

NEW SECTION. Sec. 27. Any person who is convicted of violating any provision of section 25 of this act is guilty of a gross misdemeanor. Each day that any violation of section 25 of this act occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by section 25 of this act shall constitute a separate offense as to each item, issue, or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume, and number issue, or other such identical material shall constitute a single offense.

NEW SECTION. Sec. 28. Nothing in this chapter applies to any recognized historical society or museum, the state law library, any county law library, the state library, any public library, any library of any college or university, or any archive or library under the supervision and control of the state, county, municipality, any library district, or other political subdivision.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

(1) Section 13, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.050;

(2) Section 14, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.060;

(3) Section 15, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.070;

(4) Section 16, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.080;

(5) Section 17, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.090;

(6) Section 18, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.100;

(7) Section 19, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.110;

(8) Section 20, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.120; and

(9) Section 1, chapter 156, Laws of 1975 1st ex. sess. and RCW 9.68.130.

NEW SECTION. Sec. 31. Sections 24 through 28 of this act are each added to chapter 9.68 RCW."

Renumber the sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Niemi: "Thank you, Mr. President. I once again ask for a ruling on the scope and object of this amendment. My reasons are the same as I gave before. I think that it jeopardizes the underlying bill—the sexual offenses bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Niemi, the President finds that Substitute House Bill No. 1333 is a measure which redefines sexual offenses against minors and establishes penalties for the commission of those offenses based upon age differences between the victim and the perpetrator.

"The proposed committee amendment would make changes in the child exploitation laws by redefining 'minor,' making it a crime to invite, employ or authorize a minor to engage in sexual conduct which is part of a live performance and providing certain defenses for law enforcement officers when investigating sex-related crimes against minors.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Law and Justice amendment on page 28, after line 12, to Substitute House Bill No. 1333 was ruled out of order.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Owen, Johnson and Craswell be adopted:

On page 16, line 33, after "library" strike the rest of the section and insert "or to the state library."

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry. Senator Metcalf's amendment, I believe, is an amendment to the committee amendment that was ruled outside of scope and object by the President. I guess my question is, would not Senator Metcalf's amendment to an amendment which was ruled outside of scope and object, be therefore not properly before the Senate?"

REPLY BY THE PRESIDENT

President Cherberg: "The statement is correct, Senator Talmadge. It's not in the proper place."

Debate ensued.

The amendment by Senators Metcalf, Owen, Johnson and Craswell to Substitute House Bill No. 1333 was ruled out of order.

MOTION

Senator Zimmerman moved that the following amendments by Senators Zimmerman, Bailey, Bauer, Metcalf, Saling and Kiskaddon be considered simultaneously and be adopted:

On page 28, line 13, after "Sec. 24." strike "This act" and insert "Sections 1 through 23 of this act"

On page 28, line 17, after "Sec. 25." strike "This act" and insert "Sections 1 through 24 of this act"

On page 28, after line 17, insert the following:

"7/29 The legislature finds that treatment of the emotional problems of child abuse victims may be impaired by lengthy delay in trial of the accused and the resulting delay in testimony of the child victim. The trauma of the abusive incident is likely to be exacerbated by requiring testimony from a victim who has substantially completed therapy and is forced to relive the incident. The legislature finds that it is necessary to prevent, to the extent reasonably possible, lengthy and unnecessary delays in trial of a person charged with abuse of a minor.

NEW SECTION. Sec. 27. A new section is added to chapter 10.46 RCW to read as follows:

When a defendant is charged with a crime which constitutes a violation of RCW 9A.64.020 or chapter 9A.44, 9.68, 9A.32, 9A.36, 9A.40, 9A.42, 9A.46, or 9 68A RCW, and the alleged victim of the crime is a person under the age of eighteen years, neither the defendant nor the prosecuting attorney may agree to extend the originally scheduled trial date unless, after a hearing, the court finds that there are substantial and compelling reasons for a continuance of the trial date and that the benefit of the postponement outweighs the detriment to the victim. At the hearing the court shall consider the testimony of lay witnesses and of expert witnesses, if available, regarding the impact of the continuance on the victim. Whenever the court grants the request for a continuance, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law."

POINT OF ORDER

Senator Talmadge: "Mr. President, I would raise the point of order that the amendments by Senator Zimmerman, et al expand the scope and object of the legislation. Substitute House Bill No. 1333 is a very important measure designed to increase the penalties for sex offenses. This bill deals with the procedure of trial and I would note that it doesn't even have the intended consequence that I believe Senator Zimmerman has articulated. That is the defendant is already entitled to the

benefit of the speedy trial rule and a very short period of time in which to have his or her case tried. This bars the prosecution from getting a continuance, sets up written Findings of Facts and Conclusions of Law, and creates an opportunity for somebody to appeal the thing all the way to the various levels of the appellate court system."

MOTION

On motion of Senator Zimmerman, and there being no objection, the amendments by Senator Zimmerman, Bailey, Bauer, Metcalf, Saling and Kiskaddon to Substitute House Bill No. 1333 were withdrawn.

MOTION

On motion of Senator Pullen, the following amendment by Senators Pullen and Talmadge was adopted:

On page 27, after line 35, insert the following:

"NEW SECTION, Sec. 21. The State of Washington Juvenile Disposition Sentencing Standards, Schedule A, is amended to include the following:

<u>JUVENILE DISPOSITION OFFENSE CATEGORY</u>	<u>DJR CODE</u>	<u>DESCRIPTION (RCW CITE)</u>	<u>JUVENILE DISPOSITION CATEGORY FC ATTEMPT, BAILJUMP, CONSPIRACY SOLICITATION</u>
A-	9A44B70	Rape of a child, 1 Degree	B+
C+	9A44B80	Rape of a child, 2 Degree	D+
B+	9A44101	Child Molestation, 1 Degree	C+
B+	9A44102	Child Molestation, 2 Degree	C+

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1333, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1333, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1333, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 1333, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1511, by Committee on Local Government (originally sponsored by Representatives Bumgarner, Haugen, Beck, Ferguson and Braddock)

Amending provisions for water and sewer districts.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following Committee on Governmental Operations amendments were considered simultaneously and adopted:

On page 1, beginning on line 8, strike all material through "served." on page 3, line 18

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

On page 4, beginning on line 13, strike all material through "treasurer." on page 6, line 13

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

On motion of Senator McMullen, the following amendment by Senators McMullen and McCaslin was adopted:

On page 12, after line 18, insert the following:

"Sec. 15. Section 1, chapter 11, Laws of 1967 ex. sess. as last amended by section 56, chapter 469, Laws of 1985 and RCW 56.24.070 are each amended to read as follows:

((The)) Territory adjoining or in close proximity to a district may be annexed to and become a part of the district. In addition, any nonadjoining territory in a county of the fifth class or smaller composed entirely of islands may be annexed to and become part of a district operating within the county. All annexations shall be accomplished in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether the territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county election officer, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the election officer shall transmit it, together with a certificate of sufficiency attached thereto to the sewer commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the sewer commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 16. Section 15, chapter 18, Laws of 1959 as amended by section 21, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.24.010 are each amended to read as follows:

((The)) Territory adjoining or in close proximity to a district may be annexed to and become a part of the district. In addition, any nonadjoining territory in a county of the fifth class or smaller composed entirely of islands may be annexed to and become part of a district operating within the county. All annexations shall be accomplished in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county election officer of each county in which the real property proposed to be annexed is located, who shall, within ten days, examine and validate the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the county election officer of the county in which the real property proposed to be annexed is located shall transmit it, together with a certificate of sufficiency attached thereto to the water commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the county legislative authority of each county in which the territory proposed to be annexed is located.

The county legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the

water commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in a newspaper in general circulation throughout the territory proposed to be annexed a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed."

Renumber the sections consecutively.

MOTIONS

On motion of Senator Anderson, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, strike "56.08.010," and "57.08.010,"

On page 1, line 3 of the title, after "56.02.070," strike "and" and after "57.02.040" insert ", 56.24.070, and 57.24.010"

On motion of Senator Anderson, the rules were suspended, Engrossed Substitute House Bill No. 1511, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1511, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1511, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Smitherman - 1.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1511, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORT OF STANDING COMMITTEE

March 2, 1988

ESHB 1312

Prime Sponsor, Committee on Ways and Means: Adopting the supplemental operating budget. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Deccio, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bauer, Fleming, Gaspard, Talmadge, Vognild, Warnke, Williams, Wojahn.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1312 was advanced to second reading and placed on the second reading calendar.

MOTION

At 5:31 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:00 a.m., Thursday, March 3, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 3, 1988

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Fleming, Hansen, Kiskaddon, Kreidler, McDonald, Smitherman and Warnke.

The Sergeant at Arms Color Guard, consisting of Pages Toby Baldwin and Donna Downing, presented the Colors. Reverend F. Mark Dowdy, pastor of the United Churches of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038,

SENATE BILL NO. 5451,

SECOND SUBSTITUTE SENATE BILL NO. 5720,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6200,

ENGROSSED SENATE BILL NO. 6600,

SUBSTITUTE SENATE BILL NO. 6350,

SUBSTITUTE SENATE BILL NO. 6402,

SUBSTITUTE SENATE BILL NO. 6462,

SENATE BILL NO. 6667,

SUBSTITUTE SENATE BILL NO. 6736, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT MEMORIAL NO. 8030.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6143,

SENATE BILL NO. 6210,

SENATE BILL NO. 6211,

SUBSTITUTE SENATE BILL NO. 6252,

SUBSTITUTE SENATE BILL NO. 6264,

SENATE CONCURRENT RESOLUTION NO. 8428.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5147,

SUBSTITUTE SENATE BILL NO. 6096,

SENATE BILL NO. 6293,

SENATE BILL NO. 6362,

SENATE BILL NO. 6373,

SUBSTITUTE SENATE BILL NO. 6438,

SENATE BILL NO. 6494,

SENATE BILL NO. 6556,

SENATE BILL NO. 6563,

SENATE JOINT MEMORIAL NO. 8026.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9150, Jan Kumasaka, as a member of the Human Rights Commission, was confirmed.

Senator Pullen spoke to the confirmation of Jan Kumasaka as a member of the Human Rights Commission.

APPOINTMENT OF JAN KUMASAKA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognilid, von Reichbauer, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Craswell, Fleming, Hansen, Kiskaddon, Kreidler, McDonald, Smitherman, Warnke - 8.

MOTION

On motion of Senator Bender, Senators Fleming, Hansen, Kreidler and Warnke were excused.

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9159, John A. Steffens, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF JOHN A. STEFFENS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 6; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognilid, von Reichbauer, Williams, Zimmerman - 39.

Absent: Senators Bluechel, Deccio, Niemi, Smitherman, West, Wojahn - 6.

Excused: Senators Fleming, Hansen, Kreidler, Warnke - 4.

SECOND READING

HOUSE BILL NO. 1710, by Representatives Jones, Ferguson, Fox, Brough, Walker, Fuhrman, Ballard and May

Approving projects approved by the public works board.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1710.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1710 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Smitherman, West - 2.

Excused: Senator Fleming - 1.

HOUSE BILL NO. 1710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1754, by Committee on Ways and Means/Revenue (originally sponsored by Representatives Appelwick, Winsley, Grimm, Holland, Braddock, Belcher and Prince)

Revising administrative provisions on taxes.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 8, chapter 155, Laws of 1971 ex. sess. as amended by section 1, chapter 52, Laws of 1981 and RCW 36.95.080 are each amended to read as follows:

The board shall, on or before the first day of July of any given year, ascertain and prepare a list of all persons believed to own television sets within the district and deliver a copy of such list to the county (~~assessor~~) treasurer.

Sec. 2. Section 36, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.070 are each amended to read as follows:

The board may appoint, discharge and fix the compensation of an executive (~~secretary~~) director, tax referees, a clerk, and such other clerical, professional and technical assistants as may be necessary. Tax referees shall not be subject to chapter 41.06 RCW but, prior to their employment, shall demonstrate to the board reasonable and adequate knowledge of real and personal property appraisal, construction costs, the statutes regarding property valuation, and a capacity to fairly conduct administrative hearings.

Sec. 3. Section 41, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.120 are each amended to read as follows:

The board shall maintain at its principal office a (~~journal which shall contain all official actions of the board, with the exception of findings and decisions, together with the vote of each member on such actions~~) copy of its final findings and decisions. The (~~journal~~) findings and decisions shall be available for public inspection at the principal office of the board at all reasonable times.

Sec. 4. Section 43, chapter 26, Laws of 1967 ex. sess. as amended by section 8, chapter 46, Laws of 1982 1st ex. sess. and RCW 82.03.140 are each amended to read as follows:

In all appeals over which the board has jurisdiction under RCW 82.03.130, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the board: PROVIDED, That nothing shall prevent the assessor or taxpayer, as a party to an appeal pursuant to RCW 84.08.130, within twenty days from the date of the receipt of the notice of appeal, from filing with the clerk of the board notice of intention that the hearing be a formal one: PROVIDED, HOWEVER, That nothing herein shall be construed to modify the provisions of RCW 82.03.190: AND PROVIDED FURTHER, That upon an appeal under RCW 82.03.130(5), the director of revenue may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to chapter 34.04 RCW. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.

Sec. 5. Section 44, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.150 are each amended to read as follows:

In all appeals involving an informal hearing, the board or its tax referees shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.04 RCW. The board, or its tax referees, shall also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of RCW 82.03.130(2) the board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board or any member thereof may deem necessary or appropriate.

Sec. 6. Section 45, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.160 are each amended to read as follows:

In all appeals involving a formal hearing the board or its tax referees shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.04 RCW; and the board, and each member thereof, or its tax referees, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases. The board, or its

tax referees, shall also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of RCW 82.03.130(2), the board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board, or any member thereof, may deem necessary or appropriate: PROVIDED, HOWEVER, That any communication, oral or written, from the staff of the director to the board or its tax referees shall be presented only in open hearing.

Sec. 7. Section 46, chapter 26, Laws of 1967 ex. sess. and RCW 82.03.170 are each amended to read as follows:

All proceedings, including both formal and informal hearings, before the board or any of its members or tax referees shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. The board shall publish such rules and arrange for the reasonable distribution thereof.

Sec. 8. Section 84.08.130, chapter 15, Laws of 1961 as last amended by section 1, chapter 290, Laws of 1977 ex. sess. and RCW 84.08.130 are each amended to read as follows:

Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the county auditor a notice of appeal in duplicate within thirty days after the ((action)) mailing and receipt by the taxpayer or the taxing unit of the decision of such board of equalization, which notice shall specify the actions complained of, and said auditor shall forthwith transmit one of said notices to the board of tax appeals; and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. The petitioner shall provide a copy of the notice of appeal to all named parties. Appeals which are not filed as provided in this section shall be continued or dismissed. The board of tax appeals shall require the board appealed from to ((certify the minutes of its proceedings resulting)) file a true and correct copy of its decision in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper.

Sec. 9. Section 84.08.060, chapter 15, Laws of 1961 as last amended by section 11, chapter 46, Laws of 1982 1st ex. sess. and RCW 84.08.060 are each amended to read as follows:

The department of revenue shall have power to direct and to order any county board of equalization to raise or lower the valuation of any taxable property, or to add any property to the assessment list, or to perform or complete any other duty required by statute. The department of revenue may require any such board of equalization to reconvene after its adjournment for the purpose of performing any order or requirement made by the department of revenue and may make such orders as it shall determine to be just and necessary. The department may require any county board of equalization to reconvene at any time for the purpose of performing or completing any duty or taking any action it might lawfully have performed or taken at any of its previous ((regular July, November or April)) meetings. No board may be reconvened later than three years after the date of adjournment of its regularly convened session. If such board of equalization shall fail or refuse forthwith to comply with any such order or requirement of the department of revenue, the department of revenue shall have power to take any other appropriate action, or to make such correction or change in the assessment list, and such corrections and changes shall be a part of the record of the proceedings of the said board of equalization: PROVIDED, That in all cases where the department of revenue shall raise the valuation of any property or add property to the assessment list, it shall give notice either for the same time and in the same manner as is now required in like cases of county boards of equalization, or if it shall deem such method of giving notice impracticable it shall give notice by publication thereof in a newspaper of general circulation within the county in which the property affected is situated once each week for two consecutive weeks, and the department of revenue shall not proceed to raise such valuation or add such property to the assessment list until a period of five days shall have elapsed subsequent to the date of the last publication of such notice: PROVIDED FURTHER, That appeals to the board of tax appeals by any taxpayer or taxing unit concerning any action of the county board of equalization shall not raise the valuation of the property to an amount greater than the larger of either the valuation of the property by the county assessor or the valuation of the property assigned by the county board of equalization. Such notice shall give the legal description of each tract of land involved, or a general description in case of personal property; the tax record-owner thereof; the assessed value thereof determined by the county board of equalization in case the property is on the assessment roll; and the assessed value thereof as determined by the department of revenue and shall state that the department of revenue proposes to increase the assessed valuation of such property to the amount stated and to add such property to the assessment list at the assessed valuation stated. The necessary expense incurred by the department of revenue in making such reassessment and/or adding such property to the assessment list shall be borne by the county or township in which the property as reassessed and/or so added to the assessment list is situated and shall be paid out of the proper funds of such county upon the order of the department of revenue.

Sec. 10. Section 3, chapter 182, Laws of 1974 ex. sess. as last amended by section 6, chapter 11, Laws of 1983 1st ex. sess. and RCW 84.36.385 are each amended to read as follows:

A claim for exemption under RCW 84.36.381 as now or hereafter amended, shall be made and filed (~~between January 2 and July 1~~) at any time during the year for exemption from taxes payable the following year and thereafter and solely upon forms as prescribed and furnished by the department of revenue.

A person granted an exemption under RCW 84.36.381 shall inform the county assessor of any change in status affecting the person's entitlement to the exemption on forms prescribed and furnished by the department of revenue.

If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim or exemption shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5). If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications, the penalties for not reporting a change in status, and availability of further information shall be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties.

Sec. 11. Section 28, chapter 291, Laws of 1975 1st ex. sess. as last amended by section 21, chapter 220, Laws of 1984 and RCW 84.38.030 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on his property that is receiving an exemption under RCW 84.36.381 through 84.36.389 on up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(2) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value; PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.

(3) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

Sec. 12. Section 35, chapter 291, Laws of 1975 1st ex. sess. as last amended by section 23, chapter 220, Laws of 1984 and RCW 84.38.100 are each amended to read as follows:

Whenever a person's special assessment and/or real property tax obligation is deferred under the provisions of this chapter, (H) the amount deferred and required to be paid pursuant to RCW 84.38.120 shall become a lien in favor of the state upon his or her property and shall have priority as provided in chapters 35.50 and 84.60 RCW; PROVIDED, That the interest of a mortgage or purchase contract holder who is required to cosign a declaration of deferral under RCW 84.38.090, shall have priority to said deferred lien. This lien may accumulate up to eighty percent of the amount of the claimant's equity value in said property and shall bear interest at the rate of eight percent per year from the time it could have been paid before delinquency until said obligation is paid; PROVIDED, That when taxes are deferred as provided in RCW 84.64.030 or 84.64.050, the amount shall bear interest at the rate of eight percent per year from the date the declaration is filed until the obligation is paid. In the case of a mobile home, the department of licensing shall show the state's lien on the certificate of ownership for the mobile home. In the case of all other property, the department of revenue shall file a notice of the deferral with the county recorder or auditor.

Sec. 13. Section 37, chapter 291, Laws of 1975 1st ex. sess. as amended by section 25, chapter 220, Laws of 1984 and RCW 84.38.120 are each amended to read as follows:

After receipt of the notification from the county assessor of the amount of deferred special assessments and/or real property taxes the department shall pay, from amounts appropriated for that purpose, to the treasurers of such municipal corporations said amounts, equivalent to the amount of special assessments and/or real property taxes deferred, to be distributed to the local improvement or taxing districts which levied the taxes so deferred; PROVIDED, That when taxes are deferred as provided in RCW 84.64.030 or 84.64.050, the department shall pay to the treasurer of the county the amount equivalent to all taxes, foreclosure costs, interest, and penalties accrued to the date the declaration to defer is filed.

Sec. 14. Section 2, chapter 155, Laws of 1980 and RCW 84.40.030 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar (~~property~~) properties with respect to sales made within the past five years. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, (a) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

~~((4) In valuing any building with an unconventional heating, cooling, domestic water heating or electrical system before December 31, 1987, the value placed on the building shall not exceed the value which would be placed on the building if it had a conventional system.))~~

Sec. 15. Section 84.40.040, chapter 15, Laws of 1961 as last amended by section 5, chapter 46, Laws of 1982 1st ex. sess. and RCW 84.40.040 are each amended to read as follows:

The assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. ~~((He))~~ The assessor shall also complete the duties of listing and placing valuations on all property by May 31st of each year, except that the listing and valuation of construction under RCW 36.21.040 through 36.21.080 shall be completed by August 31st of each year, and in the following manner, to wit:

~~((He))~~ The assessor shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter one hundred percent of the value of such land and of the total value of such improvements, together with the total of such one hundred percent valuations, opposite each description of property on ~~((his))~~ the assessment list and tax roll.

~~((He))~~ The assessor shall make an alphabetical list of the names of all persons in ~~((his))~~ the county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the standard form prescribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property in each category of the prescribed form, and shall be signed and verified under penalty of perjury by the person listing the property: PROVIDED, That the assessor may list and value improvements on publicly owned land in the same manner as real property is listed and valued, including conformance with the revaluation program required under chapter 84.41 RCW. Such list and statement shall be filed on or before the last day of ~~((March, but the assessor, upon written request filed on or before such date and for good cause shown therein, shall allow a reasonable extension of time for filing))~~ April. The assessor shall on or before the 1st day of January of each year mail a notice to all such persons at their last known address that such statement and list is required, such notice to be accompanied by the form on which the statement or list is to be made: PROVIDED, That the notice mailed by the assessor to each taxpayer each year shall, if practicable, include the statement and list of personal property of the taxpayer for the preceding year. Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the

property included in such statement and enter one hundred percent of the same ~~((in))~~ on the assessment ~~((books))~~ roll opposite the name of the party assessed; and in making such entry in ~~((his))~~ the assessment list, ~~((he))~~ the assessor shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description of ~~((his))~~ the party's residence or place of business. The assessor may, after giving written notice of ~~((his))~~ the action to the person to be assessed, add to the assessment list any taxable property which ~~((in his judgment;))~~ should be included in such list.

Sec. 16. Section 84.40.060, chapter 15, Laws of 1961 as amended by section 37, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.060 are each amended to read as follows:

Upon receipt of the verified statement of personal property, the assessor shall assess the value of such property ~~((and enter fifty percent of the same in his books;))~~ PROVIDED, If any property is listed or assessed on or after the 31st day of May, the same shall be legal and binding as if listed and assessed before that time: PROVIDED, FURTHER, That any statement of taxable property which is not signed by the person listing the property and which is not verified under penalty of perjury shall not be accepted by the assessor nor shall it be considered in any way to constitute compliance, or an attempt at compliance, with the listing requirements of this chapter.

Sec. 17. Section 84.40.130, chapter 15, Laws of 1961 as amended by section 38, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.130 are each amended to read as follows:

(1) If any person or corporation shall fail or refuse to deliver to the assessor, on or before the date specified in RCW 84.40.040, a list of the taxable personal property which ~~((he))~~ is required to ~~((his))~~ be listed under this chapter, unless it is shown that such failure is due to reasonable cause and not due to wilful neglect, there shall be added to the amount of tax assessed against ~~((him or it))~~ the taxpayer on account of such personal property five percent of the amount of such tax, not to exceed fifty dollars per calendar day, if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which such failure continues not exceeding twenty-five percent in the aggregate. Such penalty shall be collected in the same manner as the tax to which it is added.

(2) If any person or corporation shall wilfully give a false or fraudulent list, schedule or statement required by this chapter, or shall, with intent to defraud, fail or refuse to deliver any list, schedule or statement required by this chapter, such person or corporation shall be liable for the additional tax properly due or, in the case of wilful failure or refusal to deliver such list, schedule or statement, the total tax properly due; and in addition such person or corporation shall be liable for a penalty of one hundred percent of such additional tax or total tax as the case may be. Such penalty shall be in lieu of the penalty provided for in subsection (1) of this section. A person or corporation giving a false list, schedule or statement shall not be subject to this penalty if it is shown that the misrepresentations contained therein are entirely attributable to reasonable cause. The taxes and penalties provided for in this subsection shall be recovered in an action in the name of the state of Washington on the complaint of the county assessor or the ~~((board of county commissioners;))~~ county legislative authority and shall, when collected, be paid into the county treasury to the credit of the current expense fund. The provisions of this subsection shall be additional and supplementary to any other provisions of law relating to recovery of property taxes.

Sec. 18. Section 84.40.320, chapter 15, Laws of 1961 as last amended by section 195, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.40.320 are each amended to read as follows:

The assessor shall add up and note the amount of each column in ~~((his))~~ the detail and assessment lists ~~((which he shall have bound in book form))~~ in such manner ~~((to be))~~ as prescribed or approved by the state department of revenue, as will provide a convenient and permanent record of assessment. ~~((He))~~ The assessor shall also make, under proper headings, a ~~((tabular statement showing the footings of the several columns upon each page, and shall add and set down under the respective headings the total amounts of each column, which he shall attach to the highest numbered assessment book;))~~ certification of the assessment rolls and on the ~~((first Monday))~~ 15th day of July ~~((he))~~ shall file the same ~~((properly indexed;))~~ with the clerk of the county board of equalization for the purpose of equalization by the said board. Such ~~((returns))~~ certificate shall be verified by ~~((his))~~ an affidavit, substantially in the following form:

State of Washington, County, ss .

I, Assessor do solemnly swear that the ~~((books No. 1 to No. to the last of which this is attached;))~~ assessment rolls and this certificate contain a correct and full list of all the real and personal property ~~((for personal property, as the case may be))~~ subject to taxation in ~~((.))~~ this county for the assessment year 19 so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case, except as otherwise provided by law, one hundred percent of the true and fair value of such property, to the best of my knowledge and belief, and that the ~~((footings of the several columns in said books, and~~

~~the tabular statement returned herewith;)~~ assessment rolls and this certificate are correct, as I verily believe.

..... Assessor.

Subscribed and sworn to before me this day of, 19.....

(L. S.) Auditor of county.

PROVIDED, That the failure of the assessor to ~~((attach his))~~ complete the certificate shall in nowise invalidate the assessment. After the same has been duly equalized by the county ~~((and state))~~ board of equalization, the same shall be delivered to the county assessor~~((who shall then extend the amount as levied by the state and county boards upon the said detail and assessment lists as by law provided))~~.

NEW SECTION. Sec. 19. A new section is added to chapter 84.40 RCW to read as follows:

The owner or person responsible for payment of taxes on any property may petition the county board of equalization for a change in the assessed valuation placed upon such property by the county assessor. Such petition must be made on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed shall not be considered by the board. The petition must be filed with the board on or before July 1st of the year of the assessment or within thirty days after the date an assessment or value change notice has been mailed, whichever is later.

Sec. 20. Section 1, chapter 13, Laws of 1979 and RCW 84.48.010 are each amended to read as follows:

Prior to July ~~((1st))~~ 15th, the county legislative authority shall form a board for the equalization of the assessment of the property of the county. The members of said board ~~((may))~~ shall receive ((up to fifty dollars per day)) a per diem amount as set by the county legislative authority for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county; PROVIDED, That when the county legislative authority constitute the board they shall ~~((not))~~ only receive ((the per diem allowance)) their compensation as members of the county legislative authority. The board of equalization shall meet in open session for this purpose annually on the ~~((first Monday in))~~ 15th day of July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same as demonstrated by the value of similar properties in the nearest available surrounding area as defined by the county assessor in the most recent revaluation of such properties, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, which is presumed to be correct pursuant to RCW 84.40.0301, and subject to the following rules:

First. They shall raise the valuation of each tract or lot or item of real property which ~~((in their opinion))~~ is returned below its true and fair value to such price or sum as ~~((they believe))~~ to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot or item which ~~((in their opinion))~~ is returned above its true and fair value to such price or sum as ~~((they believe))~~ to be the true and fair value thereof.

Third. They shall raise the valuation of each class of personal property which ~~((in their opinion))~~ is returned below its true and fair value to such price or sum as ~~((they believe))~~ to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever ~~((they believe that such))~~ the aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as ((they believe)) to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall ~~((upon complaint in writing of any party aggrieved;))~~ reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which ~~((in their opinion))~~ is returned above its true and fair value, to such price or sum as ~~((they believe))~~ to be the true and fair value thereof; and ~~((upon like complaint;))~~ they shall reduce the aggregate valuation of the personal property of such individual who ~~((in their opinion;))~~ has been assessed at too large a sum ~~((;))~~ to such sum or amount as ~~((they believe))~~ was the true and fair value of ~~((his))~~ the personal property.

Fifth. The board may review all claims for either real or personal property tax exemption as determined by the county assessor, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board ~~((in a book kept for that purpose;))~~ showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county legislative authority, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor shall correct the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, and ~~((he))~~ the assessor shall make duplicate abstracts of

such corrected values, one copy of which shall be retained in ~~(his)~~ the office, and one copy forwarded to the ~~((state board of equalization))~~ department of revenue on or before the ~~((fifth))~~ eighteenth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the ~~((first Monday in))~~ 15th day of July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That ~~((in addition to the several times fixed by statute, any county board of equalization may be reconvened for special or general purposes, but not later than three years after the date of adjournment of its regularly convened session by order of the department of revenue. PROVIDED, FURTHER, That))~~ the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the ~~((state board of equalization))~~ department of revenue for the purpose of raising the state revenue.

County legislative authorities as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Sec. 21. Section 3, chapter 55, Laws of 1970 ex. sess. and RCW 84.48.014 are each amended to read as follows:

The board of equalization of each county shall consist of not less than three nor more than seven members including alternates. Such members shall be appointed by a majority of the ~~((board of county commissioners or like other))~~ members of the county ((governmental)) legislative authority, and shall be selected ~~((for their knowledge of the values of property in the county))~~ based upon the qualifications established by rule by the department of revenue and shall not be a holder of any elective office nor be an employee of any elected official: PROVIDED, HOWEVER, The county ~~((commissioners))~~ legislative authority may ((themselves)) itself constitute the board at ~~((their))~~ its discretion. Any member who does not attend the school required by RCW 84.48.042 within one year of appointment or reappointment shall be barred from serving as a member of the board of equalization unless this requirement is waived for the member by the department for just cause.

Sec. 22. Section 11, chapter 55, Laws of 1970 ex. sess. and RCW 84.48.042 are each amended to read as follows:

The department of revenue shall establish a school for the training of members of the several boards of equalization throughout the state. Sessions of such schools shall, so far as practicable, be held in each district of the ~~((county commissioners))~~ Washington state association of counties. Every member of the board of equalization of each county ~~((may))~~ shall attend such school within one year following appointment or reappointment.

Sec. 23. Section 3, chapter 284, Laws of 1977 ex. sess. as amended by section 7, chapter 46, Laws of 1982 1st ex. sess. and RCW 84.48.075 are each amended to read as follows:

(1) The department of revenue shall annually, prior to the first Monday in ~~((August))~~ September, determine and submit to each assessor a preliminary indicated ratio for each county: PROVIDED, That the department shall establish rules and regulations pertinent to the determination of the indicated ratio, the indicated real property ratio and the indicated personal property ratio: PROVIDED FURTHER, That these rules and regulations may provide that data, as is necessary for said determination, which is available from the county assessor of any county and which has been audited as to its validity by the department, shall be utilized by the department in determining the indicated ratio.

(2) To such extent as is reasonable, the department may define use classes of property for the purposes of determination of the indicated ratio. Such use classes may be defined with respect to property use and may include agricultural, open space, timber and forest lands.

(3) The department shall review each county's preliminary ratio with the assessor, a landowner, or an owner of an intercounty public utility or private car company of that county, if requested by the assessor, a landowner, or an owner of an intercounty public utility or private car company of that county, respectively, between the first and third Mondays of ~~((August))~~ September. Prior to equalization of assessments pursuant to RCW 84.48.080 and after the third Monday of ~~((August))~~ September, the department shall certify to each county assessor the real and personal property ratio for that county.

(4) The department of revenue shall also examine procedures used by the assessor to assess real and personal property in the county, including calculations, use of prescribed value schedules, and efforts to locate all taxable property in the county. If any examination by the department discloses other than market value is being listed on the county assessment rolls of the county by the assessor and, after due notification by the department, is not corrected, the department of revenue shall, in accordance with rules adopted by the department, adjust the ratio of that type of property, which adjustment shall be used for determining the county's indicated ratio.

Sec. 24. Section 84.48.080, chapter 15, Laws of 1961 as last amended by section 1, chapter 28, Laws of 1982 1st ex. sess. and RCW 84.48.080 are each amended to read as follows:

Annually during the months of (~~August~~) September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. Such classification may be on the basis of types of property, geographical areas, or both.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

NEW SECTION, Sec. 25. A new section is added to chapter 84.48 RCW to read as follows:

The county assessor or treasurer may cancel or correct assessments on the assessment or tax rolls which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of the property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family. When the county assessor cancels or corrects an assessment, the assessor shall send a notice to the taxpayer advising the taxpayer that the action of the county assessor is not final and shall be considered by the county board of equalization, and that such notice shall constitute legal notice of such fact. When the county assessor or treasurer cancels or corrects an assessment, a record of such action shall be prepared and filed with the county board of equalization, setting forth therein the facts relating to the error.

The county board of equalization shall consider only such matters as appear in the record filed with it by the county assessor or treasurer and shall correct only such matters as are set forth in the record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors mentioned in this section. If the county board of equalization finds that the action of the assessor was not correct, it shall issue a supplementary roll including such corrections as are necessary, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the supplementary roll. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

The county board of equalization shall convene on a day fixed by the board for the purpose of considering such matters as appear in the record filed by the county assessor or treasurer.

NEW SECTION, Sec. 26. A new section is added to chapter 84.48 RCW to read as follows:

The department of revenue shall make such rules consistent with this chapter as shall be necessary or desirable to permit its effective administration. The rules may provide for changes of venue for the various boards of equalization.

Sec. 27. Section 84.52.020, chapter 15, Laws of 1961 as last amended by section 33, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 84.52.020 are each amended to read as follows:

It shall be the duty of the city council or other governing body of cities of the first class, except cities having a population of three hundred thousand or more, the city councils or other governing bodies of cities of the second or third class, the board of directors of school districts of the first class, the superintendent of each educational service district for each constituent second class school district, commissioners of port districts, commissioners of metropolitan park districts, and of all officials or boards of taxing districts within or coextensive with any county required by law to certify to ~~((boards of county commissioners))~~ the county legislative authority, for the purpose of levying district taxes, budgets or estimates of the amounts to be raised by taxation on the assessed valuation of the property in the city or district, through their chairman and clerk, or secretary, to make and file such certified budget or estimates with the clerk of the ~~((board of county commissioners))~~ county legislative authority on or before the ~~((Wednesday next following the first Monday in October in each year))~~ fifteenth day of November.

Sec. 28. Section 84.52.070, chapter 15, Laws of 1961 and RCW 84.52.070 are each amended to read as follows:

It shall be the duty of the ~~((board of county commissioners))~~ county legislative authority of each county, on or before the ~~((second Monday in October))~~ thirtieth day of November in each year, to certify to the county assessor of the county the amount of taxes levied upon the property in the county for county purposes, and the respective amounts of taxes levied by the board for each taxing district, within or coextensive with the county, for district purposes, and it shall be the duty of city councils of cities of the first class having a population of three hundred thousand or more, and of city councils of cities of the fourth class, or towns, and of all officials or boards of taxing districts within or coextensive with the county, authorized by law to levy taxes directly and not through the ~~((board of county commissioners))~~ county legislative authority, on or before the ~~((second Monday in October))~~ thirtieth day of November in each year, to certify to the county assessor of the county the amount of taxes levied upon the property within the city or district for city or district purposes. If a levy amount is not certified to the county assessor by the thirtieth day of November, the county assessor shall use no more than the certified levy amount for the previous year for the taxing district. PROVIDED, That this shall not apply to the state levy or when the assessor has not certified assessed values as required by RCW 84.48.130 at least twelve working days prior to November 30th.

Sec. 29. Section 84.52.080, chapter 15, Laws of 1961 as last amended by section 2, chapter 184, Laws of 1985 and RCW 84.52.080 are each amended to read as follows:

(1) The county assessor shall extend the taxes upon the tax rolls in the form herein prescribed. The rate percent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate percent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon the assessed value of the property of the district; all taxes assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate percent necessary to raise the consolidated or total tax and the total tax assessed against the property.

(2) For the purpose of computing the rate necessary to raise the amount of any excess levy in a taxing district which has classified or designated forest land under chapter 84.33 RCW, other than the state, the county assessor shall add the district's timber assessed value, as defined in RCW 84.33.035, to the assessed value of the property; PROVIDED, That for school districts maintenance and operations levies only one-half of the district's timber assessed value or eighty percent of the timber roll of such district in calendar year 1983 as determined under chapter 84.33 RCW, whichever is greater, shall be added.

(3) Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

I,, assessor of county, state of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of for the year one thousand nine hundred and

Witness my hand this day of 19....

....., County Assessor

(4) The county assessor shall deliver said tax rolls to the county treasurer on or before the fifteenth day of ~~((December))~~ January, taking ~~((his))~~ receipt therefor, and at the same time the county assessor shall provide the county auditor with an abstract of the tax rolls showing the total amount of taxes collectible in each of the taxing districts.

Sec. 30. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 211, Laws of 1987 and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April and shall be delinquent after that date: PROVIDED, That each tax statement shall include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements shall not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual: PROVIDED FURTHER, That when the total amount of tax on personal property or on any lot, block or tract of real property payable by one person is ~~((ten))~~ thirty dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date: PROVIDED FURTHER, That when the total amount of tax on any lot, block or tract of real property payable by one person is ~~((ten))~~ thirty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of such tax, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(1) A penalty of three percent shall be assessed on the amount of tax delinquent on May 31st of the year in which the tax is due.

(2) An additional penalty of eight percent shall be assessed on the total amount of tax delinquent on November 30th of the year in which the tax is due.

(3) Penalties under this section shall not be assessed on taxes that were first delinquent prior to 1982.

For purposes of this chapter, "interest" means both interest and penalties.

All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

Sec. 31. Section 84.69.050, chapter 15, Laws of 1961 as amended by section 1, chapter 5, Laws of 1973 2nd ex. sess. and RCW 84.69.050 are each amended to read as follows:

The part of the refund representing amounts paid to the state shall be paid from the county general fund and the ~~((state auditor))~~ department of revenue shall, upon the next succeeding settlement with the county, certify this amount refunded to the county: PROVIDED, That when a ~~((state-wide))~~ refund of tax funds pursuant to state levies is required, the ~~((state auditor and))~~ department of revenue shall authorize adjustment procedures whereby counties may deduct from property tax remittances to the state the amount required to cover the state's portion of the refunds.

Sec. 32. Section 84.69.060, chapter 15, Laws of 1961 as amended by section 2, chapter 5, Laws of 1973 2nd ex. sess. and RCW 84.69.060 are each amended to read as follows:

Refunds ordered under this chapter with respect to county ~~((and))~~, state, and taxing district taxes shall be paid by checks drawn upon the appropriate fund by the county treasurer: PROVIDED, That in making refunds on a ~~((county or district wide))~~ levy code or tax code basis, the county treasurer may make an adjustment on the next property tax payment due for the amount of the refund unless the taxpayer requests immediate refund.

Sec. 33. Section 84.69.140, chapter 15, Laws of 1961 and RCW 84.69.140 are each amended to read as follows:

In any action in which recovery of taxes is allowed by the court, the plaintiff is entitled to interest on the taxes for which recovery is allowed at a rate ~~((of five percent per annum))~~ as determined under RCW 84.69.100 from the date of collection of the tax to the date of entry of judgment, and such accrued interest shall be included in the judgment. ~~((This section shall not apply to taxes paid before June 12, 1957.))~~

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

(1) Section 84.52.090, chapter 15, Laws of 1961 and RCW 84.52.090;

(2) Section 84.56.390, chapter 15, Laws of 1961, section 1, chapter 93, Laws of 1965 and RCW 84.56.390; and

(3) Section 84.56.400, chapter 15, Laws of 1961, section 2, chapter 93, Laws of 1965, section 13, chapter 55, Laws of 1970 ex. sess., section 1, chapter 160, Laws of 1975 1st ex. sess. and RCW 84.56.400.

NEW SECTION. Sec. 35. Sections 15, 17, 19, 20, 21, 28, and 30 of this act shall take effect January 1, 1989.*

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment to the Committee on Ways and Means amendment, be adopted:

On page 5, after line 28 of the amendment, insert the following:

*Sec. 10. Section 84.12.200, chapter 15, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1987 and RCW 84.12.200 are each amended to read as follows:

For the purposes of this chapter and unless otherwise required by the context:

(1) "Department" without other designation means the department of revenue of the state of Washington.

(2) "Railroad company" shall mean and include any person owning or operating a railroad, street railway, suburban railroad or interurban railroad in this state, whether its line of railroad be maintained at the surface, or above or below the surface of the earth, or by whatever power its vehicles are transported; or owning any station, depot, terminal or bridge for railroad purposes, as owner, lessee or otherwise.

(3) "Airplane company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of persons and/or property by aircraft, and engaged in the business of transporting persons and/or property for compensation, as owner, lessee or otherwise.

(4) "Electric light and power company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the generation, transmission or distribution of electricity in this state, and engaged in the business of furnishing, transmitting, distributing or generating electrical energy for light, heat or power for compensation as owner, lessee or otherwise.

(5) "Telegraph company" shall mean and include any person owning, controlling, operating or managing any telegraph or cable line in this state, with appliances for the transmission of messages, and engaged in the business of furnishing telegraph service for compensation, as owner, lessee or otherwise.

(6) "Telephone company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the transmission of communication by telephone in this state through owned or controlled exchanges and/or switchboards, and engaged in the business of furnishing telephonic communication for compensation as owner, lessee or otherwise, but shall not mean and include radio communications service companies as defined in RCW 80.04.010.

(7) "Gas company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the manufacture, transportation, or distribution of natural or manufactured gas in this state, and engaged for compensation in the business of furnishing gas for light, heat, power or other use, as owner, lessee or otherwise.

(8) "Pipe line company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance or transportation of oils, natural or manufactured gas and/or other substances, except water, by pipe line in this state, and engaged in such business for compensation, as owner, lessee or otherwise.

(9) "Water company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the supply, storage, distribution, diversion or carriage of water in this state, and engaged in the business of furnishing water for power, irrigation, manufacturing, domestic or other uses for compensation, as owner, lessee or otherwise.

(10) "Heating company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the generation and/or distribution of steam or hot water for heat, power, manufacturing or other purposes in this state, and engaged principally in business of furnishing, distributing, supplying or generating steam or hot water for heat, power, manufacturing or other purposes for compensation, as owner, lessee or otherwise.

(11) "Toll bridge company" shall mean and include any person owning, controlling, operating, or managing real or personal property, used for or in connection with or to facilitate the conveyance or transportation of persons and/or property over a bridge or bridge approach over any stream, river or body of water within, or partly within this state, and operated as a toll bridge for compensation, as owner, lessee, or otherwise.

(12) "Steamboat company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to

facilitate the conveyance and transportation of persons and/or property by vessel or ferry, upon the waters within this state, including the rivers and lakes and Puget Sound, between fixed termini or over a regular route, and engaged in the business of transporting persons and/or property for compensation as owner, lessee or otherwise.

(13) "Logging railroad company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of forest products by rail in this state, and engaged in the business of transporting forest products either as private carrier or carrier for hire.

(14) "Person" shall mean and include any individual, firm, copartnership, joint venture, association, corporation, trust, or any other group acting as a unit, whether mutual, cooperative or otherwise, and/or trustees or receivers appointed by any court.

(15) "Company" shall mean and include any railroad company, motor vehicle transportation company, airplane company, electric light and power company, telegraph company, telephone company, gas company, pipe line company, water company, heating company, toll bridge company, steamboat company, or logging railroad company; and the term "companies" shall mean and include all of such companies.

(16) "Operating property" shall mean and include all property, real and personal, owned by any company, or held by it as occupant, lessee or otherwise, including all franchises and lands, buildings, rights-of-way, water powers, motor vehicles, wagons, horses, aircraft, aerodromes, hangars, office furniture, water mains, gas mains, pipe lines, pumping stations, tanks, tank farms, holders, reservoirs, telephone lines, telegraph lines, transmission and distribution lines, dams, generating plants, poles, wires, cables, conduits, switch boards, devices, appliances, instruments, equipment, machinery, vessels, ferries, landing slips, docks, roadbeds, tracks, terminals, rolling stock equipment, appurtenances and all other property of a like or different kind, situate within the state of Washington, used by the company in the conduct of its operations; and, in case of personal property used partly within and partly without the state, it shall mean and include a proportion of such personal property to be determined as in this chapter provided.

(17) "Nonoperating property" shall mean all physical property owned by any company, other than that used during the preceding calendar year in the conduct of its operations. It shall include all lands and/or buildings wholly used by any person other than the owning company. In cases where lands and/or buildings are used partially by the owning company in the conduct of its operations and partially by any other person not assessable under this chapter under lease, sublease, or other form of tenancy, the operating and nonoperating property of the company whose property is assessed hereunder shall be determined by the department of revenue in such manner as will, in its judgment, secure the separate valuation of such operating and nonoperating property upon a fair and equitable basis. The amount of operating revenue received from tenants or occupants of property of the owning company shall not be considered material in determining the classification of such property.

NEW SECTION, Sec. 11. A new section is added to chapter 84.12 RCW to read as follows:

For the purpose of calculating the limitation on tax levies under chapter 84.55 RCW, the first assessed values established by the county assessor for radio communications service companies shall be treated the same as increases resulting from new construction."

Remember the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Williams: "Mr. President, a point of order. I would like to raise scope and object on this particular amendment. The bill that we have before us is a bill related to the tax administration. It has a lot of regulations, rules and procedures and deals with those sorts of things. The amendment that we have changes the method of taxation of cellular radio companies and changes the method of taxation or valuation from the Department of Revenue to the counties--county assessors. I would suggest that it's outside the scope and object."

There being no objection, the Committee on Ways and Means amendment on page 5, line 28, to the striking Committee on Ways and Means amendment was deferred.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment to the Committee on Ways and Means amendment be adopted:

On page 26, after line 17 of the amendment, insert the following:

NEW SECTION, Sec. 34. A new section is added to chapter 52.04 RCW to read as follows:

Any attempted annexation in 1987 by a fire protection district of contiguous territory, that is located in a county other than the county in which the fire protection district was located, is validated where the annexation would have occurred if the territory had been located in the

same county as the fire protection district. The effective date of such annexations shall be February 1, 1988, for purposes of establishing the boundaries of taxing districts for purposes of imposing property taxes as provided in RCW 84.09.030.

Any reference to the county officials of the county in which a fire protection district is located or proposed to be located shall be deemed to refer to the appropriate county officials of each county in which the fire protection district is located or proposed to be located."

Renumber the remaining sections consecutively and change internal references accordingly.

POINT OF ORDER

Senator Williams: "Mr. President, a point of order. Again, I would like to raise scope and object on this amendment. I described what I thought was the scope and object of the bill. I believe this amendment would expand that, because it deals with fire protection districts and validation of new annexations."

There being no objection, the Committee on Ways and Means amendment on page 26, line 17, to the striking Committee on Ways and Means amendment was deferred.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment to the Committee on Ways and Means amendment be adopted:

On page 26, after line 17 of the amendment, insert the following:

*Sec. 34. Section 1, chapter 139, Laws of 1987 and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to

the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of or compacting low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent."

Renumber the sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Williams: "Mr. President, a point of order. Again, I would raise scope and object on this amendment. The bill again deals with tax administration and is procedural in its nature. This amendment creates a new higher B&O tax on those companies compacting low level waste."

There being no objection, the second Committee on Ways and Means amendment on page 26, line 17, to the striking Committee on Ways and Means amendment was deferred.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Smitherman, Patterson, McMullen, Hansen, Anderson and von Reichbauer to the Committee on Ways and Means amendment be adopted:

On page 3, after line 25, insert the following:

"Sec. 8. Section '7, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.0284 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of computers, computer components, computer accessories, or computer software irrevocably donated to any public or private nonprofit school or college, as defined under chapter 84.36 RCW, in this state, nor to equipment which is acquired by, but title is not vested in, a public or private institution of higher education through intergovernmental transfer or loan, and accepted by the institution, for direct use in instruction or research.

For purposes of this section, "computer" means a data processor that can perform substantial computation, including numerous arithmetic or logic operations, without intervention by a human operator during the run."

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

POINT OF ORDER

Senator Williams: "Mr. President, again I would raise scope and object on this amendment. The bill deals with changes in procedures and rules and processes. The amendment before us creates a new exemption for property."

Debate ensued.

There being no objection, the amendment by Senators Saling, Smitherman, Patterson, McMullen, Hansen, Anderson and von Reichbauer on page 3, line 25, to the striking Committee on Ways and Means amendment was deferred.

There being no objection, further consideration of Substitute House Bill No. 1754 was deferred.

MOTION

On motion of Senator Nelson, the Senate commenced consideration of House Bill No. 1693.

SECOND READING

HOUSE BILL NO. 1693, by Representatives Cooper, Butterfield, Peery, Nutley, Sutherland, Brough, Day, Fuhrman, May and Barnes

- Authorizing educational service districts to contract with the school for the deaf and the school for the blind.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1693.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1693 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Smitherman, West - 2.

Excused: Senator Fleming - 1.

HOUSE BILL NO. 1693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1915, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Ebersole, Appelwick, Peery, Holm, Pruitt, Rasmussen and Todd)

Specifying school district levy bases and levy reduction funds.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 1, chapter 374, Laws of 1985 as last amended by section 101, chapter 2, Laws of 1987 1st ex. sess. and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended; PROVIDED, That when determining the basic education allocation under subsection (4) of this section, non-resident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(2) For the purposes of subsection (5) of this section, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (a) The district's actual levy percentage for calendar year 1985, (b) the average levy percentage for all school district levies in the state in calendar year 1985, or (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

(3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsections (5) and (6) of this section; plus

(b) In the case of nonhigh districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation; less

(c) The maximum amount of state matching funds under RCW 28A.41.155 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1988 and thereafter, a district's levy base shall be the sum of the following allocations received by the district for the prior school year, including allocations for compensation increases, multiplied by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year:

(a) The district's basic education allocation as determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For levies to be collected in calendar year 1988, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's base year levy percentage as defined in subsection (2) of this section by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the 1987-88 school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in calendar year 1988.

(6) For excess levies for collection in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(7) "Levy reduction funds" shall mean increases in state funds (~~allocated to a district~~) from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments (~~recognized in state allocation formulas. Any other increases in state allocations from the district's allocations for the prior school year that are not specifically excluded in this subsection shall be considered levy reduction funds~~); and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data.

(8) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(9) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1915, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1915, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1915, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Smitherman, West - 2.

SUBSTITUTE HOUSE BILL NO. 1915, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 657, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Sanders, H. Sommers, Miller, Lewis, Prince, Jacobsen, Fisch, Taylor, Jesernig, Wang, D. Sommers, Sutherland, Kremen, May, Brough, Ferguson, L. Smith, Cooper, Betzoff, Hankins and Spanel) (by request of Public Disclosure Commission)

Prohibiting false political advertising.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

The definitions in this section apply throughout RCW 42.17.510 through 42.17.540.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Sponsor" means the candidate, political committee, or person paying for the advertisement. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(3) "Incumbent" means a person who is in present possession of an elected office.

(4) "Charitable organization" means an organization that is required to be registered with the secretary of state in compliance with RCW 19.09.075.

(5) "Solicitation" means any oral or written request for a contribution, as defined in RCW 19.09.020.

Sec. 2. Section 3, chapter 216, Laws of 1984 and RCW 42.17.530 are each amended to read as follows:

~~(A person shall not sponsor political advertising which contains information that the person knows, or should reasonably be expected to know, to be false. No political advertising may falsely represent that a candidate is an incumbent for the office sought. A person or candidate shall not make, either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization.)~~ (1) It is a violation of this chapter for a person to sponsor, prepare, or cause to be prepared with actual malice:

(a) Political advertising that contains a false statement of material fact;

(b) Political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent; or

(c) Political advertising that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) A charitable organization is deemed to conduct a false political advertisement if the charitable organization:

(a) Intends to use or uses any funds received as a result of a solicitation as a contribution in support of, or in opposition to, a candidate or ballot proposition; and

(b) Fails to comply with the written disclosure and reporting requirements of section 4 of this 1988 act.

(3) Any violation of this section shall be proven by clear and convincing evidence.

Sec. 3. Section 4, chapter 216, Laws of 1984 and RCW 42.17.540 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the responsibility for compliance with RCW 42.17.510 through 42.17.530 shall rest with the ~~((sponsor of))~~ person who sponsors, prepares, or causes to be prepared the political advertising and not with the broadcasting station or other medium.

(2) If a broadcasting station or other medium changes the content of a political advertisement, the station or medium shall be responsible for any failure of the advertisement to comply with RCW 42.17.510 through 42.17.530 that results from that change.

NEW SECTION. Sec. 4. A new section is added to chapter 19.09 RCW to read as follows:

(1) No funds solicited by a charitable organization may be used by a charitable organization as a contribution in support of, or in opposition to, any candidate or any ballot proposition unless the charitable organization using the funds for such support or opposition:

(a) First discloses to the donor that part or all of the contribution may be used in such manner. The disclosure required by this section shall be conspicuously made in writing to each person or organization solicited before the receipt of the contribution, in the same manner as required by RCW 19.09.100 (2) and (3).

(b) Has filed a statement with the secretary indicating that the organization expects to receive or expend funds to support or oppose a candidate or ballot proposition. The statement shall identify the maximum percentage of funds raised from solicitations that may be dedicated for use as contributions in support of, or opposition to, any candidate or ballot proposition.

(c) Accounts for funds that may be used as a contribution in support of, or in opposition to, a candidate or ballot proposition separate from funds that may be used for other purposes. Funds shall be dedicated upon receipt. Once dedicated to any other purpose, or transferred from the special accounting for political contributions, funds shall not be transferred or otherwise redirected in any manner to political contributions.

(2) Funds dedicated for political contributions, as provided in subsection (1)(c) of this section, shall be reported to the public disclosure commission, as required by RCW 42.17.090, and excluded from the report of solicitations activity for the charitable organization as required under RCW 19.09.075(7), unless, before the close of the organization's accounting year, the funds are transferred or otherwise redirected to another purpose of the charitable organization.

(3)(a) A charitable organization required to report to the public disclosure commission under subsection (2) of this section that reports under subsection (1)(b) of this section that no more than ten percent of funds raised from solicitations may be dedicated for use as contributions in support of, or in opposition to, a candidate or ballot proposition shall file the report required by RCW 42.17.090 with the commission by the tenth day of the month following the close of the charitable organization's accounting quarter. The report need only be filed if the charitable organization has dedicated funds to the political contribution account in an amount of five hundred dollars or more or has made a contribution in support of, or in opposition to, a political candidate or ballot proposition in the preceding accounting quarter, or since the last report.

(b) A charitable organization required to report to the public disclosure commission under subsection (2) of this section that reports under subsection (1)(b) of this section that more than ten percent of funds raised from solicitations may be dedicated for use as contributions in support of, or in opposition to, a candidate or ballot proposition shall file the report required by RCW 42.17.090 at the intervals required under RCW 42.17.080."

MOTION

Senator Metcalf moved that the following amendment by Senator West to the Committee on Law and Justice amendment be adopted:

On page 6, after line 18, insert the following:

"Sec. 3. Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by the worker. "Part-time" services, for the purposes of this chapter, means services in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI,

section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign, or presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 4. Section 1, chapter 216, Laws of 1984 and RCW 42.17.510 are each amended to read as follows:

(1) All written political advertising(~~(whether relating to candidates or ballot propositions))~~) shall include the sponsor's name and address. All radio and television political advertising(~~(whether relating to candidates or ballot propositions))~~) shall include the sponsor's name. The use of an assumed name shall be unlawful. The party with which a candidate files shall be clearly identified in political advertising for partisan office.

(2) Political yard signs are exempt from the requirement of subsection (1) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsection (1) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(3) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 6, after line 18, to the striking Committee on Law and Justice amendment to Substitute House Bill No. 657.

The motion by Senator Metcalf failed and the amendment by Senator West to the committee amendment was not adopted.

The President declared the question before the Senate to the adoption of the striking Committee on Law and Justice amendment to Substitute House Bill No. 657.

The motion by Senator Pullen carried and the committee amendment was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "42.17.530" insert "and 42.17.540; adding a new section to chapter 19.09 RCW"

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 657, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 657, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 657, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Deccio, West - 2.

SUBSTITUTE HOUSE BILL NO. 657, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 752, by Committee on Judiciary (originally sponsored by Representatives Locke, Armstrong, P. King, Brough and Betrozoff) (by request of Sentencing Guidelines Commission)

Revising the definition of second degree assault.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

On page 1, beginning on line 22, after "(a)" strike all material through page 2, line 6 and insert "intentionally assaults another and thereby recklessly inflicts substantial bodily harm: or

- (b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or
- (c) Assaults another with a deadly weapon; or
- (d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or
- (e) With intent to commit a felony, assaults another; or
- (f) Knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture.
- (2) Assault in the second degree is a class B felony."

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Nelson to the Committee on Law and Justice amendment be adopted:

On page 1, line 8 of the committee amendment, strike "recklessly"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Nelson on page 1, line 8, to the Committee on Law and Justice amendment to Substitute House Bill No. 752.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment to Substitute House Bill No. 752.

The motion by Senator Pullen carried and the committee amendment was adopted.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 752, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senators Anderson and West were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 752, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 752, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garret, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Williams, Zimmerman - 33.

Voting nay: Senators Barr, Bauer, Bender, Fleming, Lee, Moore, Newhouse, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn - 13.

Absent: Senator Madsen - 1.

Excused: Senators Anderson, West - 2.

SUBSTITUTE HOUSE BILL NO. 752, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1285, by Committee on Agriculture and Rural Development (originally sponsored by Representatives Taylor, Day, Padden, S. Wilson, Prince, Bumgarner, Dellwo, Smith, May, Moyer and Silver)

Providing an exemption to the bonding requirements for grain dealers.

The bill was read the second time.

MOTION

On motion of Senator Barr, the following Committee on Agriculture amendments were considered simultaneously and adopted:

On page 2, line 2, after "dealers" strike "making payment for grain only in cash"

On page 2, line 3, after "requirement" insert "if the grain dealer does not do more than \$100,000 in business annually and makes payments solely in coin or currency of the United States at the time of obtaining possession or control of grain. However, a cashier's check, certified check, or bankdraft may be considered as cash for purposes of this section"

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1285, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1285, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1285, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Madsen - 1.

Excused: Senators Anderson, West - 2.

SUBSTITUTE HOUSE BILL NO. 1285, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1304, by Representatives Kremen, Rayburn, Vekich, Grimm, Braddock and Walk

Providing for marketing agreements to allow members to participate in regulatory proceedings.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed House Bill No. 1304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1304.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1304 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Vognild - 1.

Excused: Senators Anderson, West - 2.

ENGROSSED HOUSE BILL NO. 1304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1339, by Committee on Judiciary (originally sponsored by Representatives H. Sommers, Armstrong, Baugher, Padden, Silver, Lewis, Sanders, Kremen, Braddock, Heavey, Zellinsky, Betrozoff, Peery, Bristow, Crane, Holm and K. Wilson)

Increasing penalties for the illegal transfer of food stamps.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1339.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1339 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Anderson, West - 2.

SUBSTITUTE HOUSE BILL NO. 1339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1362, by Committee on Agriculture & Rural Development (originally sponsored by Representatives Nealey, Betrozoff, Rasmussen and McLean)

Revising provisions on weights and measures.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1362.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1362 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Conner, Vognild - 2.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 1362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1377, by Committee on Judiciary (originally sponsored by Representatives Cooper, Padden, Armstrong, Sanders, Heavey, Wineberry, Pruitt, Rasmussen, May and Haugen) (by request of Pharmacy Board)

Regulating precursor drugs.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1377.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1377 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Johnson, Pullen - 2.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 1377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1366, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Hine, Silver, H. Sommers, Walker, Dellwo, Patrick, McLean and Bristow)

Providing for judges retirement.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Ways and Means amendment be adopted:

On page 6, beginning on line 8, after "death" delete all material down to and including "cease" on line 10, and insert "~~(-AND PROVIDED FURTHER, That if the surviving spouse remarries all benefits under this chapter shall cease))~~"

POINT OF INQUIRY

Senator Metcalf: "Senator Nelson, what is the approximate cost of including-- this is something that has been sort of an issue that I have watched for years and have not been very enthusiastic about. It appears to me we're adding costs here."

Senator Nelson: "Senator Metcalf, I've been advised by members of the Ways and Means Committee and the staff, and I did serve on the Select Committee on Pensions, that this is a very negligible amount. There are very few who are in the situation where there is a surviving spouse receiving benefits and then subsequently remarrying."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment on page 6, beginning on line 8, to Substitute House Bill No. 1366.

The motion by Senator Nelson carried and the Committee on Ways and Means amendment was adopted.

MOTION

Senator Rasmussen moved that the following amendments be considered simultaneously and be adopted:

On page 9, line 29, strike "(1) and (2)"

On page 10, line 29, strike "19" and insert "20"

On page 11, beginning on line 33, after "(2)" strike all material down to and including "(3)" on line 35

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Rasmussen, did I understand you to say that the recommendations would be to grant the judges a pay increase above the state salary recommendations? Is that what you said?"

Senator Rasmussen: "Yes, the Salary Commission recommendations go in effect July of 1988 to seventy-four thousand, five hundred by the terms of this pension bill. The state will put in an additional two and a half percent over that amount into an annuity fund. The judge would put in two and a half and then the state will match it. Every other state employee, if they want to go into a tax deferred compensation plan, that's all he gets--what he puts in there--and the state doesn't match it. There is no reason for putting an additional two and one half percent on top of the salary."

Senator Metcalf: "Thank you, Senator Rasmussen. Are all the other state employees being paid up to--and I don't know who could answer this question--up to the State Salaries Commission recommendations? I keep hearing state employees tell me they are being paid less than the recommendations. Are other state employees being paid up to the recommendations?"

Senator Rasmussen: "Yes, the state employees--the elected officials as the judges are--are all going to get the salary increase as recommended by the Salary Commission, but the Lieutenant Governor, Treasurer O'Brien, Auditor Graham--all the rest of the people are not going to be in this annuity plan that the state is going to contribute an additional two and a half percent to. They're all in the same category with the Salary Commission setting the salary, but they're not participating in the annuity. I don't think they would ask the state to put an additional two and a half percent in. It's ridiculous."

Senator Metcalf: "Well, we're right now having problems with funding the state's health plan for workers. We have a lot of problems in that area and I guess I'm not very enthusiastic about this increase."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Rasmussen on pages 9, 10 and 11, to Substitute House Bill No. 1366.

The motion by Senator Rasmussen failed and the amendments were not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1366, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1366, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1366, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Nelson, Newhouse, Niemi, Owen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Garrett, Halsan, McCaslin, Metcalf, Moore, Patterson, Pullen, Rasmussen - 8.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 1366, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORT OF STANDING COMMITTEE

February 2, 1988

SB 6757 Prime Sponsor, Senator McDonald: Changing provisions relating to the Washington state convention and trade center and authorizing construction of the Washington coliseum in Spokane. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bluechel, Cantu, Deccio, Fleming, Gaspard, Hayner, Johnson, Lee, Saling, Vognild, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Moore, Talmadge, Warnke, Williams, Wojahn.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6757 was advanced to second reading and placed on the second reading calendar.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 5451,
 SECOND SUBSTITUTE SENATE BILL NO. 5720,
 SUBSTITUTE SENATE BILL NO. 6200,
 SUBSTITUTE SENATE BILL NO. 6350,
 SUBSTITUTE SENATE BILL NO. 6402,
 SUBSTITUTE SENATE BILL NO. 6462,
 SENATE BILL NO. 6600,
 SENATE BILL NO. 6667,
 SUBSTITUTE SENATE BILL NO. 6736.

MOTION

At 10:37 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:50 a.m. by President Cherberg.

At 11:50 a.m., the President recessed the Senate until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9160, Anne H. Rose, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF ANNE H. ROSE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Anderson, Barr, Benitz, Hansen, Kiskaddon, McMullen, Sellar - 7.

Excused: Senator West - 1.

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

MOTION

On motion of Senator Bailey, the following resolution was adopted:

SENATE RESOLUTION 1988-8722

by Senators Bailey and Rasmussen

WHEREAS, Cultural and educational exchanges between residents of Washington and China are beneficial in order to enhance understanding and cooperation between the two nations, to promote world peace, to facilitate trade and economic interaction, and to improve educational opportunities; and

WHEREAS, A series of joint educational activities and exchanges of students and teachers has been arranged by Dr. Frank Brouillet, Washington Superintendent of Public Instruction, and the Department of Education of Sichuan, People's Republic of China, as part of a Friendship Agreement instituted in 1982; and

WHEREAS, One hundred twenty-five student members of the Snohomish High School marching band, jazz choir, Chinese language program, and Chinese culture class and seventy-five Snohomish citizens have been invited by the Chinese government and the cities of Beijing and Chengdu to visit the People's Republic of China from March 30, 1988, until April 13, 1988, and to perform at the Great Wall of China, at Shih-shih Middle School Number Four (the sister high school of Snohomish High School), and for the city of Chengdu, and will receive a reciprocal visit from Chinese students in 1989;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington appoint the students and citizens of Snohomish and Snohomish High School as unofficial ambassadors from the state of Washington to the People's Republic of China from March 30, 1988, until April 13, 1988; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Snohomish High School and to the Board of County Commissioners of Snohomish county.

MOTION

On motion of Senator Zimmerman, the following resolution was adopted:

SENATE RESOLUTION 1988-8728

by Senators Zimmerman, Bauer, Bailey, Vognild, Benitz, Nelson, Metcalf and Rasmussen

WHEREAS, Arch MacDonald as a community and state leader has made a positive difference in the lives of many people and communities in the state of Washington; and

WHEREAS, Arch MacDonald has been an admirer and a contributor of both major political parties and is a believer in our democratic, republican form of government; and

WHEREAS, Arch MacDonald's foresight and vision have brought about great changes and improvements in the quality of life in the state of Washington and more particularly in Clark County, Snohomish County, and the Tri-City area; and

WHEREAS, The original development of Arch MacDonald and his partner, Donald MacKay, known as Cascade Park, has turned into one of the finest residential communities in Clark County and the state of Washington; and

WHEREAS, The Clark County Economic Council acknowledged at its annual meeting in 1983 that Arch MacDonald and Donald MacKay have provided more economic stimulation to Clark County than any two people, past or present; and

WHEREAS, Arch MacDonald's personal involvement has played a major factor in having Hewlett-Packard and Tektronix locate high technology plants in Clark County; and

WHEREAS, Arch MacDonald was instrumental in bringing Hewlett-Packard into Snohomish County and has been working in that county to help develop the economic potential that exists there; and

WHEREAS, Arch MacDonald and Donald MacKay, developed one of the finest large cattle ranches and irrigation projects (Lewis & Clark Angus Ranch) in the Tri-

Cities, which was incorporated into the city of West Richland to allow for development and improvement within the state of Washington; and

WHEREAS, Arch MacDonald has continually stressed the importance of transportation (highways and major airport facilities and carriers) to our economy and has worked toward their development and improvement within the state of Washington; and

WHEREAS, Arch MacDonald's sphere of influence has touched all aspects of the quality of life in the State of Washington and has made Washington State a better place to live; and

WHEREAS, Arch MacDonald recently was one of the moving parties in a major land use case heard before the United States Supreme Court that has brought about greater protection of property rights for property owners of all states; and

WHEREAS, Arch MacDonald is the first non-Indian honorary member of the Tulalip Tribes of Washington; and

WHEREAS, Arch MacDonald is now 76 years old and still going strong and is too busy thinking of others to have time to think of himself, even though he has had a setback with the discovery of cancer;

NOW, THEREFORE, BE IT RESOLVED, That Arch MacDonald be officially recognized as a man who has left his mark not only in the hearts of the people, but in the hearts of our communities by quietly and methodically pursuing a vision which benefits every person who lives in the state of Washington; and

BE IT FURTHER RESOLVED, That the people of the state of Washington publicly thank Arch MacDonald for his dedication, encouragement, and long-term vision which has benefited all aspects of our quality of life in the state of Washington.

Senators Vognild, Metcalf, Nelson and Bauer spoke to Senate Resolution 1988-8728.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382, by Committee on State Government (originally sponsored by Representatives Hankins, H. Sommers and Silver)

Providing for sunset review and termination dates.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

PART I

GROUND WATER MANAGEMENT ADVISORY COMMITTEES

Sec. 1. Section 2, chapter 453, Laws of 1985 and RCW 90.44.410 are each amended to read as follows:

(1) ~~(To assist in the development of ground water management programs, a ground water management advisory committee, with representation from major user and public interest groups, and state and local governments shall be appointed by the department for each area or sub-area. The procedure for advisory committee appointment, terms of appointment, and committee responsibilities shall be addressed in the rules prepared under RCW 90.44.400.~~

(2) The ground water area or sub-area management programs shall include:

(a) A description of the specific ground water area or sub-areas, or separate depth zones within any such area or sub-area, and the relationship of this zone or area to the land use management responsibilities of county government;

(b) A management program based on long-term monitoring and resource management objectives for the area or sub-area;

(c) Identification of water resources and the allocation of the resources to meet state and local needs;

(d) Projection of water supply needs for existing and future identified user groups and beneficial uses;

(e) Identification of water resource management policies and/or practices that may impact the recharge of the designated area or policies that may affect the safe yield and quantity of water available for future appropriation;

(f) Identification of land use and other activities that may impact the quality and efficient use of the ground water, including domestic, industrial, solid, and other waste disposal, underground storage facilities, or storm water management practices;

(g) The design of the program necessary to manage the resource to assure long-term benefits to the citizens of the state;

(h) Identification of water quality objectives for the aquifer system which recognize existing and future uses of the aquifer and that are in accordance with department of ecology and department of social and health services drinking and surface water quality standards;

(i) Long-term policies and construction practices necessary to protect existing water rights and subsequent facilities installed in accordance with the ground water area or sub-area management programs and/or other water right procedures;

(j) Annual withdrawal rates and safe yield guidelines which are directed by the long-term management programs that recognize annual variations in aquifer recharge;

(k) A description of conditions and potential conflicts and identification of a program to resolve conflicts with existing water rights;

(l) Alternative management programs to meet future needs and existing conditions, including water conservation plans; and

(m) A process for the periodic review of the ground water management program and monitoring of the implementation of the program.

((3)) (2) The ground water area or sub-area management programs shall be submitted for review in accordance with the state environmental policy act.

NEW SECTION. Sec. 2. Section 1 of this act shall take effect June 30, 1998.

PART II

MIGRATORY WATERFOWL ART COMMITTEE

NEW SECTION. Sec. 3. A new section is added to chapter 43.131 RCW to read as follows:

The migratory waterfowl art committee and its powers and duties shall be terminated on June 30, 1994, as provided in section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

(1) Section 4, chapter 243, Laws of 1985, section 53, chapter 506, Laws of 1987 and RCW 77.12.670;

(2) Section 5, chapter 243, Laws of 1985, section 54, chapter 506, Laws of 1987 and RCW 77.12.680; and

(3) Section 6, chapter 243, Laws of 1985, section 55, chapter 506, Laws of 1987 and RCW 77.12.690.

PART III

PUBLIC WORKS BOARD

NEW SECTION. Sec. 5. A new section is added to chapter 43.131 RCW to read as follows:

The public works board and its powers and duties shall be terminated on June 30, 1993, as provided in section 6 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:

(1) Section 7, chapter 446, Laws of 1985 and RCW 43.155.010;

(2) Section 8, chapter 446, Laws of 1985 and RCW 43.155.020;

(3) Section 9, chapter 446, Laws of 1985 and RCW 43.155.030;

(4) Section 10, chapter 446, Laws of 1985 and RCW 43.155.040;

(5) Section 8, chapter 471, Laws of 1985 and RCW 43.155.050;

(6) Section 11, chapter 446, Laws of 1985 and RCW 43.155.060;

(7) Section 12, chapter 446, Laws of 1985, section 40, chapter 505, Laws of 1987 and RCW 43.155.070;

(8) Section 13, chapter 446, Laws of 1985, section 41, chapter 505, Laws of 1987 and RCW 43.155.080; and

(9) Section 6, chapter 19, Laws of 1987 and RCW 43.155.090.

PART IV

STATE DEVELOPMENT LOAN FUND COMMITTEE

NEW SECTION. Sec. 7. A new section is added to chapter 43.168 RCW to read as follows:

The Washington state development loan fund committee shall be terminated on June 30, 1994, and its powers and duties transferred to the director of the department of community development.

NEW SECTION. Sec. 8. Section 3, chapter 164, Laws of 1985 and RCW 43.168.030, as now existing or hereafter amended, are each repealed, effective June 30, 1994.

PART V

STATE ECONOMIC DEVELOPMENT BOARD

NEW SECTION. Sec. 9. A new section is added to chapter 43.131 RCW to read as follows:

The state economic development board and its powers and duties shall be terminated on June 30, 1993, as provided in section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:

- (1) Section 9, chapter 467, Laws of 1985 and RCW 43.240.010;
- (2) Section 10, chapter 467, Laws of 1985 and RCW 43.240.020;
- (3) Section 11, chapter 467, Laws of 1985, section 15, chapter 195, Laws of 1987 and RCW 43.240.030;
- (4) Section 12, chapter 467, Laws of 1985 and RCW 43.240.040;
- (5) Section 13, chapter 467, Laws of 1985 and RCW 43.240.050;
- (6) Section 14, chapter 467, Laws of 1985 and RCW 43.240.060; and
- (7) Section 16, chapter 467, Laws of 1985 and RCW 43.240.070.

PART VI

COMMITTEE TO STUDY WATER AVAILABILITY IN COLUMBIA BASIN AREA

NEW SECTION. Sec. 11. Section 2, chapter 316, Laws of 1986 (uncodified), as now existing or hereafter amended, is repealed, effective June 30, 1994.

PART VII

NATURAL RESOURCES RECREATION ADVISORY COMMITTEE

NEW SECTION. Sec. 12. Section 12, chapter 206, Laws of 1986 and RCW 43.30.380, as now existing or hereafter amended, are each repealed, effective June 30, 1991.

PART VIII

LAND BANK ADVISORY COMMITTEE

NEW SECTION. Sec. 13. Section 14, chapter 284, Laws of 1986 and RCW 31.30.140 are each repealed, effective June 30, 1988.

PART IX

STATE FIRE PROTECTION POLICY BOARD

NEW SECTION. Sec. 14. A new section is added to chapter 43.131 RCW to read as follows: The state fire protection policy board and its powers and duties shall be terminated on June 30, 1996, as provided in section 15 of this act.

NEW SECTION. Sec. 15. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) Section 55, chapter 266, Laws of 1986 and RCW 43.63A.310;
- (2) Section 56, chapter 266, Laws of 1986 and RCW 43.63A.320; and
- (3) Section 57, chapter 266, Laws of 1986 and RCW 43.63A.330.

PART X

WOODSTOVE ADVISORY COMMITTEE

NEW SECTION. Sec. 16. Section 11, chapter 405, Laws of 1987 and RCW 70.94.487 are each repealed, effective June 30, 1988.

PART XI

EMPLOYEE OWNERSHIP ADVISORY PANEL

Sec. 17. Section 15, chapter 457, Laws of 1987 and RCW 43.63A.230 are each amended to read as follows:

(1) The department of community development shall integrate an employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under chapter 23.78 RCW and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

~~(2) (The director of the department shall form an employee ownership advisory panel to assist in the development of the employee ownership program. The panel shall consist of representatives of educational institutions; local, regional, and national cooperative and employee ownership organizations; employee-owned cooperatives; firms with employee stock ownership plans; and associate development organizations.~~

~~(3))~~ (3) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of the department of trade and economic development, the employment security department, and state institutions of higher education to promote employee ownership.

~~((4))~~ (3) The department shall report to the governor, the trade and economic development committee of the house of representatives, the commerce and labor committee of the senate, and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

((5)) (4) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

NEW SECTION. Sec. 18. Section 17 of this act shall take effect June 30, 1993.

PART XII

WINTER RECREATION COMMISSION

NEW SECTION. Sec. 19. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:

- (1) Section 1, chapter 526, Laws of 1987 and RCW 67.34.011; and
- (2) Section 2, chapter 526, Laws of 1987 and RCW 67.34.021.

PART XIII

HEALTH SERVICES AND FACILITIES—CERTIFICATES OF NEED

NEW SECTION. Sec. 20. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1989:

- (1) Section 10, chapter 161, Laws of 1979 ex. sess., section 7, chapter 139, Laws of 1980, section 2, chapter 119, Laws of 1982, section 7, chapter 235, Laws of 1983, section 21, chapter 288, Laws of 1984 and RCW 70.38.105;
- (2) Section 9, chapter 139, Laws of 1980, section 3, chapter 119, Laws of 1982 and RCW 70.38.111;
- (3) Section 11, chapter 161, Laws of 1979 ex. sess., section 8, chapter 139, Laws of 1980, section 8, chapter 235, Laws of 1983, section 22, chapter 288, Laws of 1984 and RCW 70.38.115; and
- (4) Section 12, chapter 161, Laws of 1979 ex. sess., section 10, chapter 139, Laws of 1980, section 9, chapter 235, Laws of 1983 and RCW 70.38.125."

MOTION

Senator Deccio moved that the following amendment by Senators Deccio, Wojahn and Kreidler to the Committee on Governmental Operations amendment be adopted:

On page 11, after line 5 of the amendment, strike everything through "70.38.125." on line 34

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator McCaslin, how many times has the Certificate of Need been considered by the Governmental Operations Committee, to your knowledge?"

Senator McCaslin: "Senator Saling, I've been here eight years on both the State Government Committee and the Local Government Committee and when it was combined to Governmental Operations, I've served on that. Never before in the history of the Senate, since I've been there, has a bill that normally goes through Social and Health Services gone through my committee. Does that answer your question Senator?"

Senator Saling: "Yes, thank you."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, a point of parliamentary inquiry. Would the President please explain what the adoption of the amendment means or the failure of the amendment means in regard to the Certificate of Need? I think there's some confusion here."

REPLY BY THE PRESIDENT

President Cherberg: "This is something not for the President to perform. That's up to the members to decide what they want to do or what they don't want to do. You tell them."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Deccio, Wojahn and Kreidler on page 11, after line 5, to the striking Committee on Governmental Operations amendment to Engrossed Substitute House Bill No. 1382.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Bailey, Bauer, Bender, Cantu, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, Madsen, McCaslin, McMullen, Moore, Niemi, Owen, Rinehart, Saling, Smitherman, Stratton, Talmadge, von Reichbauer, Williams, Wojahn, Zimmerman - 26.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Conner, Craswell, Garrett, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Smith, Vognilid, Warnke, West - 23.

The President declared the question before the Senate to be the adoption of the striking Committee on Governmental Operations amendment, as amended, to Engrossed Substitute House Bill No. 1382.

The motion by Senator McCaslin carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "review;" strike the remainder of the title and insert "amending RCW 90.44.410 and 43.63A.230; adding a new section to chapter 43.168 RCW; adding new sections to chapter 43.131 RCW; repealing RCW 77.12.670, 77.12.680, 77.12.690, 43.155.010, 43.155.020, 43.155.030, 43.155.040, 43.155.050, 43.155.060, 43.155.070, 43.155.080, 43.155.090, 43.168.030, 43.240.010, 43.240.020, 43.240.030, 43.240.040, 43.240.050, 43.240.060, 43.240.070, 43.30.380, 31.30.140, 43.63A.310, 43.63A.320, 43.63A.330, 70.94.487, 67.34.011, 67.34.021, 70.38.105, 70.38.111, 70.38.115, and 70.38.125; repealing section 2, chapter 316, Laws of 1986 (uncodified); and providing effective dates."

On page 12, after line 20 of the title amendment, after "67.34.011," strike everything through "70.38.125" on line 22 and insert "and 67.34.021"

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1382, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1382, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1382, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Barr, Benitz, Bluechel - 3.

Absent: Senator Hayner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator McCaslin: "Mr. President, a point of parliamentary inquiry. There was passed out to the body a set of amendments to Engrossed Substitute House Bill No. 1312 and it says, 'By Senator Fleming and all Democrats.' Now to my knowledge, Senator Fleming is not a Republican, he's a Democrat, but it says, 'Senator Fleming and all Democrats.' My question is, what is Senator Fleming on this amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "That's the way it's labeled, buddy."

Senator McCaslin: "Now, everybody knows you're my buddy. To continue my inquiry, I guess I'm learning, in eight years you get historical perspective. Are they too tired to write their names out on the amendment? If they're too tired, maybe we can help them. I know they can write."

President Cherberg: "I aim to please. Do anything you want."
Further debate ensued.

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President, if I may respond to Senator McCaslin on a little more serious note. What happened here is not what we wanted. It's unfortunate that it happened this way, but it's a mere matter of time and reproduction. The request was that the Democrat Senators names be listed, but they were not. It was listed as, 'all Democrats.' I apologize to you for that. The timing and the reproduction machine just couldn't handle it."

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1387, by Representatives Leonard, J. Williams, Nutley, Sanders, Wineberry, Anderson, Valle, May, Nelson, Basich, Todd, Lux, Unsoeld and Brekke

Providing for housing security deposits for qualified homeless persons.

The bill was read the second time.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen and Talmadge be adopted:

On page 4, after line 23, insert the following:

"**NEW SECTION.** Sec. 8. As used in this chapter, "assisted development" means a multifamily rental housing development that receives governmental assistance under any of the following federal programs:

(1) New construction, substantial rehabilitation, moderate rehabilitation, state housing agency, new construction set-aside for section 515 rural rental housing projects, and other special allocations under section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437f).

(2) The following programs under the following sections of the National Housing Act:

(a) Section 213 (12 U.S.C. Sec. 1715e);

(b) The below-market-interest-rate program under section 221(d)(3) (12 U.S.C. Sec. 1715(d)(3));

(c) Section 236 (12 U.S.C. Sec. 1715z-1);

(d) Section 202 (12 U.S.C. Sec. 1701q).

(3) Programs for rent supplement assistance under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. Sec. 1701s), as amended.

(4) Programs under the following sections of the Housing Act of 1949, as amended:

(a) Section 514 (42 U.S.C. Sec. 1484);

(b) Section 515 (42 U.S.C. Sec. 1485);

(c) Section 516 (42 U.S.C. Sec. 1486);

(d) Section 521(a)(1)(B) (42 U.S.C. Sec. 1490a(a)(1)); and

(e) Section 521(a)(2) (42 U.S.C. Sec. 1490a(a)(2)).

NEW SECTION. Sec. 9. All owners of an assisted development shall, at least twelve months before the termination of a federal assistance contract or prepayment of a mortgage or loan, serve a written notice of the anticipated termination or prepayment date on each tenant household residing in the development, and on the clerk of the city (or county if in an unincorporated area) in which the property is located, and on the state department of community development. This section shall not in any way prohibit an owner of an assisted development from terminating a federal assistance contract or prepaying a mortgage or loan. The requirement in this section for notice shall not be construed as conferring any new or additional regulatory power upon the city or county clerk or upon the state department of community development.

NEW SECTION. Sec. 10. The notice to tenants required by section 9 of this act shall state the anticipated date of termination or prepayment and the effect, if any, that the termination or prepayment is expected to have upon management and tenant policies and the tenant's rent. The notice to the city or county clerk and to the state department of community development required by section 9 of this act shall state: (1) The number of tenants in the assisted development; (2) the number and size of units that receive federal government assistance; (3) the age, race, family size, and estimated incomes of the tenants who will be affected by the termination or prepayment; (4) the projected rent increases for each affected tenant; and (5) the anticipated date of termination or prepayment.

NEW SECTION. Sec. 11. From the date of service of the notice under section 9 of this act until either twelve months have elapsed or termination or prepayment of the federal assistance contract or mortgage or loan, whichever is later, no owner of a federally assisted development may evict a tenant, or demand possession of any unit in an assisted development, except as authorized by the federal assistance program applicable to the project prior to termination or prepayment of the federal assistance contract or mortgage or loan.

NEW SECTION. Sec. 12. From the date of service of the notice under section 9 of this act until either twelve months have elapsed or termination of the federal assistance contract or prepayment of a mortgage or loan, whichever is later, no owner of an assisted development may increase the rent of a dwelling unit in an assisted development above the amount authorized by the federal assistance program applicable to the project prior to termination or prepayment of the federal assistance contract or mortgage or loan.

NEW SECTION. Sec. 13. Any party who is entitled to receive notice under this chapter may bring a civil action to enjoin or recover damages for any violation of this chapter, together with the costs of the suit, including reasonable attorneys' fees to the prevailing party.

NEW SECTION. Sec. 14. Sections 8 through 13 of this act constitute a new chapter in Title 59 RCW."

Renumber the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pullen and Talmadge on page 4, after line 23, to Engrossed House Bill No. 1387.

The motion by Senator Pullen carried, and the amendment was adopted.

MOTIONS

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

On page 1, line 2 of the title, after "adding" strike the remainder of the title and insert "new chapters to Title 59 RCW; and prescribing penalties."

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1387, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1387, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1387, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsam, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator von Reichbauer - 1.

ENGROSSED HOUSE BILL NO. 1387, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

CALL OF THE SENATE

Senators Newhouse, Nelson and Zimmerman demanded a Call of the Senate.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

MOTION

On motion of Senator Newhouse, the Senate proceeded under the Call of the Senate.

MOTION

On motion of Senator Vogt, the Senate advanced to the eighth order of business.

MOTION

Senator Vognild moved that the following resolution be adopted:

SENATE RESOLUTION 1988-8729

by Senator Vognild

BE IT RESOLVED, That Senate Resolution No. 1987-8602, the Senate Rules of the 50th Legislature, be amended to read as follows:

*RULE 52

No amendment to the budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of ~~((sixty-percent))~~ a majority of the senators elected."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of Senate Resolution 1988-8729.

ROLL CALL

The Secretary called the roll and Senate Resolution 1988-8729 was not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1312, by Committee on Ways and Means (originally sponsored by Representatives Locke, Holland and Grimm) (by request of Office of Financial Management)

Adopting the supplemental operating budget.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

*PART I

GENERAL GOVERNMENT

Sec. 101, Section 103, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ ~~(+800,000)~~
1,915,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislative budget committee shall conduct an analysis of what improvements can be made in state-wide common school-related information, including:

- (a) Data collection and dissemination goals, policies, procedures, and management;
- (b) Duplication of services provided and programs delivered among local districts, educational service districts, the superintendent of public instruction, and, where possible, the private sector; and

(2) The legislative budget committee shall report its findings and recommendations under subsection (1) of this section to the senate and house of representatives ways and means committees at the beginning of the 1989 legislative session. Recommendations shall include, but not be limited to:

- (a) Ways to reduce reporting and paperwork at the local district level;
- (b) Consolidation of reports, where practical;
- (c) Ways to reduce duplication of effort and program delivery; and
- (d) Other potential cost efficiencies.

(3) \$35,000 of the general fund appropriation is provided solely for the purpose of creating a temporary legislative committee to review the salary survey methodology and make recommendations for improvements. The committee shall be composed of representatives of the legislative budget committee, the office of financial management, and the ways and means

committees of the senate and house of representatives and shall contract with an independent consultant to conduct the review.

Sec. 102. Section 104, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,503,000

The appropriation in this section is subject to the following conditions and limitations: The committee shall conduct a study of the common school state-wide data reporting system, including information on class size in kindergarten through twelfth grade (~~(\$100,000 of the general fund appropriation is provided solely to contract with the institute of public policy and management of the University of Washington to conduct research associated with the study. The institute shall work closely with the superintendent of public instruction and the office of financial management to)~~ and prepare a report to the legislature by December 1, 1988, regarding its findings and recommendations.

Sec. 103. Section 107, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ~~((10,678,000))~~
10,924,000

The appropriation in this section is subject to the following conditions and limitations: ((H)) \$3,337,000 is provided solely for the indigent appeals program.

Sec. 104. Section 109, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ ~~((12,013,000))~~
12,458,000

Sec. 105. Section 110, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ~~((21,738,000))~~
23,857,000
Public Safety and Education Account Appropriation \$ ~~((18,828,000))~~
21,178,000
Total Appropriation \$ ~~((40,566,000))~~
45,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(3) ~~\$(50,000))~~ 130,000 of the public safety and education account appropriation is provided solely for the administrator for the courts to initiate measures to prevent gender and minority bias in the courts. Such measures shall include but not be limited to:

- (a) A study of the status of women and minorities as litigants, attorneys, judges, and court employees;
- (b) Recommendations for implementing reform; and
- (c) Providing attitude awareness training for judges and legal professionals.

(4) \$260,000 of the general fund appropriation is provided solely for the Snohomish County preprosecution diversion program.

(5) \$150,000 of the general fund appropriation is provided solely for the administrator for the courts to contract for the performance of a two-year demonstration project to determine the effectiveness of alternative dispute resolution using the model center approach adopted by the legislature in chapter 7.75 RCW. The project shall be conducted in King and Snohomish counties by centers established under chapter 7.75 RCW as nonprofit corporations having broadly representative boards of directors and which are organized exclusively, as set forth in their articles of incorporation and bylaws, for the resolution of disputes and whose plans of operation have been approved pursuant to RCW 7.75.020 before the effective date of this section. The project shall be conducted in accordance with chapter 7.75 RCW. The focus of the project shall be to provide an alternative forum for the resolution of disputes for the purposes of reducing social tensions which lead to crime, promoting lasting settlements in which all parties to a dispute can be winners, settling disputes more quickly and less expensively than through the judicial process, and helping to reduce congestion in the court systems as contemplated in the court improvement act of 1984. Seventy-five thousand dollars of the appropriation shall be made available for a project in Snohomish county subject to commitments from Snohomish county and the city of Everett to each match the state appropriation. Seventy-five thousand dollars of the appropriation shall be made available for a project in King county subject to

commitments from King county and the city of Seattle to each match the state appropriation. The state administrator for the courts shall submit a report to the judiciary committees of the senate and the house of representatives on the results of the project by December 1, 1989.

(6) \$70,000 of the public safety and education account appropriation is provided solely to implement the provisions of Substitute Senate Bill No. 6498. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(7) A maximum of \$2,200,000 of the public safety and education account may be spent on enhancements to the judicial information system including: (a) Development of an information center; (b) implementation of a data administration model; (c) provision of personal computer installations and support services in courts not served by the mainframe system; and (d) planning activities associated with the feasibility of the enhancements listed under (a), (b), and (c) of this subsection as well as planning activities to evaluate the use of local area networks. The funding provided in this subsection is contingent on the administrator for the courts completing by July 1, 1988, a feasibility study in accordance with department of information services procedures and guidelines. It is the intent of the legislature that upon completion of the feasibility study the office of the administrator for the courts will present the study for review by and consultation with the department of information services, the office of financial management, and the legislative evaluation and accountability program committee prior to implementation.

Sec. 106. Section 114, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	(6,374,000)
		6,457,000
Archives and Records Management Account Appropriation	\$	2,116,000
Total Appropriation	\$	(8,490,000)
		8,573,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse users for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

(4) \$83,000 of the general fund appropriation is provided solely for advertising Washington state's March 8, 1988, precinct caucuses.

Sec. 107. Section 120, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	5,143,000
Legal Services Revolving Fund Appropriation	\$	46,142,000
Total Appropriation	\$	51,285,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$840,000 of the legal services revolving fund appropriation is provided solely to support additional attorneys to defend an increased number of cases expected from an increase in the number of industrial appeals board staff.

(2) \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, ~~\$(5,600,000)~~ 3,295,000 is for additional funding for the defense of tort actions, ~~\$(400,000)~~ 700,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, ~~\$(200,000)~~ 675,000 is for increased legal services for the department of ~~(ecology, \$200,000 is for increased legal services for the department of transportation; and)~~ social and health services, ~~\$(500,000)~~ 1,230,000 is for increased legal services for the department of licensing, and \$400,000 is provided solely for implementation of an attorney time accounting and billing system.

(3) Pursuant to chapter 365, Laws of 1985, the attorney general shall transmit to the judiciary committees of the senate and house of representatives and the human rights commission by January 1, 1988, and by January 1 of every year thereafter a progress report which states the agency's progress in meeting its affirmative action goals and timetables. The agency's goals for assistant attorneys general and other exempt employees shall be based on the percentage of each and every minority group's representation in the state labor force population.

(4) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(5) The legal services revolving fund program shall be split into an agency legal services program and a torts program beginning July 1, 1989. The agency request budget for the 1989-91 biennium shall be presented using this program structure and expenditure history, consistent with LEAP requirements, no later than July 1, 1988.

Sec. 108. Section 121, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	((18,281,000))
		18,031,000
General Fund Appropriation—Federal	\$	60,000
Motor Vehicle Fund Appropriation	\$	100,000
Medical Aid Fund Appropriation	\$	98,000
Local Jail Improvement and Construction Fund Appropriation	\$	780,000
Total Appropriation	\$	((19,319,000))
		19,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

~~((4)) \$250,000 of the general fund—state appropriation is provided solely for one-time costs of establishing a state-wide inventory of school facilities, using surveys conducted by qualified engineers and architects. The inventory shall be developed jointly and in cooperation with the state board of education and the superintendent of public instruction and shall be designed to yield consistent and easily accessible information intended to facilitate administrative decisions on school construction projects and analysis of long-term facilities needs.~~

(5) (2) \$205,000, of which \$145,000 is from the general fund—state appropriation, is provided solely for the purposes of implementing the agency's responsibilities under Substitute House Bill No. 738. If Substitute House Bill No. 738 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

~~((6)) (3) The office of financial management, in cooperation with the state board for community college education, shall study the cost of community college faculty salary increments, including savings from full time faculty turnover, identify the faculty salary increment policy at each college district, and report the findings and recommendations to the 1989 regular session of the legislature.~~

Sec. 109. Section 124, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	13,618,000
State Employees' Insurance Fund Appropriation	\$	2,164,000
Total Appropriation	\$	15,782,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

(2) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

Sec. 110. Section 131, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	((8,312,000))
		8,278,000
General Fund Appropriation—Federal	\$	1,623,000
General Fund Appropriation—Private/Local	\$	93,000
Motor Vehicle Fund Appropriation	\$	303,000
Motor Transport Account Appropriation	\$	10,925,000
General Administration Facilities and Services Revolving Fund		
Appropriation	\$	19,562,000
Total Appropriation	\$	((40,515,000))
		40,784,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle fund appropriation is provided solely for risk management activities related to the motor vehicle fund.

Sec. 111. Section 136, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	20,666,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$554,000 is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5150.
- (2) Not more than \$877,000 of this appropriation may be expended for the expenses of the office of the state actuary, including interagency reimbursements for services and statutory reports.
- (3) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

PART II
HUMAN SERVICES

Sec. 201. Section 201, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	(59,665,000) 62,559,000
<u>Public Safety and Education Account Appropriation</u>	\$	100,000
<u>Total Appropriation</u>	\$	<u>62,659,000</u>

The appropriations in this subsection ((1s)) are subject to the following conditions and limitations:

- ((b)) (a) \$2,071,000 of the general fund appropriation is provided solely for the support of the office of the director of community services.
- ((c)) (b) \$200,000 of the general fund appropriation is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.
- ((d)) (c) A maximum of \$285,000 of the general fund appropriation may be spent for the replacement of used equipment within the community services division.
- (d) \$100,000 of the public safety and education account appropriation is provided solely for training community corrections officers in the identification and prevention of child abuse by offenders under their supervision.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	(269,824,000) 273,129,000
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The appropriation in this subsection is subject to the following conditions and limitations:

- (a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.
- (b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.
- (c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.
- (d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	(17,961,000) 17,331,000
Institutional Impact Account Appropriation	\$	317,000
<u>Total Appropriation</u>	\$	(18,278,000) 17,648,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.
- (b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.
- ((d)) (c) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	(2,260,000) 2,218,000
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The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

Sec. 202. Section 202, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1987. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

((5)) (4) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

((6)) (5) The department shall implement the plan for performance-based contracts developed under sections 203(6) and 204(1)(c), chapter 6, Laws of 1985 ex. sess., whereby a portion of vendor payments for private group care and other community residential placements shall reflect achievement of client outcome standards. The department shall report on implementation of the plan to the ways and means committees of the senate and house of representatives by December 15, 1987, and December 15, 1988.

((7)) (6) The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(7) The department of social and health services shall study the cost effectiveness of adopting a hospice benefit for Title XIX recipients. The department shall report by November 1, 1988, to the health care and ways and means committees of both houses of the legislature on the results of the study.

Sec. 203. Section 203, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	((165,009,000))
		179,738,000
General Fund Appropriation—Federal	\$	((58,552,000))
		60,397,000
Public Safety and Education Account Appropriation	\$	400,000
Total Appropriation	\$	((223,561,000))
		240,535,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff, necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement the provisions of Engrossed Second Substitute House Bill No. 586 which establish a pilot project in order to guide the state in developing a comprehensive system of children and family services. If the bill is not enacted by

June 30, 1987, this amount shall lapse. The department shall report to the ways and means and human services committees of the senate and house of representatives on implementation of this section by January 15, 1988. The report shall include the following information:

(a) The effectiveness of providing additional casework, support staff, and other services provided in this section in reducing and refocusing the workload of child protective services caseworkers;

(b) The impact on caseloads of hiring child protective services support staff, including clerical support, assistant attorneys general, eligibility determination specialists, and public health nurses; and

(c) The number and classifications of staff and the level and types of additional services for which the moneys in this section are used.

(3) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of therapeutic day care.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) ~~\$(300,000)~~ 310,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse. A maximum of \$10,000 of the amount provided in this subsection may be spent for counseling for teenaged parents who are victims of sexual and physical abuse. The department shall contract for the counseling to be provided to participants in school-sponsored teen parent programs.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$93,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) A maximum of \$332,000, of which \$275,000 is from the general fund—state appropriation, and 7.8 full time equivalent staff may be transferred from the division of children and family services to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(13) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) \$9,000,000 of the general fund—state appropriation is provided solely for foster care services and services designed to reduce the number of children requiring family or group foster care, and to expedite the process of returning children home from placement. Not more than \$2,450,000 of the amount provided in this subsection may be spent for increased recruitment efforts and services to family foster care providers; additional child welfare caseworkers and support staff to provide intensive case services designed to reunify families and prevent out-of-home placement; managed health care services for children in foster care; and other services meeting the goals of this subsection. Of the amount provided in this subsection, \$550,000 is provided solely to expand the homebuilders program to provide assistance to families. Beginning July 1, 1988, the department shall expand the current homebuilders program in Spokane county and shall create new homebuilders programs in Kitsap and Whitman counties. Beginning January 1, 1989, homebuilders programs shall be established in Thurston and Skagit counties. The department shall submit a progress report to the appropriate committees of the legislature by January 1, 1989, describing the efforts taken to implement projects to reduce the number of children requiring foster care and to expedite the return to home process. The report shall include a description of the projects initiated, the cost of each project, and a preliminary assessment of their effectiveness. In addition, \$3,000,000 of the amount provided in this subsection for foster care services shall not be available for expenditure until the progress report has been submitted to the legislature. The department shall also prepare a report which

examines the entire foster care rate structure, including provisions for respite or day care services, costs of private agency management of children in care, and the criteria for special and exceptional rates. The department shall coordinate with appropriate legislative fiscal and policy staff in preparing the report and shall submit its findings and recommendations to the legislature by December 1, 1988.

(15) \$2,500,000 of the general fund—state appropriation is provided solely to increase the level of funding for day care services. The department is authorized to implement regulations for the employment day care program requiring that waiting lists be established if necessary to ensure that employment day care services are provided within allotted funds.

(16) \$1,064,000, of which \$200,000 is from the general fund—state appropriation, is provided solely to increase services in the women, infants, and children program.

(17) \$1,300,000 of the general fund—state appropriation is provided solely for the department to contract with the office of the administrator for the courts to establish local citizen substitute care review panels for juveniles necessary to implement Engrossed Substitute House Bill No. 1586. If the bill is not enacted by June 30, 1988, this subsection shall be null and void.

(18) \$200,000 of the general fund—state appropriation is provided solely for the department to develop and provide day care providers and foster parents with an educational program on positive discipline, and training in recognizing and reporting child abuse. Implementation of the program shall begin on July 1, 1988.

(19) \$400,000 of the public safety and education account appropriation is provided solely for training programs under chapter 70.125 RCW for criminal justice, medical, and child protective services personnel regarding victims of sexual abuse. Training programs under this subsection shall focus on the following:

(a) Training child protective service workers on recognition of signs of potential sexual abuse and on medical techniques available to confirm abuse or establish legal evidence, and developing policies and procedures for use by such workers in responding to claims or reports of sexual abuse;

(b) Developing regional medical expertise on identification, verification and retention of evidence in cases of child sexual abuse; and

(c) Providing prosecutors, public defenders, judges, and other criminal justice personnel with information on available medical techniques for confirming abuse or establishing legal evidence.

Sec. 204. Section 204, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((27,988,866))
		26,847,000
General Fund Appropriation—Federal	\$	78,000
Total Appropriation	\$	((28,066,866))
		26,925,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((44,365,866))
		44,285,000
General Fund Appropriation—Federal	\$	890,000
Total Appropriation	\$	((45,275,866))
		45,175,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offender unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State \$ 2,788,000
 Sec. 205, Section 205, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM
 (1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	(+16,368,666)
		113,421,000
General Fund Appropriation—Federal	\$	(46,738,666)
		41,442,000
General Fund Appropriation—Local	\$	1,580,000
Total Appropriation	\$	(+66,706,666)
		156,443,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals of Kitsap county residents may be made to Western state hospital, with the exception of persons who meet all the following criteria, as established by a licensed psychiatrist and involving consultation with a state certificated geriatric mental health specialist: (i) Diagnosis of organic mental disorder (nontransient); (ii) established behavior abnormalities directly associated with the organic disorder; (iii) admittance to the residential treatment center at least twice during the prior six-month period; (iv) expulsion from two or more residential placements during the prior six-month period resulting from behaviors directly associated with the presence of the established organic mental disorder; and (v) denial of admission by all appropriate residential settings in the Puget Sound area. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) \$4,375,000, of which \$3,500,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, other interested members of the community, and legislative staff and shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate an experimental design. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (c). If Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(d) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(e) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors required to reflect actual county administration costs. The mental health division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than January 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(f) Grants to counties for community mental health programs shall total not less than \$55,957,000 of the general fund—state appropriation under RCW 71.24.155. Of this amount, \$2,000,000 is provided solely for expanded services to children.

(g) \$480,000 of the general fund—state appropriation is provided solely for continuation of the community psychiatric training program at the University of Washington.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	(150,711,000)
		150,808,000
General Fund Appropriation—Federal	\$	(7,948,000)
		7,851,000
Total Appropriation	\$	158,659,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) \$300,000 of the general fund—state appropriation is provided solely for equipment and operating costs related to two additional PORTAL cottages on the Northern state hospital campus. Of this amount, a maximum of \$44,000 may be used to contract with local community mental health centers to provide services to clients who have exited the PORTAL program and reside locally in the community.

~~((c))~~ (b) The legislative budget committee shall evaluate the PORTAL program as to its treatment outcomes and general effectiveness. The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees by December 1, 1987.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,477,000
General Fund Appropriation—Federal	\$	1,341,000
Total Appropriation	\$	4,818,000

The appropriations in this subsection are subject to the following conditions and limitations: \$78,600 from the general fund—state appropriation is provided solely for allocations to non-profit agencies advocating for the mentally ill. Such funds are for providing technical assistance to state agencies, mental health education programs, outreach and family support, and self-help support groups.

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
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Sec. 206, Section 206, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	(79,041,000)
		80,518,000
General Fund Appropriation—Federal	\$	(61,998,000)
		62,414,000
Total Appropriation	\$	(141,039,000)
		142,932,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) \$2,185,000 of the general fund—state appropriation and \$385,000 of the general fund—federal appropriation are provided solely to increase rates paid for county contracted employment services for developmentally disabled adults receiving such services as of July 1, 1987. No county administrative charge shall be deducted from the amount specified in this subparagraph.

(c) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(d) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(e) \$1,169,000 is appropriated solely for the division of developmental disabilities to contract for an additional twenty-four group home beds and associated services in King county.

(f) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(g) \$974,000 of the general fund—state appropriation is provided solely to provide additional staff at the united cerebral palsy center, the Bellevue center, and the Highline center, to fund the operation of a teletype relay system at the Yakima Valley center for the deaf, and to fund the operation of the L'Arche facility in Spokane.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	(+100,635,000)
		98,402,000
General Fund Appropriation—Federal	\$	((94,952,000))
		98,985,000
Total Appropriation	\$	((+95,587,000))
		197,387,000

(3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
Total Appropriation	\$	1,199,000

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$46,000, of which \$38,000 is from the general fund—state appropriation, and two biennial full time equivalent staff may be transferred from the division of developmental disabilities to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(b) If Engrossed Second Substitute House Bill No. 221 is enacted by June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

Sec. 207. Section 207, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 2nd ex. sess. and by section 1, chapter 2, Laws of 1987 2nd ex. sess. (uncodified) is reenacted and amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	((330,946,000))
		337,712,000
General Fund Appropriation—Federal	\$	((334,686,000))
		333,520,000
Total Appropriation	\$	((665,632,000))
		671,232,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for the adult residential care, contracted chore, adult day health, and senior citizens services act programs.

(3) \$3,000,000 of which \$1,400,000 is from the general fund—state appropriation is provided solely for nonadministrative wages and benefits enhancements above the money necessary to fund the minimum wage. Of the amount provided in this subsection, \$1,200,000 shall be distributed on January 1, 1988, and \$1,800,000 shall be distributed on January 1, 1989: PROVIDED, That the moneys available for the January 1, 1989, distribution shall be based on the total state medicaid days served on an annual percentage share of the total medicaid days applicable to each facility and distributed accordingly.

(4) Department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989.

(5) \$3,000,000 of the general fund—state appropriation, and \$1,500,000 of the general fund—federal appropriation, are provided solely to increase the number of persons served in the chore services program and the community options program entry system (COPES). To

the extent possible, the department shall maximize use of the community options program entry system for all new clients requiring chore or personal care services.

(6) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.7 percent on July 1, 1987 and 3.6 percent on July 1, 1988.

(7) \$650,000, of which \$312,000 is from the general fund—state appropriation, is provided solely for laundry services to state clients residing in skilled nursing facilities and intermediate care facilities.

(8) Grant payment standards shall be increased by 2.0 percent on September 1, 1987 and 4.0 percent on September 1, 1989, for adult residential care clients.

(9) \$1,090,000 of the general fund—state appropriation is provided solely for the respite care demonstration project.

(10) At least ~~\$(14,766,666))~~ 14,966,000 of the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least ~~((7 percent of the amount allotted for the senior citizens services act in each fiscal year))~~ \$1,265,000 of the amount provided in this subsection shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(11) The department shall encourage the development of working agreements between county mental health authorities, mental health providers, and the area agencies on aging which provide access to comprehensive treatment for geriatric mentally ill persons.

Sec. 208. Section 208, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((465,361,666))
		454,658,000
General Fund Appropriation—Federal	\$	((442,371,666))
		405,514,000
Total Appropriation	\$	((907,732,666))
		860,172,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(3) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(4) \$5,316,000, of which \$2,658,000 is from the general fund—state appropriation, is provided solely to increase day care, transportation, and other support services for participants in the opportunities program.

(5) Payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs shall contain an energy allowance to offset the costs of energy and such allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

(6) Persons who are unemployable due to alcohol or drug addiction who are not otherwise eligible for general assistance shall be referred to the alcoholism and drug addiction treatment and support program established by Substitute House Bill No. 646.

Sec. 209. Section 209, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	((62,566,666))
		61,180,000
General Fund Appropriation—Federal	\$	16,866,000
General Fund Appropriation—Local	\$	166,000

Total Appropriation \$ ~~((79,612,000))~~
78,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) ~~\$((24,565,000))~~ 23,165,000 of the general fund—state appropriation is provided solely for implementation of Substitute House Bill No. 646, establishing the alcohol and drug addiction treatment and support act. If Substitute House Bill No. 646 is not enacted by July 1, 1987, the funds in this subsection shall be transferred to the division of income assistance.

~~((5))~~ (4) The department shall report to the appropriate committees of the legislature by January 5, 1988, on implementation of the alcohol and drug addiction treatment and shelter act. The report shall include at least the following information:

(a) The number of persons receiving client assessment services, including the number receiving assistance in the application process for supplemental security income benefits;

(b) The number of persons receiving treatment services, including the number receiving inpatient and outpatient treatment, and the number receiving a living allowance while undergoing outpatient treatment;

(c) The number of persons receiving shelter services and the type of shelter services provided;

(d) The number of applicants for general assistance payments referred to the program and the number of recipients of general assistance transferred to the program; and

(e) An assessment of the need to revise projected funding levels of \$2,700,000 for client assessment services, \$11,378,000 for treatment services, and \$10,487,000 for shelter services.

Sec. 210. Section 210, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State \$ ~~((228,288,000))~~
540,548,000
General Fund Appropriation—Federal \$ ~~((481,926,000))~~
473,933,000
Total Appropriation \$ ~~((710,214,000))~~
1,014,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,864,000 of the general fund—state appropriation and \$16,927,000 of the general fund—federal appropriation are provided solely for an adult dental program for Title XIX categorically eligible and medically needy persons, effective January 1, 1988. If Substitute House Bill No. 1225 is enacted by June 30, 1987, the department shall by January 1, 1989, enroll 20,000 categorically eligible and medically needy persons in prepaid capitated dental programs.

(2) The department of social and health services may increase the medically needy income level under RCW 74.09.700 to the maximum level allowable for federal financial participation under Title XIX of the federal social security act within funds appropriated for this purpose.

(3) \$8,338,000 of the general fund—state appropriation and \$9,823,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy pregnant women and children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act. Any part of the amounts provided in this subsection which are not needed for the purposes of this subsection may be spent for the purposes outlined in subsection (2) of this section.

(4) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(5) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) The department may provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

(7) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(8) The department is authorized to provide community-based long-term care services to persons with AIDS or AIDS-related conditions, on the condition that the department obtain a waiver under section 1915(c) (1) and (2) of the federal social security act.

Sec. 211. Section 211, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM	
General Fund Appropriation—State	\$ ((58,177,000)) 63,201,000
General Fund Appropriation—Federal	\$ ((73,551,000)) 75,086,000
General Fund Appropriation—Local	\$ ((8,025,000)) 8,967,000
Total Appropriation	\$ ((139,753,000)) 147,254,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,919,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide activities, including \$50,000 for a review of the alternative on-site sewage program at both the state and local levels. The review shall address, but not be limited to, the process and procedures associated with the review and application of alternative systems. Recommendations shall include, but not be limited to:

(a) Ways to expedite review of applications;

(b) Changes in rules and statutes to address unique alternative on-site system applications;

(c) Staffing and resources required to implement an effective alternative on-site program; and

(d) Any additional issues that are necessary for an effective and efficient alternative on-site sewage system program.

The department shall report to the legislature no later than January 30, 1988.

(4) \$5,500,000 of the general fund—state appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) A maximum of \$86,842,000, of which \$24,437,000 is from the general fund—state appropriation, and 132 biennial full time equivalent staff may be transferred from the public health program to the division of children and family services to provide parent and child health services, dental health care for children, women, infant and children services, crippled children's services, nutrition services to children, family planning services, and program and category support services. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(6) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

(7) \$300,000 of the general fund—state appropriation is provided solely to enhance high-risk infant tracking.

(8) \$41,000 of the general fund—state appropriation is provided solely to expand PKU testing.

(9) \$1,500,000, of which \$300,000 is from the general fund—state appropriation, is provided solely for enhancing the women, infants, and children programs.

(10) \$850,000 of the general fund—local appropriation is provided solely for the monitoring and enforcement of emissions of radionuclides to the air, pursuant to chapter 70.94 RCW.

(11) A maximum of \$300,000 from the general fund—state appropriation may be spent for the purposes of establishing a centralized AIDS unit within the division of public health. This unit shall be responsible for pursuing activities to maximize the receipt of federal and private sources of funding, program coordination, and development of the implementation plan.

(12) \$50,000 of the general fund—state appropriation is provided solely for the state board of health to promulgate necessary rules and establish reporting requirements on sexually transmitted diseases, including the clinical syndrome of HIV-related illness, as required by Engrossed Second Substitute Senate Bill No. 6221.

(13) \$4,450,000 from the general fund—state appropriation is provided solely to fund the regional AIDS service network authorized by Engrossed Second Substitute Senate Bill No. 6221.

(a) Seventy-five percent of the amount provided in this subsection shall be allocated per capita based on the number of persons residing within each region, but in no case less than one hundred fifty thousand dollars for each regional AIDS network per fiscal year. This amount shall be expended for testing, counseling, education, case management, notification of sexual

partners of infected persons, planning, coordination, and other services required by Engrossed Second Substitute Senate Bill No. 6221, except for those enumerated in (b) of this subsection.

(b) Twenty-five percent of the amount provided in this subsection shall be allocated for intervention strategies specifically addressing groups that are at a high risk of being infected with the human immunodeficiency virus. The allocation shall be made by the office on AIDS based on documented need as specified in regional AIDS network plans.

(14) \$100,000 of the general fund—state appropriation is provided solely for enhancing health services provided through public and private community health clinics.

(15) \$516,000 of the general fund—state appropriation is provided solely to sustain current radiation monitoring activities involving low-level radioactive waste and other hazards.

Sec. 212. Section 212, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State	\$	((13,583,000)) 12,783,000
General Fund Appropriation—Federal	\$	((32,654,000)) 36,110,000
Total Appropriation	\$	((46,237,000)) 48,893,000

The appropriations in this section are subject to the following condition and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

Sec. 213. Section 213, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORT SERVICES PROGRAM

General Fund Appropriation—State	\$	((46,280,000)) 43,630,000
General Fund Appropriation—Federal	\$	32,045,000
Institutional Impact Account Appropriation	\$	78,000
Total Appropriation	\$	((78,403,000)) 75,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 biennial FTE staff for the office of the long-term care ombudsman.

(2) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation may be transferred from sections referenced in section 202(7) of this act solely for the evaluation of the aid to families with dependent children and the family independence programs as provided in Engrossed Second Substitute House Bill No. 448. The department may contract with objective independent evaluators subject to legislative budget committee approval, as specified in Engrossed Second Substitute House Bill No. 448. The department shall contract with the Washington state institute for public policy to conduct a longitudinal study of public assistance recipients. \$652,000 of the general fund—state moneys and \$652,000 of the general fund—federal moneys provided in this subsection are provided solely for the longitudinal study.

(3) \$50,000 of the general fund—state appropriation is provided solely for the Washington council for the prevention of child abuse and neglect to establish voluntary community-based programs on early parenting skills in at least three geographically balanced areas around the state. The programs shall be designed to serve families with children ranging from infants through three years old and also to serve expectant parents.

Sec. 214. Section 214, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$	((156,570,000)) 156,770,000
General Fund Appropriation—Federal	\$	((174,029,000)) 174,529,000
General Fund Appropriation—Local	\$	705,000
Total Appropriation	\$	((331,304,000)) 332,004,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$283,000 of the general fund—state appropriation and \$270,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the provision of medical assistance to categorically needy pregnant women and children up to two years of age whose household income does not exceed 90 percent of the federal poverty

level, whose incomes do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(2) \$4,922,000, of which \$2,461,000 is from the general fund—state appropriation, is provided solely to increase services for participants in the opportunities program.

(3) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(4) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665.

(5) A maximum of \$554,000, of which \$460,000 is from the general fund—state appropriation, and 14.2 biennial full time equivalent staff may be transferred from the community services administration program to the administration and supporting services program to consolidate the social service payment system.

(6) If any transfer under this section affects the comparability of historical expenditure information at the program, category or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(7) The department shall submit a plan to the human services committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(8) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

Sec. 215. Section 217, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	((32,765,666))
		33,332,000
General Fund Appropriation—Federal	\$	((143,939,666))
		142,839,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	((4,666,666))
		6,000,000
<u>Local Governance Study Commission Account Appropriation</u>	<u>\$</u>	<u>20,000</u>
Total Appropriation	\$	((181,611,666))
		183,098,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,576,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) The department shall conduct a state-wide housing needs study. The study, with preliminary recommendations, shall be submitted to the housing committee of the house of representatives and the commerce and labor committee of the senate no later than December 31, 1987, and a final report shall be submitted by December 31, 1988.

(5) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration skills center, in Lewis county.

(6) \$708,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 3 of Engrossed Substitute Senate Bill No. 5285. \$42,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 4 of Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by June 30, 1987, the amounts provided in this subsection shall lapse.

(7) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

(8) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(9) \$118,000 of the general fund—state appropriation is provided solely for a study to determine the economic contribution of sport and commercial salmon and sturgeon fishing.

(10) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$173,000 of the general fund—state appropriation is provided solely for a study of the uses, structure, and operation of a state-wide video telecommunications network. The department shall submit a report to the house of representatives and senate by January 1, 1989, recommending a plan for using video telecommunications in state government and assessing the potential of a state-wide public affairs satellite/cable television network broadcasting programs on state government to Washington state citizens. The department shall consult with the telecommunications division of the department of general administration for technical assistance in preparing this report.

(12) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(13) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) In addition to the fee imposed under RCW 19.27.085, there is imposed through June 30, 1989, a fee of two dollars on each building permit issued by a county or a city. Quarterly, each county and city shall remit moneys collected under this subsection to the state treasury for deposit in the building code council account. However, no remittance is required until at least fifty dollars has accumulated pursuant to this subsection.

(15) ~~\$(+87,000))~~ 237,000 of the general fund—state appropriation is provided solely for technical assistance to Okanogan county for the preparation of plans and permits, including enforcement, relating to winter sports facilities development.

(16) \$20,000 of the local governance study commission account appropriation is provided solely for activities to ensure the orderly implementation of the recommendations of the local governance study commission under Engrossed Substitute House Bill No. 1631 and Engrossed Substitute House Bill No. 1632. If neither bill is enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(17) \$58,000 of the general fund—state appropriation is provided solely for the state's share of the cost of the acquisition, installation, and maintenance of a Mt. St. Helen's flood warning system in Cowlitz county.

(18) \$125,000 of the general fund—state appropriation is provided solely for grants to the city of Omak and Okanogan county for enhanced surveillance and investigation needed because of school-related arson incidents. The department shall make grants based on demonstration of impact by the city and county.

(19) \$45,000 of the general fund—state appropriation is provided solely for a study assessing the socio-economic impacts of state correctional institutions on communities in which they are located. A report on the findings of the study shall be made to the legislature no later than December 31, 1988.

(20) \$25,000 of the general fund—state appropriation is provided solely for activities relating to the economic diversification and expansion of Lincoln county. The department shall contract with the department of trade and economic development and the department of agriculture for activities necessary to accomplish the purposes of this subsection.

(21) \$175,000 of the general fund—state appropriation is provided solely for the developmental disabilities planning council to contract with local nonprofit organizations for volunteer parent-to-parent support programs that will provide access to such programs to parents in all areas of the state. The project shall match volunteer experienced families with parents

who have a newly diagnosed developmentally disabled child or parents in need of assistance, and provide education and training to assist families to cope with the special needs of caring for a child with a developmental disability. The council shall prepare a report on the project to the legislature by January 1, 1990.

Sec. 216. Section 218, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	((17,889,000))
		<u>17,632,000</u>
General Fund Appropriation—Federal	\$	4,690,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	((28,746,000))
		<u>28,489,000</u>

Sec. 217. Section 219, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	((3,199,000))
		<u>3,258,000</u>
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	((4,163,000))
		<u>4,222,000</u>

Sec. 218. Section 223, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	((8,384,000))
		<u>8,227,000</u>
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	85,037,000
Electrical License Fund Appropriation	\$	((9,620,000))
		<u>9,907,000</u>
Farm Labor Revolving Account Appropriation	\$	((292,000))
		<u>58,000</u>
Medical Aid Fund Appropriation	\$	81,983,000
Plumbing Certificate Fund Appropriation	\$	((640,000))
		<u>660,000</u>
Pressure Systems Safety Fund Appropriation	\$	((1,111,000))
		<u>1,148,000</u>
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	((199,992,000))
		<u>199,945,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall study the feasibility of establishing an independent (ombuds) ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

Sec. 219. Section 224, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	((4,042,000))
		3,804,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

(3) ~~((Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release.))~~ The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

Sec. 220. Section 226, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	((5,700,000))
		5,775,000
General Fund Appropriation—Federal	\$	146,257,000
General Fund Appropriation—Local	\$	18,373,000
Administrative Contingency Fund		
Appropriation—Federal	\$	((6,918,000))
		9,718,000
Unemployment Compensation Administration Fund Appropria- tion—Federal	\$	110,569,000
Employment Service Administration Account Appropriation—Fed- eral	\$	2,334,000
Federal Interest Payment Fund Appropriation	\$	2,080,000
<u>Total Appropriation</u>	<u>\$</u>	<u>((290,151,000))</u>
		295,106,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) \$75,000 of the general fund—state appropriation is provided solely for a computerized database of labor market information that is accessible by telephone to employers, economic development organizations, and employee organizations.

(4) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

~~((4))~~ (5) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. "Forest products industries" means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No

one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date the calculation is made. "Average forest products employment" means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. The services of counter-cyclical employment members are exempt from unemployment compensation coverage under RCW 50.44.040 and the members shall be so advised by the department.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

~~((5))~~ (6) \$120,000 of the administrative contingency fund—federal appropriation is provided solely for a reemployment bonus demonstration project, contingent on the availability of federal or private funding of no less than \$500,000. The employment security department shall evaluate the effectiveness of the reemployment bonus in returning unemployed workers to employment and report to the commerce and labor committees of the senate and house of representatives by January 15, 1989. If federal or private moneys do not become available before June 30, 1988, the amount provided in this subsection shall lapse.

~~(7) \$300,000 of the administrative contingency fund appropriation is provided solely for a contract with the department of trade and economic development for expansion of the existing efforts to anticipate and prevent plant closures and mass layoffs and mitigate their adverse effects. No more than \$75,000 of this amount may be spent for the administrative costs of the department of trade and economic development.~~

~~(8) \$2,500,000 of the administrative contingency fund appropriation is provided solely for the purpose of addressing state impacts due to the federal immigration reform act. The funds shall be expended to carry out employee work eligibility certification, agricultural worker recruitment, supply and demand projects, and overall agricultural labor market analysis. Of the amount provided in this subsection, \$1,000,000 may be expended only to the extent that the department receives user fees for the services provided under this subsection. The user fees, which the department is hereby authorized to collect, shall not exceed ninety percent of the department's actual costs and shall be deposited in the administrative contingency fund.~~

~~(9) \$2,080,000 of the federal interest payment fund appropriation may be expended by the department only if the governor authorizes the expenditure in order to avoid or mitigate across-the-board allotment reductions under RCW 43.88.110. If the governor authorizes the expenditure, \$2,080,000 of the general fund—state appropriation shall lapse. The amount expended by the department from the federal interest payment fund appropriation shall not exceed the amount lapsed from the general fund—state appropriation. Any moneys from the federal interest payment fund appropriation remaining unexpended on June 30, 1989, shall be deposited in the unemployment insurance trust fund.~~

Sec. 221. Section 229, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION
 General Fund Appropriation \$ ~~((525,000))~~
513,000

Sec. 222. Section 230, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	((19,109,000))
		<u>14,609,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

PART III
NATURAL RESOURCES

Sec. 301. Section 301, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,874,000
General Fund Appropriation—Federal	\$	16,528,000
General Fund Appropriation—Private/Local	\$	20,000
Geothermal Account Appropriation—Federal	\$	45,000
Building Code Council Account Appropriation	\$	((632,000))
		<u>682,000</u>
Total Appropriation	\$	((19,099,000))
		<u>19,149,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation is provided solely to contract with the institute for public policy at The Evergreen State College to complete a comprehensive state hydropower study. The study shall: (1) Be developed in consultation with other state agencies (2) be completed by December 1, 1987, and (3) result in recommendations for a state hydropower plan for the balanced protection and development of the state's waterways.

Sec. 302. Section 302, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	((463,000))
		<u>509,000</u>
General Fund Appropriation—Private/Local	\$	468,000
Total Appropriation	\$	((931,000))
		<u>977,000</u>

Sec. 303. Section 303, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	((51,666,000))
		<u>51,746,000</u>
General Fund Appropriation—Federal	\$	((59,846,000))
		<u>40,926,000</u>
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,999,000
Wood Stove Public Education Account Appropriation	\$	366,000
Special Grass Seed Burning Research Account Appropriation	\$	40,000
State Toxics Control Account	\$	620,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	((175,000))
		<u>907,000</u>
Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	((2,095,000))
		<u>2,575,000</u>
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	((1,071,000))
		<u>1,111,000</u>
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000
Water Quality Account Appropriation	\$	2,398,000

Workers and Community Right to Know Fund Appropriation	\$	229,000
Total Appropriation	\$	((133,578,866))
		<u>116,610,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall implement the Nisqually river task force recommendations. \$150,000 of the general fund—state appropriation is provided solely for this purpose.

~~((3))~~ (2) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

~~((4))~~ (3) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

~~((5))~~ (4) \$9,250,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide water quality activities

~~((6))~~ (5) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

~~((7))~~ (6) \$553,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

~~((8))~~ ~~If House Bill No. 434 is enacted by June 30, 1987, the appropriation from the hazardous waste control and elimination account shall lapse:~~

(9) (7) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, and (b) contract with the department of community development to design a model oil spill contingency plan.

~~((10))~~ (8) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

~~((11))~~ (9) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

~~((12))~~ ~~Within the general fund appropriation, the department shall phase out state hazardous waste remedial action sites currently in progress and meet emergency response actions. This subsection does not apply if House Bill No. 434 is enacted by June 30, 1987.~~

~~((13))~~ (10) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$392,000, or so much as may be required, of the emergency water project revolving account appropriation (emergency water supply) is provided solely for the purpose of planning and administering drought relief activities as provided for in Senate Bill No. 6513. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(12) \$200,000, or so much as may be required, of the emergency water project revolving account appropriation (emergency water supply) is provided solely for staff support and contract services as provided for in Senate Bill No. 6724. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(13) \$140,000, or so much as may be required, of the emergency water project revolving account appropriation (emergency water supply) is provided solely for a comprehensive state water use efficiency study as provided for in Senate Bill No. 6380 or House Bill No. 1594. If neither of these bills is enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(14) \$160,000, of which \$80,000 is from the general fund—state appropriation and \$80,000 is from the general fund—federal appropriation, shall be used for a grant to Pend Oreille county for the purpose of controlling milfoil in the Pend Oreille river.

Sec. 304, Section 305, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	((35,258,866))
		<u>35,308,000</u>
General Fund Appropriation—Federal	\$	999,000
General Fund Appropriation—Private/Local	\$	745,000
Trust Land Purchase Account Appropriation	\$	8,784,000
Winter Recreation Parking Account Appropriation	\$	322,000
Snowmobile Account Appropriation	\$	922,000
Public Safety and Education Account Appropriation	\$	10,000
ORV (Off-Road Vehicle) Appropriation	\$	159,000
Motor Vehicle Fund Appropriation	\$	1,000,000
Total Appropriation	\$	((48,199,866))
		<u>48,249,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$416,000 of the general fund—state appropriation is provided solely for carrying out the Puget Sound water quality plan.

(2) \$50,000 of the general fund—state appropriation is provided solely to improve and provide recreational access for Doug's Beach.

Sec. 305. Section 308, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	602,000
Water Quality Account Appropriation	\$	78,000
<u>Total Appropriation</u>	<u>\$</u>	<u>680,000</u>

The appropriations in this section ((ts)) are subject to the following conditions and limitations:

(1) \$182,000 is provided solely for carrying out the Puget Sound water quality plan.

(2) No more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

Sec. 306. Section 310, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	((47,465,000)) 47,560,000
General Fund Appropriation—Federal	\$	14,057,000
General Fund Appropriation—Private/Local	\$	3,651,000
Aquatic Lands Enhancement Account Appropriation	\$	425,000
<u>Total Appropriation</u>	<u>\$</u>	<u>((65,598,000)) 65,693,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$106,000 of the general fund—state appropriation is provided solely for carrying out the Puget Sound water quality plan.

(2) ~~((540,000 of the general fund—state appropriation is provided solely for the purposes of reintroducing an early coho salmon run to the Tilton river and Winston creek:~~

(3)) \$587,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$150,000 of the general fund—state appropriation is provided solely for shellfish enforcement on Hood Canal.

~~((5))~~ (4) \$150,000 of the aquatic lands enhancement account appropriation is provided solely for the preparation of an ecological impact statement on the guidelines for the management of salmon net pens in Puget Sound.

~~((6))~~ (5) The department shall present to the natural resource committees of the senate and house of representatives no later than February 1988 a report on the department's watershed plan, with specific identification of the benefits associated with the Queets hatchery and other Indian tribal agreements.

~~((7))~~ (6) \$194,000 of the general fund—state appropriation may be expended for additional feed for the Deschutes hatchery.

~~((8))~~ (7) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

~~((9))~~ (8) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Toutle river fish collection facility.

(9) \$45,000 of the general fund—state appropriation is provided solely for the operation of a twenty-four hour per day hotline for user groups or individuals to obtain up-to-date information on departmental rules and regulations. The department shall charge fees necessary to recover the cost of operation of the hotline.

(10) \$10,000 of the general fund—state appropriation is provided solely to contract with the University of Washington school of fisheries for a study on the predation of sockeye smolt in Lake Washington.

(11) \$125,000 of the general fund—state appropriation is provided solely for the purpose of developing a salmon and steelhead rehabilitation plan for the Stillaguamish river in cooperation with the Tulalip Indian tribe and the department of wildlife.

Sec. 307. Section 311, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((GAME)) WILDLIFE

ORV (Off-Road Vehicle) Account Appropriation	\$	256,000
Aquatic Lands Enhancement Account Appropriation	\$	275,000
Public Safety and Education Account Appropriation	\$	515,000

((Game)) Wildlife Fund Appropriation—State	\$	((36,821,000)) 37,098,000
((Game)) Wildlife Fund Appropriation—Federal	\$	15,142,000
((Game)) Wildlife Fund Appropriation—Private/Local	\$	1,856,000
((Game)) Wildlife Fund—Special Wildlife Account Appropriation	\$	423,000
Total Appropriation	\$	((55,208,000)) 55,565,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, in carrying out its responsibilities under the timber, fish, and wildlife agreement, accomplish the following:

(a) Perform the necessary data collection, research, and monitoring programs which examine the differences, and make provisions for those differences, between eastern and western Washington; and

(b) Conduct a study on the department's cooperative road closure program and landowner education program in eastern Washington.

(2) Of the \$8,000,000 general fund—state appropriation in chapter 508, Laws of 1987, \$711,000 is provided solely for implementation of the timber, fish, and wildlife agreement and \$59,000 is provided solely for carrying out the Puget Sound water quality plan.

Sec. 308, Section 312, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((36,170,000)) 42,649,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	((21,136,000)) 21,294,000
Survey and Maps Account Appropriation	\$	((773,000)) 838,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	((52,495,000)) 55,279,000
Total Appropriation	\$	((115,516,000)) 125,002,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,706,000)~~ 8,706,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

~~(6) (\$100,000 of the general fund—state appropriation is provided solely for interim relocation of all department staff presently located in the John A. Cherberg building. The department shall vacate the John A. Cherberg building no later than February 29, 1988.)~~ \$479,000 of the general fund—state appropriation is provided solely for spraying to control spruce budworm infestations.

(7) \$75,000 of the resource management cost account appropriation is provided solely for a feasibility study, under the guidance of the office of financial management and the department of information systems, directed at the development of a cost allocation system.

(8) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

Sec. 309. Section 313, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	((16,021,000))
		<u>16,061,000</u>
General Fund Appropriation—Federal	\$	601,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Total Appropriation	\$	((19,532,000))
		<u>19,572,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

~~((7))~~ (6) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

~~((8)-\$80,000))~~ (7) \$120,000 of the general fund—state appropriation is provided solely for the aquaculture program.

Sec. 310. Section 314, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	((23,650,000))
		<u>24,125,000</u>
Motor Vehicle Fund Appropriation	\$	532,000
Total Appropriation	\$	((24,182,000))
		<u>24,657,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund appropriation is provided solely for the business assistance center. The center, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The center shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.

(2) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs. State funds for small business development center programs in Lewis county shall not be reduced from the level provided in the 1985-1987 biennium.

(3) \$625,000 of the general fund appropriation is provided solely for contracts with the small business export finance assistance center of Washington. At least \$100,000 of the amount provided in this subsection shall be used by the department and the small business export finance assistance center for the development of a coordinated outreach program for trade information services and export finance assistance. In developing this program, the department and the small business export finance assistance center shall work with the business assistance center, ports, and other users and suppliers of trade services.

(4) The department shall analyze market trends and investment opportunities in at least eight key sectors of the Washington economy. The department shall publish five-year projections of selected mature and growth industries with current or potentially large impacts on the

state economy, including barriers to competitiveness, potential market niches, investment trends, and their relationship to state economic development efforts. The department shall work in concert with the Washington state economic development board, the department of community development, CENTRAFOR, IMPACT, the employment security department, and the private sector to develop these industry studies and to analyze strategies for the retention and development of high-wage jobs.

(5) The following amounts of the general fund appropriation are provided solely for matching funds to equal amounts of private-sector, federal, and in-kind contributions:

- (a) Washington high technology center, \$7,000,000; and
- (b) Center for international trade in forest products, \$297,000.

(6) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

(7) \$200,000 of the general fund appropriation is provided solely for contracts with the Washington research foundation for hiring licensing and university liaison staff and for patents and other licensing-related expenses. Any contract with the Washington research foundation shall include, but is not limited to, the following conditions:

(a) Washington research foundation activities shall increase the transfer to Washington businesses of new technologies developed by state university researchers.

(b) At least fifty percent of licenses issued through the Washington research foundation shall go to firms with headquarters in Washington state.

(c) Washington research foundation activities shall be coordinated with the business assistance and financing services provided by the departments of community development and trade and economic development.

(d) The Washington research foundation shall make a report to the legislature by December 31, 1988. This report shall include, but is not limited to, the following information: The number of licenses issued during the preceding year, the number of licenses issued during the preceding year to firms with headquarters in Washington state, nonconfidential information on the financial outcome of technologies in which the foundation has invested, and the financial status of the foundation.

(8) \$90,000 of the general fund appropriation is provided solely for support of an office of capital projects and the development of a demonstration housing project in Hyogo prefecture, Japan.

(9) \$75,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6220. The department shall contract with other state agencies as necessary. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(10) \$110,000 of the general fund appropriation is provided solely for a pilot program to establish import substitution systems in selected communities.

(11) The director shall form an interagency task force charged with gathering information on entrepreneurial development, formulating interagency agreements to promote entrepreneurial activity, and designing programs and policy options. The task force shall be composed of representatives from the department of community development, the employment security department, the department of labor and industries, the department of social and health services, the state board for vocational education, the state board for community college education, the higher education coordinating board, and the superintendent of public instruction.

(12) The department shall establish the Washington investment opportunities office as a clearinghouse for entrepreneurs seeking capital and investments. The office shall keep a list of entrepreneurs in the state looking for capital resources, provide prospective investors with information about these entrepreneurs, and coordinate the delivery of assistance to entrepreneurs developing business plans.

Sec. 311. Section 318, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation \$ 27,000

The appropriation in this section is subject to the following conditions and limitations: \$5,000 of the appropriation is provided solely as partial funding of a study of the effect of the ski industry on the economy of the state.

Sec. 312. Section 12, chapter 8, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

~~\$(9,320,000)~~ 11,956,000 or so much thereof as may be necessary, is appropriated from the state convention and trade center operations account to the state convention and trade center corporation, for the fiscal biennium ending June 30, 1989, for the purposes of operation and promotion of the center. The appropriation in this section is subject to the following conditions and limitations: \$1,540,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities under House Bill No. 1801, 2039 or Senate Bill No. 6757. If none of the bills are enacted by June 30, 1988, the amount provided in the previous sentence shall lapse.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

Death Investigations Account Appropriation	\$	24,000
General Fund Appropriation—State	\$	(16,938,666)
		19,548,000
General Fund Appropriation—Federal	\$	2,974,000
General Fund Appropriation—Private/Local	\$	(1,769,666)
		146,000
Total Appropriation	\$	(21,705,666)
		22,692,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((At least \$471,000 of the general fund—state appropriation shall be spent on crime labs. \$1,424,666 of the general fund—federal appropriation is provided solely for crime labs if federal narcotics enforcement moneys are granted to the state. If these moneys are not granted to the state, an additional \$471,000 of the general fund—state appropriation shall be spent on crime labs. If the additional \$471,000 is spent on crime labs, the expenditure for the narcotics section shall not exceed the expenditures for that purpose during the 1985-1987 biennium.)) \$721,000 of the general fund—state appropriation shall be spent on crime labs. \$1,263,000 of the general fund—federal appropriation is provided solely for crime labs to the extent federal narcotics moneys are provided to the state. If less than \$405,000 of federal narcotics enforcement money is provided for state law enforcement in federal fiscal year 1988, then all of federal fiscal year 1988 federal narcotics money shall be spent on crime labs.~~

(2) \$431,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5063. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse. Fees resulting from implementation of the bill shall be placed in the state general fund.

(3) Notwithstanding subsection (1) of this section, an additional \$500,000 of the general fund—state appropriation shall be spent on crime labs. \$275,000 of this amount shall be used for additional personnel and related costs. The remainder shall be used for salary adjustments as approved by the department of personnel.

(4) \$42,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 6215. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(5) \$500,000 of the general fund—state appropriation is provided solely to support existing narcotics task forces state-wide that are experiencing decreasing federal revenues.

(6) \$300,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The state patrol shall develop a computer database and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies.

PART V
EDUCATION

Sec. 501. Section 501, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	(17,701,666)
		17,466,000
General Fund Appropriation—Federal	\$	10,683,000
Public Safety and Education Account Appropriation	\$	456,000
Total Appropriation	\$	(28,848,666)
		28,605,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$364,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs. \$50,000 of this amount shall be used to contract for services to expand the program to include Latin America.

(3) \$18,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$50,000 of the general fund—state appropriation is provided solely for pilot programs for Hispanic dropout prevention and retrieval.

(5) \$43,000 of the general fund—state appropriation is provided solely for the purchase of multi-cultural/multi-ethnic instructional materials to be distributed to all elementary and secondary school buildings in the state.

(6) The superintendent of public instruction shall, jointly with the state board for community college education, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(7) ~~(\$35,000 of the general fund—state appropriation is provided solely for the development of a horticulture greenhouse project within the Sequim school district.)~~ The superintendent of public instruction shall establish a state-wide inventory of school facilities and a system for maintaining a current state-wide inventory of school facilities. The inventory system shall be developed in cooperation with the office of financial management and shall be designed to yield consistent and easily accessible information intended to facilitate administrative decisions on school construction projects and analysis of long-term facilities needs. The superintendent of public instruction shall provide a completed state-wide inventory of school facilities to the legislature by June 30, 1989.

(8) The superintendent of public instruction shall conduct a survey and study of fringe benefits provided to employees of local school districts. The study shall be conducted jointly with the public employees benefits agency created by Senate Bill No. The study shall address the level and types of benefits currently provided to school district employees, the reasons for the wide ranging level of benefits currently provided by local school districts, the costs to both the employer and employee of benefits provided, and other issues necessary to enable the public employees benefits agency to assist the legislature in determining an adequate and equitable funding level for employee benefits for the common school system. The results of the study shall be reported by the public employees benefits agency to the legislature by December 31, 1988.

Sec. 502. Section 503, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 3rd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

(BASIC EDUCATION)

General Fund Appropriation	\$	(3,014,863,000)
		<u>3,833,944,000</u>
Revenue Accrual Account Appropriation	\$	55,100,000
Total Appropriation	\$	(3,069,963,000)
		<u>3,889,044,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(367,706,000)~~ 367,323,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504, chapter 7, Laws of 1987 1st ex. sess., as amended, by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 507, chapter 7, Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(i) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education

program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty average annual full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty average annual full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For each nonhigh school district having an enrollment of more than seventy average annual full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty average annual full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments for the 1987-88 school year only:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students; ~~((and))~~

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students; and

(iii) For the 1988-89 school year, excluding certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(2), chapter 7, Laws of 1987 1st ex. sess., as amended, by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty average annual full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and 19.53 percent in the ~~((1987-88))~~ 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and 17.12 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), (c), and (e) through (l) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of \$3,209,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$342,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,135,000 may be expended in fiscal year 1989.

(c) A maximum of \$((272,666)) 472,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of section 101, chapter 2, Laws of 1987 1st ex. sess. or if Substitute Senate Bill No. 6505 or Substitute House Bill No. 1915 are enacted redefining levy reduction, the following allocations ((for the 1987-88 school year)) shall be recognized as levy reduction funds:

(a) For the 1987-88 school year, for certificated instructional staff units generated under subsection (2)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For the 1988-89 school year, for certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated staff salaries and benefits.

(10) For the purposes of section 101, chapter 2, Laws of 1987 1st ex. sess., the increase per full time equivalent student in the state basic education appropriation provided under this section is 2.75 percent between the 1986-87 and 1987-88 school years, and 3.52 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) ((A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. Any school district receiving an allocation under this subsection must certify that funding distributed for its remote and necessary school plants under this subsection and subsection (2)(e) of this section is used solely for programs for students enrolled in these school plants. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(13)) The appropriations in this section include \$119,343,000 allocated for compensation increases for basic education staff, as provided pursuant to section 504, chapter 7, Laws of 1987 1st ex. sess., as amended.

Sec. 503, Section 504, chapter 7, Laws of 1987 1st ex. sess. as amended by section 2, chapter 1, Laws of 1987 3rd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

For the purposes of section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be

reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of subsection (2) of this section, "basic education certificated instructional staff" is defined as provided in ~~(section 203, chapter 2, Laws of 1987 1st ex. sess.)~~ RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 10" means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:06 hours.

(e) "LEAP Document 11" means the computerized tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, as developed by the legislative evaluation and accountability program committee on August 19, 1987, at 10:29 hours.

(f) "Derived base salary" means a school district's average salary for basic education certificated instructional staff, divided by the district's average staff mix factor for such staff computed using LEAP Document 1.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 certificated administrative average salary shown on LEAP Document 10, increased by 2.1 percent of the 1986-87 LEAP Document 10 state-wide average salary for certificated administrative staff.

(ii) For the 1988-89 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's certificated administrative average salary allocation for the 1987-88 school year provided under this section, further increased by 2.14 percent of the 1986-87 LEAP Document 10 state-wide average salary.

(b)(i) For the 1987-88 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 classified average salary shown on LEAP Document 10, increased by 2.7 percent of the 1986-87 LEAP Document 10 state-wide average salary for classified staff.

(ii) For the 1988-89 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's classified average salary allocation for the 1987-88 school year provided under this section, further increased by 2.77 percent of the 1986-87 LEAP Document 10 state-wide average classified salary.

(c) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by 2.1 percent; or

(iii) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(d) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(c)(i) or (iii) of this section, the district's actual 1987-88 derived base salary for basic education certificated instructional staff computed by the superintendent of public instruction using LEAP Document 1, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent. In no case shall the actual 1987-88 derived base salary recognized in this subsection exceed the average salary used for state allocations in the 1987-88 school year for basic education certificated instructional staff under section 502 of this 1988 act, including the increases provided under this section and section 504(4) of this 1988 act, divided by the district's average staff mix factor for 1987-88 basic education certificated instructional staff.

(3) Pursuant to ((~~section 204, chapter 2, Laws of 1987 1st ex. sess.~~) RCW 28A.41.112, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,050	17,510	17,988	18,465
1	17,681	18,158	18,653	19,164
2	18,329	18,823	19,335	19,897
3	19,011	19,522	20,051	20,648
4	19,710	20,255	20,801	21,432
5	20,443	21,006	21,568	22,250
6	21,210	21,773	22,370	23,103
7	21,995	22,574	23,188	23,972
8	22,796	23,410	24,041	24,893
9		24,279	24,944	25,831
10			25,865	26,820
11				27,843
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,000	20,989	20,000	21,210	22,250
1	20,750	21,756	20,750	21,995	23,069
2	21,517	22,557	21,517	22,813	23,921
3	22,301	23,393	22,301	23,648	24,808
4	23,137	24,262	23,137	24,518	25,728
5	23,989	25,166	23,989	25,439	26,666
6	24,876	26,087	24,876	26,376	27,655
7	25,797	27,058	25,797	27,348	28,678
8	26,751	28,064	26,751	28,354	29,752
9	27,740	29,104	27,740	29,411	30,843
10	28,763	30,179	28,763	30,502	31,986
11	29,838	31,287	29,838	31,628	33,162
12	30,946	32,446	30,946	32,804	34,390
13	32,088	33,640	32,088	34,015	35,669
14 or more		34,884	33,265	35,276	36,981

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,600	18,075	18,568	19,061
1	18,251	18,744	19,254	19,782
2	18,920	19,430	19,958	20,539
3	19,624	20,152	20,698	21,314
4	20,346	20,909	21,472	22,123
5	21,102	21,683	22,264	22,968
6	21,894	22,475	23,091	23,848
7	22,704	23,302	23,936	24,746
8	23,531	24,165	24,816	25,696
9		25,062	25,749	26,664
10			26,699	27,685
11				28,741
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,645	21,666	20,645	21,894	22,968
1	21,419	22,458	21,419	22,704	23,813
2	22,211	23,285	22,211	23,549	24,693
3	23,021	24,147	23,021	24,411	25,608
4	23,883	25,045	23,883	25,309	26,558
5	24,763	25,978	24,763	26,259	27,526
6	25,678	26,928	25,678	27,227	28,547
7	26,629	27,931	26,629	28,230	29,603
8	27,614	28,970	27,614	29,269	30,712
9	28,635	30,043	28,635	30,360	31,838
10	29,691	31,152	29,691	31,486	33,018
11	30,800	32,296	30,800	32,648	34,232
12	31,944	33,493	31,944	33,862	35,499
13	33,123	34,725	33,123	35,112	36,819
14 or more		36,010	34,338	36,414	38,174

(c) As used in this subsection:

(i) "BA" means a baccalaureate degree;

(ii) "MA" means a masters degree;

(iii) "PHD" means a doctorate degree;

(iv) "+ (N)" means the number of college quarter hour credits and inservice credits earned since the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

Sec. 504, Section 505, chapter 7, Laws of 1987 1st ex. sess. as amended by section 3, chapter 1, Laws of 1987 3rd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MINIMUM SALARIES AND CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ (22,549,000)
23,264,000

The appropriation in this section is subject to the following conditions and limitations:

(1) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in subsections (3) and (4) of this section.

(2) A maximum of ~~\$(6,431,000)~~ 8,185,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$10.51 per pupil for the 1987-88 school year and by ~~\$(21.60)~~ 21.68 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$9.15 per pupil for the 1987-88 school year and by ~~\$(18.60)~~ 16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$6.23 per pupil for the 1987-88 school year and by \$12.84 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$57.15 per full time equivalent student for the 1987-88 school year, and by ~~\$(117.45)~~ 114.91 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by ~~\$(8.95)~~ 8.86 per weighted pupil-mile for the 1988-89 school year.

(3) A maximum of ~~\$(13,110,000)~~ 14,979,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 507, and for state-supported staff in institutional education programs, section 508, and in educational service districts, section 502. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 504, chapter 7, Laws of 1987 1st ex. sess.

(4) A maximum of ~~\$(+666,666)~~ 100,000 is provided solely to implement minimum salaries, distributed as follows:

(a) For any certificated instructional employee in the 1987-88 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee in the 1986-87 school year at the employee's 1987-88 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1986-87 and 1987-88 school years. For the purposes of this section, no salary which an employee would have been paid in the 1986-87 school year shall be considered to be less than \$16,500 on a full time equivalent basis if the district had received funds under section 502(3)(f) of chapter 7, Laws of 1987, to establish a minimum certificated salary of \$16,500.

(b) For any certificated instructional employee in the 1988-89 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

(i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus

(ii) The salary that the school district would have paid to such an employee during the 1987-88 school year at the employee's 1988-89 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1987-88 and 1988-89 school years.

(c) The superintendent of public instruction shall allocate incremental fringe benefits as defined in subsection (1) of this section for additional salary moneys allocated under (a) and (b) of this subsection.

Sec. 505. Section 506, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ ~~((49,500,000))~~
45,042,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this section is to provide a grant, in addition to the district's basic education allocation, to each school district based on full time equivalent student enrollment to meet the educational needs of each district.

(2) School districts shall be eligible to receive a grant in addition to their basic education allocation. This additional grant shall be distributed to local school districts from the superintendent of public instruction on the basis of full time equivalent students. For districts enrolling not more than one hundred average annual full time equivalent students, except as otherwise specified, and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, the grant shall be distributed as follows:

(a) For grades K-6, for districts enrolling not more than sixty average full time equivalent students, the grant shall be based on sixty full time equivalent students;

(b) For grades 7 and 8, for districts enrolling not more than twenty average full time equivalent students, the grant shall be based on twenty full time equivalent students; and

(c) For districts that have high schools with sixty or fewer full time equivalent students, the grant shall be based on sixty full time equivalent students.

(3) For each school year beginning in the 1987-89 biennium, each school district shall receive, in addition to the basic education allocation, a grant ~~((of no less than \$67.50))~~ per full time equivalent student of a maximum of \$33.75. Grants shall be distributed on a school year basis. A maximum of ~~\$(24,750,000))~~ 24,900,000 may be allocated for the 1987-88 school year.

(4) For the purposes of this section, each school board shall:

(a) Assess the needs of the schools within the district;

(b) Assign priority to addressing the identified needs; and

~~((c))~~ (c) Develop an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

(5) New or existing programs enhanced by the funds provided to districts by a grant under this chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

~~((f))~~ (f) Local district grants may be used to fund any or all of the following activities:

(a) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

(i) Providing stipends to competent retired teachers to return them to the classroom as "team teachers" or classroom assistants;

(ii) Providing stipends to teachers' aides;

(iii) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;

(iv) Providing recognition to citizen volunteers who assist in the classroom;

- (v) Providing training programs for classroom assistants, including volunteers; and
- (vi) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.
- (b) Dropout prevention and retrieval programs, including, but not limited to:
 - (i) Curriculum development;
 - (ii) Public and private sector partnerships in expanding offerings in programs such as "Choices" and the "Registry" program;
 - (iii) Alternative learning program development;
 - (iv) Enhancement of vocational, career, college, and pupil advisory programs;
 - (v) Elementary school advisory programs;
 - (vi) Mentor pupil programs such as "Natural Helpers"; and
 - (vii) Curriculum materials and equipment purchases.
- (c) Drug and alcohol abuse programs, including, but not limited to:
 - (i) In-service staff training programs for the identification of students at-risk; and
 - (ii) Community services networking to direct students who are substance abusers to appropriate treatment facilities.
 - (d) Early childhood programs, including but not limited to:
 - (i) A parents as first teachers program that provides for resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other appropriate activities to enable parents to improve learning in the home, understand the relationship between developmental stages and behavior, and monitor their children's growth and development relating to understanding and use of language; perception through sight and hearing; motor development and hand-eye coordination; and health, physical development, and emotional, social, and mental development;
 - (ii) Nutritional programs;
 - (iii) Parental participation programs; and
 - (iv) Child day-care programs.
 - (e) In-service training programs for staff development including, but not limited to:
 - (i) Funding speakers or group leaders to deliver in-service training to staff;
 - (ii) Program materials and equipment;
 - (iii) Tuition, registration fees, and associated fees for attendance at seminars, workshops, or courses that directly relate to enhancing adult training for classroom duties; and
 - (iv) Travel reimbursement directly related to in-service training.
 - (f) Programs that develop and promote logical reasoning and improved analytical skills, including programs for highly capable students.
 - ((+0)) (7) Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.
 - ((++)) (8) The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31, 1989.

Sec. 506. Section 507, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((407,476,000))
		<u>423,035,000</u>
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	((452,794,000))
		<u>468,353,000</u>

- The appropriations in this section are subject to the following conditions and limitations:
- (1) ~~\$((41,565,000))~~ 41,570,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.
 - (2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on April 27, 1987, at 14:43 hours.
 - (3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.
 - (4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

Sec. 507. Section 508, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((20,121,000))
		21,345,000
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	((27,155,000))
		28,379,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((3,577,000)) 3,462,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) \$((10,094,000)) 10,908,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,128,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,294 per full time equivalent student.

(b) \$((2,970,000)) 3,368,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$((5,405)) 6,112 per full time equivalent student.

(c) \$((370,000)) 390,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$((3,492)) 3,678 per full time equivalent student.

(d) \$((564,000)) 733,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$((1,395)) 1,815 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) \$((2,054,000)) 2,289,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$((4,012)) 4,471 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student and a total allocation of no more than \$3,735,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$((5,410)) 6,116 per full time equivalent student and a total allocation of no more than \$((2,094,000)) 3,272,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$((3,502)) 3,688 per full time equivalent student and a total allocation of no more than \$((371,000)) 391,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of \$((1,307)) 1,808 per full time equivalent student and a total allocation of no more than \$((560,000)) 730,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$((4,022)) 4,482 per full time equivalent student and a total allocation of no more than \$((2,059,000)) 2,295,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of \$153,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

(5) Notwithstanding subsections (1) through (4) of this section, the superintendent of public instruction is authorized to transfer funds between subsections of this section for the purposes of meeting increased staff costs associated with enrollment increases or externally caused programmatic changes. This transfer authority is limited to no more than ten percent of any dollar amount specified in this section for any one school year and is subject to prior review and approval by the director of financial management. Prior to the transfer, the superintendent shall submit a written request to the director of financial management, who may approve the transfer after consultation with the ways and means committees of the senate and house of representatives. In addition, the rates per pupil set forth in subsections (1) through (4) of this section are for the purposes of setting the initial allocations of funds for each program based on department of social and health services enrollment estimates.

Sec. 508. Section 509, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ~~((11,294,000))~~
12,175,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~S((1,174,000))~~ 1,111,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

Sec. 509, Section 510, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~((48,011,000))~~
48,886,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~S((3,982,000))~~ 3,929,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 and 1988-89 school years at a maximum rate of \$356 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

Sec. 510, Section 511, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ~~((5,272,000))~~
5,275,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~S((402,000))~~ 458,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) ~~S((2,403,000))~~ 2,458,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$338 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$341 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 511, Section 513, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ ~~((75,138,000))~~
74,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,888 per student for a maximum of 12,050 full time equivalent students.

(2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of \$2,930 per student for a maximum of 12,050 full time equivalent students.

(3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.

(5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.

(6) ~~\$(3,666,666)~~ 2,350,000 is provided solely for the establishment and operation of the Washington Institute of Applied Technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

Sec. 512, Section 514, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	(13,434,666)
		<u>14,846,000</u>
General Fund Appropriation—Federal	\$	4,000,000
Total Appropriation	\$	(17,434,666)
		<u>18,846,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$855,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$4,000,000 of the general fund—federal appropriation is provided solely for the implementation of the substance abuse prevention programs.

(4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of (~~Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, this amount shall lapse~~) RCW 28A.120.060 through 28A.120.072.

(5) \$2,020,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by (~~Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, this amount shall lapse~~) RCW 28A.100.030 through 28A.100.068.

(6) ~~\$(2,966,666)~~ 3,938,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under (~~Substitute Senate Bill No. 5622. If the bill is not enacted by June 30, 1987, this amount shall lapse~~) RCW 28A.67.240.

(7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of (~~Engrossed Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse~~) RCW 28A.03.512 through 28A.03.514.

(8) \$1,600,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under (~~Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse~~) RCW 28A.130.010 through 28A.130.020.

(9) \$250,000 of the general fund—state appropriation is provided solely for the implementation of the student teaching pilot project established by (~~Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse~~) RCW 28A.100.030 through 28A.100.068.

(10) \$314,000 of the general fund—state appropriation is provided solely for costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(11) \$60,000 of the general fund—state appropriation is provided solely to establish and operate a toll free telephone number at the Lifeline Institute to assist school districts in teenage suicide prevention.

Sec. 513, Section 516, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	(216,956,666)
		<u>221,840,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~\$(20,670,000)~~ 20,422,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.
- (2) A maximum of ~~\$(95,546,000)~~ 97,507,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.
- (3) A maximum of \$800,000 may be expended for regional transportation coordinators.
- (4) A maximum of \$60,000 may be expended for bus driver training.

PART VI
HIGHER EDUCATION

Sec. 601, Section 601, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7,763
Washington State University	\$	6,549
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	5,974
Each Student over 3000 FTE	\$	3,895
State Board for Community College Education	\$	2,793

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention;

(i) The annual faculty turnover rates experienced by the institution or the system; and

(j) The amount spent on instructional equipment, the type of equipment purchased, and the instructional enhancements that resulted from the additional equipment.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

~~((6))~~ (5) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established

for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

((7)) (6) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

((8)) (7) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	405,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	(4,036,000) 3,196,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

((9)) (8) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, academic deans, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. "Exempt staff" includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	(19,266,000) 19,058,000
Washington State University	\$	(9,493,000) 9,330,000
Central Washington University	\$	(2,159,000) 2,152,000
Eastern Washington University	\$	(2,469,000) 2,441,000
The Evergreen State College	\$	(1,069,000) 1,060,000
Western Washington University	\$	(2,093,000) 2,851,000
State Board for Community College Education	\$	(14,203,000) 14,667,000
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide full time faculty and teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%
Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Exempt staff and part time faculty at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

((††)) (9) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection ((††)) (8) of this section, \$1,129,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000
Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

((††)) (10) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000
State Board for Community College Education	\$	((3,166,000))
		<u>3,350,000</u>
Higher Education Coordinating Board	\$	23,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

((††)) (11) Any institution that grants an average salary increase in excess of the amounts authorized in subsection ((††)) (8) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections ((††)) (8) and ((††)) (9) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

Sec. 602, Section 602, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$	((531,174,000))
		<u>530,902,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$170,000 shall be spent solely for necessary expenditures attributable to the fire of February 16, 1987, at Everett Community College.

(2) At least \$480,000 shall be spent by the state board for community college education for the literacy tutor coordination project.

Sec. 603. Section 603, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	((516,799,666)) 513,439,000
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	((522,499,666)) 519,139,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,500,000 of the general fund appropriation is provided solely for equipment.
- (2) A maximum of \$75,000 may be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.
- (3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.
- (4) At least \$75,000 of the appropriations in this section shall be spent for research on the health and safety hazards of video display terminals in the workplace.
- (5) \$200,000 of the general fund appropriation is provided solely for rental costs on a building to house clinical and laboratory space for the treatment of patients with AIDS and the training of health care professionals in such treatment.

Sec. 604. Section 604, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	((287,150,666)) 287,269,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$4,717,000 is provided solely for equipment.
- (2) Funds are provided to Washington State University to continue the Yakima nursing training program.
- (3) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.
- (4) \$165,000 of the appropriation is provided solely for additional training of education professionals at the Southwest Washington joint center for education.
- (5) \$117,000 of the appropriation is provided solely for additional training of education professionals at the Tri-Cities university center.

(6) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

((f)) (7) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

Sec. 605. Section 605, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((61,688,666)) 81,559,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,157,000 is provided solely for equipment.
- (2) \$150,000 is provided solely for start-up and operation of the health research and education center in Spokane.

Sec. 606. Section 606, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((68,969,666)) 68,807,000
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The appropriation in this section is subject to the following conditions and limitations: ((+))
\$1,015,000 is provided solely for equipment.

Sec. 607. Section 607, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	((46,269,666)) 40,285,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$945,000 is provided solely for equipment.
- (2) \$400,000 of the general fund appropriation is provided solely for the Washington state center for the improvement of the quality of undergraduate education.

(3) \$300,000 of the general fund appropriation is provided solely for summer seminars in coordination with the national faculty of humanities, arts and sciences to improve the quality of teaching in high schools and community colleges.

(4) At least \$200,000 shall be spent for a labor center. The college shall endeavor to obtain additional funds for the labor center from nonstate sources.

(5) \$25,000 of the general fund—state appropriation is provided solely for the public policy institute for the purpose of conducting research projects directed by the legislature.

Sec. 608. Section 608, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((87,675,000))
		<u>87,231,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,421,000 is provided solely for equipment.

(2) \$96,000 of the general fund appropriation is provided solely for development of a value-added testing program to measure educational attainment of students while enrolled at the university.

Sec. 609. Section 609, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State	\$	((52,344,000))
		<u>52,094,000</u>
General Fund Appropriation—Federal	\$	3,471,000
State Educational Grant Appropriation	\$	40,000
Total Appropriation	\$	((55,855,000))
		<u>55,605,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,392,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount, a minimum of \$18,100,000 shall be expended for work study grants. The state need grant program shall emphasize, to the extent possible, the provision of aid to low-income single parents with dependents.

(2) ~~\$(5,600,000))~~ 4,750,000 of the general fund—state appropriation is provided solely for the distinguished professorship trust fund.

(3) \$300,000 of the general fund appropriation is provided solely for the implementation of House Bill No. 857, the teachers conditional scholarship program.

(4) \$900,000 of the general fund—state appropriation is provided solely for the displaced homemaker program.

(5) Prior to January 1, 1989, \$50,000 of the general fund—state appropriation is provided solely to support the special joint study group created by House Concurrent Resolution No. 4433. The money shall be transferred to the office of financial management via interagency reimbursement and shall be used for contracted services and other support activities of the study group. Prior to January 1, 1989, these funds shall not be used for any expenses of the higher education coordinating board or its staff.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	45,845,000
General Fund Appropriation—Federal	\$	9,645,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	36,835,000
Total Appropriation	\$	92,325,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$30,722,000 of the general fund—state appropriation, \$9,644,000 of the general fund—federal appropriation, and \$25,397,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$1,000 of the general fund—federal appropriation and \$82,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0

percent salary increase effective January 1, 1989, for higher education personnel board classified and exempt employees ((employed by the higher education coordinating board and the higher education personnel board)). These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective January 1, 1988, followed by an additional three percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) \$246,000 of the special fund salary and insurance contribution increase revolving fund appropriation is provided solely for salary increases, equal to the percentage increases identified in section 601 of this 1988 act, for faculty and exempt employees employed by the University of Washington.

(6)(a) The monthly contributions for insurance benefits shall not exceed \$167.00 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

((6)) (7) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

((7)) (8) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

((8)) (9) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board.

Sec. 702. Section 702, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system.

		FY 1988	FY 1989
Revenue Accrual Account Appropriation	\$	57,134,000	((52,866,666))
			<u>52,526,000</u>
Total Appropriation		\$((10,880,666))	
		<u>109,660,000</u>	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

		FY 1988	FY 1989
General Fund Appropriation	\$	1,350,000	1,350,000
Total Appropriation		\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

		FY 1988	FY 1989
General Fund Appropriation	\$	800,000	800,000
Total Appropriation		\$1,600,000	

(4) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.22% of earnable compensation for the 1987-89 biennium.

(5) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.92% of compensation earnable for the 1987-89 biennium.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation, the level recommended by the state actuary.

Sec. 703. Section 703, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund Appropriation	\$	FY 1988 ((1,300,000))	FY 1989 ((1,300,000))
		1,670,000	1,671,000
Total Appropriation		\$((2,600,000))	3,341,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((600,000))~~ 894,000 of the general fund—state appropriation shall be distributed to state agencies and the superintendent of public instruction for the purpose of additional contributions required for the public employees' retirement system as a result of ~~((Senate Bill No. 5150))~~ chapter 192, Laws of 1987 and chapter 136, Laws of 1987.

(2) ~~\$((2,000,000))~~ 2,447,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of ~~((Senate Bill No. 5150))~~ chapter 192, Laws of 1987 and chapter 455, Laws of 1987.

~~((3)) If Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse.))~~

Sec. 704. Section 705, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation	\$	4,000,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Before June 30, ~~((1988))~~ 1989, the governor, through the department of community development, in consultation with the attorney general, may use all or any portion of the amount appropriated for the purpose of settling the claims of the Puyallup Indian tribe to lands formerly lying beneath the Puyallup river.

(2) On and after July 1, ~~((1988))~~ 1989, the governor through the department of general administration may provide for purchasing, for current or future public purposes, any land for which the tribal claim remains unsettled, subject to all of the following:

(a) Before March 31, ~~((1989))~~ 1990, the owner of the land must offer in writing to sell the land at a price not exceeding what its market value would be without the tribal claim.

(b) If a parcel lies partially on lands formerly beneath the Puyallup river and partially outside such lands, the department also may elect to purchase all or part of the portion lying outside such lands if the purchase is reasonably necessary to make the purchased land suitable for a public purpose.

(c) The sale to the state of each parcel shall include an assignment of any rights the landowner has against others for defects in title to the land.

(d) In order to facilitate the use of the land for a public purpose, the department may purchase parcels conditioned on access being provided by the seller or other landowners. The department may also use any other lawful means to gain access to the purchased land.

Sec. 705. Section 712, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
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<u>General Fund Appropriation: For transfer to the Landowner Contingency Forest Fire Suppression Account</u>	\$	285,000
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General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned

	\$	5,000,000
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Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by

the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	(2,500,000) 5,978,000
<u>Liquor Revolving Fund Appropriation: For Transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u>	<u>\$</u>	<u>573,000</u>
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation during the period July 1, 1987 through June 30, 1989	\$	14,200,000
<u>Public Safety Education Account: For transfer to the General Fund</u>	<u>\$</u>	<u>2,200,000</u>

Sec. 706. Section 338, chapter 258, Laws of 1984 as amended by section 27, chapter 57, Laws of 1985 and RCW 43.08.250 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs and, during the 1987-89 fiscal biennium, may transfer funds in the account to the general fund. All earnings of investments of balances in the public safety and education account shall be credited to the general fund.

Sec. 707. Section 715, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	(6,107,000) 6,225,000
General Fund Appropriation for public utility district excise tax distribution	\$	(24,031,000) 21,138,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	(50,630,000) 59,751,000
General Fund Appropriation for local mass transit assistance	\$	(177,500,000) 185,535,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	(2,203,000) 2,152,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	(17,007,000) 18,233,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	(272,649,000) 268,082,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	(39,100,000) 42,740,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	(39,044,000) 44,291,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	(31,570,000) 32,174,000
County Sales and Use Tax Equalization Account Appropriation	\$	(10,900,000) 11,062,000

Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	((592,000))
		688,000
Total Appropriation	\$	((602,303,000))
		694,081,000

The appropriations in this section are subject to the following conditions and limitations: \$96,000 is provided from the death investigations account appropriation for the purpose of reimbursing counties up to the maximum level authorized by RCW 68.08.104 for expenses incurred in the 1985-87 biennium.

Sec. 708. Section 717, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,790
(Spokane River Toll Bridge Account Appropriation	\$	889,000)
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	((327,069,045))
		307,961,175
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropriation	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,700
Total Appropriation	\$	((749,650,059))
		729,653,901

NEW SECTION. Sec. 709. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

BOND RETIREMENT—STATE TRADE AND CONVENTION CENTER

The following is appropriated from the state trade and convention center account for reimbursement to the general fund for the transfer to the state general obligation bond retirement fund for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

State Convention and Trade Center Account Appropriation \$ 19,746,278

NEW SECTION. Sec. 710. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

BOND RETIREMENT—SPOKANE RIVER TOLL BRIDGE

The following is appropriated from the Spokane River toll bridge revolving account to the Spokane River toll bridge account for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

Spokane River Toll Bridge Revolving Account Appropriation \$ 889,088

Sec. 711. Section 7, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.16.070 are each amended to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Except as appropriated for the fiscal biennium ending June 30, 1989, any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

Sec. 712. Section 3, chapter 272, Laws of 1987 (uncodified) is amended to read as follows:

EVERETT HOME PORT

(1) There is hereby appropriated to the office of financial management for the biennium beginning July 1, 1987, and ending June 30, 1989:

(a) (~~Five million, four hundred seventy~~) two million, four hundred eighty thousand dollars from the general fund—state;

(b) One million, one hundred sixty-nine thousand dollars from the general fund—federal;

(c) Three hundred ninety-two thousand dollars from the state electrical license fund;

(d) Five hundred thirty-three thousand dollars from the state accident fund; and

(e) Five hundred thirty-three thousand dollars from the state medical aid fund.

(2) The appropriations in this section are provided solely for the purposes of this act and are subject to the following conditions and limitations:

(a) The appropriations in this section are provided solely for the increased demands for public services as a result of the development or construction of the Everett home port. No funds, except those related to the educational impacts associated with the arrival of the U.S.S. Nimitz, may be spent, except as may be necessary for planning and monitoring to meet the requirements of federal legislation authorizing the construction of the Everett home port, until the following conditions are met: (i) Actual construction or site preparation is started, and (ii) the federal government releases to be obligated, or expended, the \$43.5 million appropriated in federal fiscal year 1987 in section 2208 of the national defense authorization act for construction of the home port, and (iii) all required local, state, and federal permits for site construction, preparation, and dredging are obtained.

(b) The governor shall allocate funds to the superintendent of public instruction, the department of social and health services, the department of community development, the department of fisheries, the department of ecology, and the department of labor and industries. The governor shall allocate these appropriations to specific agencies based on increased agency (~~operating~~) expenditures and workload directly associated with the Everett home port. The governor may release to the specific agencies only the amount necessary to offset the directly incurred increased costs which have been documented by the agency.

(c) Any appropriation adjustments and actions that the governor has taken related to the Everett home port and pursuant to this appropriation shall be reported to the legislature on January 1, 1988, and January 1, 1989.

PART VIII
MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect immediately."

MOTION

Senator Fleming moved that the following amendments by Senator Fleming and all Democrats to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 14, line 26, of the committee amendment, strike "179,738,000" and insert "180,038,000"

On page 14, line 32 of the committee amendment, strike "241,535,000" and insert "241,835,000"

On page 18, line 12 of the committee amendment, after "(5)" strike "2,500,000" and insert "2,800,000"

On page 18, line 17, after "funds," insert "\$300,000 of the amount provided in this subsection may be spent for pilot day care subsidy programs in one or more areas of the state. The department may provide a monthly subsidy no greater than fifty per child to licensed day care providers caring for children of recipients of aid to families with dependent children--regular. Subsidies shall not be provided for children whose parents are employed less than full time. \$110,000 of the amount provided in this subsection is for the seasonal day care program to serve an additional 50 children."

Debate ensued.

MOTION

Senator Vognild moved that Rule 52 be suspended for consideration of the above amendments to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

EDITOR'S NOTE: Senate Rule 52 reads, 'No amendment to the budget or supplemental budget, not incorporated in the bill as reported by the Ways and Means Committee, shall be adopted except by the affirmative vote of sixty percent of the Senators elected.'

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, a parliamentary inquiry. My understanding is that this would require a two-thirds vote?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes."

The President declared the question before the Senate to be the motion by Senator Vognild to suspend Rule 52 for consideration of the two amendments on page 14, and the two amendments on page 18, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

The motion by Senator Vognild to suspend Rule 52 failed on a rising vote.

Further debate on the amendments to the committee amendment ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Fleming and all Democrats to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the 60% majority, were not adopted by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Niemi,

Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 21.

MOTION

Senator Patterson moved that the following amendments by Senators Patterson, Johnson, Zimmerman, Barr, Deccio, Bailey, Benitz, Kiskaddon, Craswell, Metcalf and Hayner to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 14, line 28, strike "60,397,000" and insert "59,297,000"

On page 38, line 26, strike "142,839,000" and insert "143,939,000"

On page 38, line 35, strike "183,098,000" and insert "184,198,000"

MOTION

On motion of Senator Williams, and there being no objection, the question was divided.

The President declared the question before the Senate to be the adoption of the first amendment by Senators Patterson, Johnson, Zimmerman, Barr, Deccio, Bailey, Benitz, Kiskaddon, Craswell, Metcalf and Hayner on page 14, line 28, to the Committee on Ways and Means amendment.

Debate ensued.

MOTION

On motion of Senator McDonald, and there being no objection, further consideration of the amendments by Senators Patterson, Johnson, Zimmerman, Barr, Deccio, Bailey, Benitz, Kiskaddon, Craswell, Metcalf and Hayner to the Committee on Ways and Means amendment were deferred.

MOTION

Senator Gaspard moved that the following amendments by Senator Gaspard and all Democrats to the the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 24, line 33 of the committee amendment, strike "80,518,000" and insert "81,653,000"

On page 24, line 35 of the committee amendment, strike "62,414,000" and insert "62,652,000"

On page 25, line 2 of the committee amendment, strike "142,932,000" and insert "144,305,000"

On page 25, line 28 of the committee amendment, after "(g)" strike all material through "Spokane" on line 33 and insert "\$2,109,000 of the general fund—state appropriation is provided solely to provide additional staff and salary increases at the united cerebral palsy center, to provide additional staff at Sumner Lodge, Sunny Haven, the Bellevue center, and the Highline center, to fund the operation of a teletype relay system at the Yakima Valley center for the deaf, to fund the operation of the L'Arche facility in Spokane, fund the operation of an autism program in Pierce county, and authorize the conversion of three congregate care facilities to group homes for the developmentally disabled in Snohomish county."

Debate ensued.

MOTION

Senator Gaspard moved that Rule 52 be suspended to consider the above amendments to the Committee on Ways and Means amendment.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Gaspard to suspend Rule 52 to consider the amendments on page 24, lines 33 and 35, and page 25, lines 2 and 28, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the motion to suspend Rule 52 failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Further debate on the amendments by Senator Gaspard and all Democrats to the Committee on Ways and Means amendment ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Gaspard and all Democrats on page 24, lines 33 and 35, and page 25, lines 2 and 28, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the 60% majority, were not adopted by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Patterson, Pullen, Sellar, Smith, von Reichbauer, West, Zimmerman - 20.

MOTION

Senator Bailey moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 25, following line 33 of the committee amendment, insert a new subsection to read as follows:

“(h) \$238,000 of the general fund-state appropriation is provided solely to fund the conversion of three congregate care facilities to group homes for the developmentally disabled in Snohomish County.”

POINT OF INQUIRY

Senator Vognild: “Senator McDonald, this amendment kind of hits me square, because it’s Snohomish County. I’m also concerned, if I read the bill and the amendment properly, if we pass this amendment, we are going to take \$238,000 away from the United Cerebral Palsy Center, the Bellevue Center and the Highland Center, etc. Do you read it the same way that I do?”

Senator McDonald: “I don’t believe so, Senator Vognild. I believe that this is \$238,000 in addition.”

Senator Vognild: “Senator McDonald, it’s an addition, but it says, ‘\$238,000 of the general fund-state appropriation is provided solely to fund.’ There is no increase in the appropriation. The last amendment attempted to increase the appropriation and it failed. As I read this one, as sympathetic as I am to this amendment, I’m fearful that we simply insure that the other three facilities shut down—if we pass this amendment.”

Senator McDonald: “Senator Vognild, I think that what it does is specify that of the \$142,932,000 for community services that you would target \$238,000 of that money, not of the \$974,000. It’s targeting a small amount of a very large appropriation.”

Senator Vognild: “Senator McDonald, one further question then, because I really do want to vote for this amendment. Then, the \$238,000 will come out of other developmentally disabled programs. Is that correct?”

Senator McDonald: “That is correct, just as the other provisos that you see A down through G.”

MOTION

On motion of Senator Vognild, further consideration of the amendment by Senator Bailey to the Committee on Ways and Means amendment was deferred.

MOTION

Senator Gaspard moved that the following amendments by Senator Gaspard and all Democrats to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 26, line 35 of the committee amendment, strike "337.712.000" and insert "337.886.000"

On page 27, line 4 of the committee amendment, strike "671.232.000" and insert "671.406.000"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Gaspard and all Democrats on page 26, line 35, and page 27 line 4, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the 60% majority, were not adopted by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 28.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McDonald, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West - 21.

MOTION

Senator Fleming moved that the following amendment by Senators Fleming, Gaspard, Talmadge and Wojahn to the Committee on Ways and Means amendment be adopted:

On page 28, after line 25 of committee amendment insert:

"(12) Effective July 1, 1988, or as soon thereafter as federal approval can be obtained, the department shall amend the state plan for medical assistance under title XIX of the federal social security act to include personal care services, as defined in 42 CFR 440.170(f), in the categorically needy program. The department shall utilize to the maximum extent possible the flexibility provided to states to define and limit personal care services, including further state plan amendments, as necessary to limit general fund-state expenditures for the chore services, attendant care, adult family home, and congregate care programs to the total appropriation for those programs contained in this section, and to minimize nursing home placements. In defining the scope of personal care services, the department shall include, and adjust as necessary, the following factors:

(a) physician recertification of need;

(b) maximum hour limitations;

(c) maximum monthly cost limitations;

(d) eligibility linked to the recipient's number of personal care needs and risk of institutionalization;

(e) controlled eligibility screening.

Any savings to the state general fund resulting from the availability of federal matching funds under this paragraph shall be used first to maintain the individual provider program of chore services at caseloads not exceeding an average of 3,320 per month for the remainder of the 1987-89 biennium. Any additional savings shall be placed in reserve."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognilid: "Mr. President, a point of parliamentary inquiry. This amendment before us does not change, in any way, any structure of the budget in terms of dollars. There's no increase; there's no decrease. Based on that, will this amendment still require a sixty percent vote in order to be adopted?"

REPLY BY THE PRESIDENT

President Cherberg: "Rule 52 requires that no amendment to the budget or supplemental budget, not incorporated in the bill as reported by the Ways and

Means Committee shall be adopted except by the affirmative vote of sixty percent of the Senators elected."

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Fleming, Gaspard, Talmadge and Wojahn on page 28, after line 25 to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment, having failed to receive the 60% majority, was not adopted by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Anderson, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Patterson, Rasmussen, Rinehart, Smith, Smitherman, Stratton, Talmadge, Vognil, Warnke, Williams, Wojahn - 28.

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

MOTION

Senator Vognil moved that Rule 52 be suspended for consideration of the balance of the amendments to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

The President declared the question before the Senate to be the motion by Senator Vognil to suspend Rule 52 on consideration of the balance of the amendments to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

The motion by Senator Vognil to suspend Rule 52 failed to receive the necessary two-thirds majority on a rising vote.

MOTION

Senator Gaspard moved that the following amendment by Senator Gaspard and all Democrats to the Committee on Ways and Means amendment be adopted:

On page 28, after line 25 of the committee amendment, insert:

"(12) The department shall conduct a review of all persons denied attendant care services after April 1, 1988. The department shall report to the legislature the status of those persons denied attendant care services by September 1, 1988. The report shall include an analysis of providing personal care services as authorized under title XIX of the federal social security act to financially eligible persons needing attendant care. The report shall include information on out-of-home placement of persons denied attendant care services after April 1, 1988, including but not limited to placement in nursing homes, congregate care facilities, adult family homes, group homes, foster care, and intensive tenant support. The report shall also include information on loss of employment of training participation by persons denied attendant care services after April 1, 1988."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Gaspard and all Democrats on page 28, after line 25, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

The motion by Senator Gaspard failed and the amendment to the committee amendment was not adopted.

There being no objection, the Senate resumed consideration of the amendments by Senators Patterson, Johnson, Zimmerman, Barr, Deccio, Bailey, Benitz, Kiskaddon, Craswell, Metcalf and Hayner on page 14, line 28, and page 38, lines 26 and 35; deferred earlier today.

MOTION

On motion of Senator Patterson, and there being no objection, the amendments to the committee amendment were withdrawn.

MOTION

Senator Patterson moved that the following revised amendments by Senators Patterson, Deccio, Bailey, Johnson, Zimmerman, Barr, Benitz, Kiskaddon, Craswell, Metcalf, Hayner and Williams to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 14, line 26, strike "179,738,000" and insert "180,838,000"

On page 14, line 28, strike "60,397,000" and insert "143,939,000"

On page 38, line 26, strike "142,839,000" and insert "143,939,000"

On page 38, line 35, strike "183,098,000" and insert "184,198,000"

Debate ensued.

The President declared the question before the Senate to be the adoption of the revised amendments by Senators Patterson, Deccio, Bailey, Johnson, Zimmerman, Barr, Benitz, Kiskaddon, Craswell, Metcalf, Hayner and Williams to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

The motion by Senator Patterson carried and the revised amendments to the committee amendment were adopted.

President Pro Tempore Bluechel assumed the chair.

MOTION

Senator Warnke moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 42, line 1 of the committee amendment, after "county," insert "These grants shall comply with the open competition and accountability required by chapter 39.29 RCW."

On page 42, line 12 of the committee amendment, after "subsection," insert "This contract shall comply with the open competition and accountability required by chapter 39.29 RCW."

On page 54, line 35 of the committee amendment, after "river," insert "This grant shall comply with the open competition and accountability required by chapter 39.29 RCW."

On page 55, line 22 of the committee amendment, after "Beach," insert "This appropriation shall comply with the open competition and accountability required by chapter 39.29 RCW."

On page 57, line 18 of the committee amendment, after "Washington," insert "This contract shall comply with the open competition and accountability required by chapter 39.29 RCW."

On page 57, line 22 of the committee amendment, after "wildlife," insert "This plan shall comply with the open competition and accountability required by chapter 39.29 RCW."

On page 60, line 6 of the committee amendment, after "infestations," insert "This appropriation shall comply with the open competition and accountability required by chapter 39.29 RCW."

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Warnke to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the 60% majority, were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vogt, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Debate ensued on the proposed amendments on the desk by Senators Madsen, Conner, Smitherman and all Democrats.

POINT OF ORDER

Senator Newhouse: "Mr. President, a point of order. If the amendments are withdrawn, there's nothing before us to address and the speaking on this is not in order."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Newhouse, I had not banged the gavel. The amendments have not been withdrawn as yet."

MOTION

Senator Vognild moved that the following amendments by Senators Madsen, Conner, Smitherman and all Democrats to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 42, line 28 of the committee amendment, strike "17,632,000" and insert "17,829,000"

On page 42, line 32 of the committee amendment, strike "28,489,000" and insert "28,686,000"

Debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, the amendments by Senators Madsen, Conner, Smitherman and all Democrats on page 42, lines 28 and 32, to the Committee on Ways and Means amendment were withdrawn.

There being no objection, Senator Barr withdrew the next proposed amendment to the Committee on Ways and Means amendment.

PERSONAL PRIVILEGE

Senator Barr: "Mr. President, a point of personal privilege. I need to explain what I said in caucus about this amendment that I withdrew. Very briefly, I said in caucus that this money was in a special account that was received from these game poachers, as a result of the law we passed last year. I made a misstatement. It's a tremendous program and I'd like to run this amendment or we're not going to catch those poachers out there. I made a misstatement in caucus and I said I wouldn't run it, so I thought I'd better withdraw it and stick with my word even though it's a bad decision."

MOTION

Senator Smith moved that the following amendment by Senators Smith, DeJarnatt, Rasmussen and Metcalf to the Committee on Ways and Means amendment be adopted:

On page 57, after line 22 of the committee amendment, insert the following:

"(12) \$62,000 of the general fund-state appropriation is provided solely for the purpose of operation of the Lower Kalama state salmon hatchery at full salmon production capacity through September 30, 1988."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Smith, DeJarnatt, Rasmussen and Metcalf on page 57, after line 22, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

The motion by Senator Smith failed and the amendment to the committee amendment was not adopted.

There being no objection, the Senate resumed consideration of the amendment by Senator Bailey on page 25, following line 33, to the Committee on Ways and Means amendment, deferred earlier today.

MOTION

On motion of Senator Bailey, and there being no objection, the amendment to the Committee on Ways and Means amendment was withdrawn.

MOTION

Senator Bailey moved that the following revised amendments to the Committee on Ways and Means amendment be considered simultaneously and be adopted.

On page 24, line 33 of the committee amendment, strike "80,518,000" and insert "80,756,000"

On page 25, line 2 of the committee amendment, strike "142,932,000" and insert "143,170,000"

On page 25, line 28 of the committee amendment, after "(g)" strike "974,000" and insert "1,212,000"

On page 25, line 32 of the committee amendment, after "deaf," strike "and"

On page 25, line 33 of the committee amendment, after "Spokane" insert ", and to authorize the conversion of three congregate care facilities to group homes for the developmentally disabled in Snohomish county"

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the revised amendments by Senator Bailey on page 24, line 33, page 25, lines 2, 28, 32, 33, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the 60% majority, were not adopted by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Madsen, Moore, Nelson, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Zimmerman - 24.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Decchio, Hayner, Johnson, Lee, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Williams, Wojahn - 25.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Fleming, Gaspard, Vognild, Wojahn, Rinehart, Bailey and Kiskaddon to the Committee on Ways and Means amendment be adopted:

On page 68 of the committee amendment, after line 2 insert the following:

*NEW SECTION. Sec. 500. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 35,700,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Effective September 1, 1988, allocations for insurance benefits for school district and education service district employees are increased to a rate of \$224.75 per month for each full time equivalent certificated employee, and \$224.75 per month for each full time equivalent classified employee as calculated pursuant to this subsection. For the purposes of allocations of insurance benefits, full time equivalent classified employees shall be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff units in the 1988-89 school year, distributed as follows:

(a) A maximum of \$28,889,000 may be expended to increase insurance benefit allocations for basic education staff units under section 502(5) of this act by \$57.75 per month.

(b) A maximum of \$3,711,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 506 of this act by \$57.75 per month.

(c) A maximum of \$210,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$57.75 per month.

(d) A maximum of \$2,890,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing state funding rates for the 1988-89 school year as follows:

(i) For pupil transportation, an increase of \$0.53 per weighted pupil mile;

(ii) For learning assistance, an increase of \$14.49 per pupil;

(iii) For education of highly capable students, an increase of \$4.98 per pupil;

(iv) For transitional bilingual education, an increase of \$9.41 per pupil;

(v) For vocational-technical institutes, an increase of \$38.58 per full time equivalent pupil."

PARLIAMENTARY INQUIRY

Senator Nelson: "Mr. President, I have a point of parliamentary inquiry. I notice that this amendment number 12 in our packet is exactly the same amendment as listed as number 18 in our packet—that being an amendment by Senators Bailey

and Kiskaddon. I'm not sure where it appropriately should be placed in the measure and I suspect that the placement in our packet is only because of a citation in the supplemental budget. I'm wondering if the President could inform me if there was any placement of the amendment either 12 or 18 as being on the bar of the Senate first. The second question would be whether or not it wouldn't be just as appropriate to incorporate the names of the people who are interested and that we place all of the names of the individuals on the appropriate amendment that should be taken as the first amendment, so that we would have Senators Bailey and Kiskaddon placed on an amendment together with Talmadge, Fleming, Gaspard, Vognilid, Wojahn and Rinehart, so we accomplish the business of the Senate on one of those vehicles only."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Nelson, it is proper for any member of the body to sign on any amendment at any time. It is also that the amendment number 12 was first. However, to facilitate the Senate, all names will be placed on amendment number 12."

EDITOR'S NOTE: All of the sponsors of the two amendments were included in the motion to adopt the amendment.

PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, when you said all names, did you mean all names that were on amendment 18 or all names of the members?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "No, I said all names on amendment 18."

Senator Gaspard: "Actually, Mr. President, I would hope that we would at least get thirty names on this amendment so that we could assure that this amendment would pass. I invite you to do that please."

Debate on the amendment by Senators Talmadge, Fleming, Gaspard, Vognilid, Wojahn, Rinehart, Bailey and Kiskaddon on page 68, after line 2, to the Committee on Ways and Means amendment ensued.

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

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge, Fleming, Gaspard, Vognilid, Wojahn, Rinehart, Bailey and Kiskaddon on page 68, after line 2, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment, having failed to receive the 60% majority, was not adopted by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognilid, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Sellar, Smith, von Reichbauer, West, Zimmerman - 20.

President Cherberg assumed the chair.

MOTION

Senator Patterson moved that the following amendments by Senators Patterson and Bauer to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 70, line 5, strike "3,833,944,000" and insert "2,838,004,000".

On page 70, line 8, strike "3,889,044,000" and insert "3,893,104,000"

On page 72, line 28, after "enrollments" strike "for the 1987-88 school year only"

On page 72, line 36, after "students" strike everything through "students" on page 73, line 4

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Patterson and Bauer on page 70, lines 5 and 8, and page 72, lines 28 and 36, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the 60% majority, were not adopted by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Sellar, Smith, von Reichbauer, West, Zimmerman - 21.

MOTION

Senator Madsen moved that the following amendments by Senator Madsen and all Democrats to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 91, line 29 of the committee amendment, strike "74,488,000" and insert "74,673,000"

On page 92, after line 19, insert:

"(7) \$185,000 is provided solely to increase the funding rate for vocational programs, effective May 1, 1989, by \$147 per full time equivalent student. The increase is provided to assist vocational-technical institutes in replacing out-of-state or worn-out equipment used for vocational training."

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Madsen and all Democrats on page 91, line 29, and page 92, after line 19, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the 60% majority, were not adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 22.

MOTION

Senator Cantu moved that the following amendments to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 102, line 30, strike "513,439,000" and insert "515,939,000"

On page 102, line 35, strike "519,139,000" and insert "521,639,000"

On page 103, after line 18, insert the following:

"(6) The University of Washington shall take whatever actions are necessary to maximize refunds from the social security administration during the 1987-89 biennium and shall transfer to the general fund the refund received from the social security administration for graduate teaching and research assistants paid from the state general fund from January 1, 1980 through June 30, 1987."

POINT OF INQUIRY

Senator Patterson: "Senator Cantu, a similar situation exists, I believe, in the other institutions of higher learning. Were you able to determine whether or not they have a similar case as the University of Washington in this issue?"

Senator Cantu: "Senator Patterson, I'm not aware of the same situation at any of the other universities. This is the only one that I am personally aware of."

Senator Patterson: "Well, I know the same situation did exist at the other institutions. I believe that before this bill clears the Legislature, we ought to make sure that the other institutions aren't impacted in a similar way and make the necessary corrections if they are. Thank you."

POINT OF INQUIRY

Senator McCaslin: "Senator Cantu, this goes for graduate teaching and research assistants? Is that normal? Is that a dedicated fund then to them?"

Senator Cantu: "No, it was that group of employees that the University overpaid into the OASI--the social security. For that particular group of people, the University paid more than it should have and so they are, the University, is entitled to a refund--the employer contribution. We are going to get that money back."

Senator McCaslin: "Then, you are not moving the amendment on page 103, after line 18, or is that part of---"

Senator Cantu: "That's part of the amendment."

Senator McCaslin: "But, it specifically states, 'The refund received from the Social Security Administration for graduate teaching and research assistants paid from the state general fund.'"

Senator Cantu: "It was for that group of employees."

The President declared the question before the Senate to be the adoption of the amendments by Senator Cantu on page 102, lines 30 and 35, and page 103, line 18, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

The motion by Senator Cantu carried and the amendments to the committee amendment were adopted.

MOTION

Senator Deccio moved that the following amendment by Senators Deccio and Hansen to the Committee on Ways and Means amendment be adopted:

On page 104, line 23, strike "68,807,000" and insert "68,962,000"

Debate ensued.

MOTION

On motion of Senator Vognild, Senator Hansen was added as a sponsor of the amendment.

EDITOR'S NOTE: Senator Hansen's name was included in the motion to adopt the amendment.

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Deccio and Hansen on page 104, line 23, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment, having failed to receive the 60% majority, was not adopted by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McCaslin, McMullen, Moore, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Sellar, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Patterson, Pullen, Saling, Smith, von Reichbauer, West, Zimmerman - 20.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Fleming, Gaspard, Vognild, Wojahn, Rinehart and Pullen to the Committee on Ways and Means amendment be adopted:

On page 107 of the committee amendment, beginning on line 3, strike all material through page 109, line 12 and insert the following:

*Sec. 701. Section 701, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS	
General Fund Appropriation—State	\$ ((45,845,000)) 70,853,000
General Fund Appropriation—Federal	\$ ((9,645,000)) 13,973,000
Special Fund Salary and Insurance Contribution	
Increase Revolving Fund Appropriation	\$ ((36,835,000)) 46,935,000
Total Appropriation	\$ ((92,325,000)) 131,761,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$30,722,000 of the general fund—state appropriation, \$9,644,000 of the general fund—federal appropriation, and \$25,397,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$1,000 of the general fund—federal appropriation and \$82,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for higher education personnel board classified and exempt employees ~~((employed by the higher education coordinating board and the higher education personnel board))~~. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective January 1, 1988, followed by an additional three percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) \$246,000 of the special fund salary and insurance contribution increase revolving fund appropriation is provided solely for salary increases, equal to the percentage increases identified in section 601 of this 1988 act, for faculty and exempt employees employed by the University of Washington.

(6) (a) The monthly contributions for insurance benefits shall not exceed \$~~((167.00))~~ 224.75 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(d) In designing state employee health insurance benefit plans for fiscal year 1989 and thereafter, the board shall, to the maximum extent possible under current law:

(i) Promote employee enrollment in managed health care systems, including health maintenance organizations;

(ii) Develop and seek to establish a fee schedule for individual health care providers who are compensated for health care to state employees and their dependents on a fee-for-service basis, including preference for providers who accept assignment of the board-funded fee as full payment for their services;

(iii) Obtain coverage of proven preventive health care services, including immunizations, well-baby care, routine physicals, and screening procedures;

(iv) Maintain coverage of part-time and seasonal employees; and
(v) Promote the use of preferred providers through negotiated fee discounts while imposing appropriate mechanisms, such as copayments and deductibles, for employee participation in the cost of care to prevent inappropriate utilization.

((6)) (7) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

((7)) (8) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

((8)) (9) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge, Fleming, Gaspard, Vognild, Wojahn, Rinehart and Pullen on page 107, beginning on line 3, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment, having failed to receive the 60% majority, was not adopted by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccto, Hayner, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 20.

MOTION

Senator Owen moved that the following amendment by Senators Owen, Craswell, Stratton, Smith and Zimmerman to the Committee on Ways and Means amendment be adopted:

On page 14, after line 20, insert the following:

"NEW SECTION, Sec. 203. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

No state funds may be expended for voluntary termination of pregnancy for an unemancipated minor unless she has first obtained the written consent of one of her parents or guardians. However, if the parent or guardian refuses to consent, the minor may file a petition with a juvenile court and the court shall hear and act on the petition within three days of the filing of the petition."

Renumber the sections consecutively.

POINT OF ORDER

Senator Rinehart: "Thank you Mr. President, I rise to a point of order. I raise the point of order that the amendment would change the scope and object of the bill. The language of the amendment assigns new responsibilities to the juvenile court and, in fact, is improperly presented within a budget document."

PARLIAMENTARY INQUIRY

Senator McCaslin: "Mr. President, a parliamentary inquiry. In raising the point of scope and object, I don't know what the point of scope and object of this is, because all I have is a striking amendment. Do we have the enacting clause and what the title is, etc?"

REPLY BY THE PRESIDENT

President Cherberg: "Would you repeat your statement, Senator, please?"

Senator McCaslin: "Is this just a budget bill or is that all it says in the title that it is the budget bill? Does this deal with the budget? Is that correct--the amendment

offered by Senator Owen? Well, thank you, Senator Warnke, you're very kind to travel that distance. I now have it, Mr. President."

MOTION

On motion of Senator Nelson, the amendment by Senators Owen, Craswell, Stratton, Smith and Zimmerman on page 14, after line 20, to the Committee on Ways and Means amendment was deferred.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson moved that the Senate reconsider the amendment by Senators Smith, DeJarnatt, Rasmussen and Metcalf on page 57, after line 22, to the Committee on Ways and Means amendment, which failed to be adopted by the Senate earlier today.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Gaspard: "A parliamentary inquiry, Mr. President. Since we have been operating under Rule 52 which requires a 60% vote on amendments, would a motion to reconsider an amendment also require a 60% vote?"

REPLY BY THE PRESIDENT

President Cherberg: "A simple majority, Senator, to reconsider."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which the amendment by Senators Smith, DeJarnatt, Rasmussen and Metcalf on page 57, after line 22, to the Committee on Ways and Means amendment failed to be adopted.

The motion for reconsideration of the amendment to the committee amendment carried.

The President declared the question before the Senate to be the adoption of the amendment by Senators Smith, DeJarnatt, Rasmussen and Metcalf on page 57, after line 22, to the Committee on Ways and Means amendment, on reconsideration.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Smith, DeJarnatt, Rasmussen and Metcalf on page 57, after line 22, to the Committee on Ways and Means amendment, on reconsideration.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment, on reconsideration, having received the 60% majority, was adopted by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, von Reichbauer, Zimmerman - 30.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Smitherman, Stratton, Talmadge, Vogniid, Warnke, West, Williams, Wojahn - 19.

There being no objection, the Senate resumed consideration of the amendment by Senators Owen, Craswell, Stratton, Smith and Zimmerman on page 14, after line 20, to the Committee on Ways and Means amendment, deferred earlier today.

MOTION

On motion of Senator Owen, and there being no objection, the amendment to the committee amendment was withdrawn.

MOTION

Senator Owen moved that the following revised amendment by Senators Owen, Craswell, Stratton, Smith and Zimmerman to the Committee on Ways and Means amendment be adopted:

On page 14, after line 20, insert the following:

"NEW SECTION. Sec. 203. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

No state funds under this act may be expended for voluntary termination of pregnancy for an unemancipated minor unless she has first obtained parental or judicial consent."

Renumber the sections consecutively.

POINT OF ORDER

Senator Rinehart: "Thank you, Mr. President. I rise to a point of order. This amendment, although revised and redrafted, contains the same flaw that the previous amendment did, by providing for a process for judicial consent. Once again, the amendment directs the court to take on a new procedure which is outside the scope and object of the budget bill. It is language that should be codified, which cannot be done from a budget bill and, consequently, it suffers from the same defect that the previous amendment did."

Further debate ensued.

MOTION

On motion of Senator Nelson, further consideration of the revised amendment by Senators Owen, Craswell, Stratton, Smith and Zimmerman to the Committee on Ways and Means amendment was deferred.

MOTION

At 6:31 p.m., on motion of Senator Nelson, the Senate was declared to be at ease.

The Senate was called to order at 6:38 p.m. by President Cherberg.

MOTION

At 6:38 p.m., on motion of Senator Newhouse, the Senate recessed until 7:15 p.m.

The Senate was called to order at 7:20 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of the revised amendment by Senators Owen, Craswell, Stratton, Smith and Zimmerman on page 14, after line 20, to the Committee on Ways and Means amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rinehart, the President finds that Engrossed Substitute House Bill No. 1312 is a measure appropriating funds for the remainder of the 1987-89 biennium.

"The amendment to the Committee on Ways and Means amendment proposed by Senators Owen, Craswell, Stratton, Smith and Zimmerman limits the use of state funds for abortions under certain circumstances.

"The President believes that ruling out of order an amendment to any omnibus appropriations bill which places limitations on the use of state funds would set an extremely confining precedent with regard to future scope and object decisions and their affect on legislation. Such a ruling would adversely interfere with the legislative process and the decision-making prerogatives of the members.

"The President, therefore, finds that the proposed amendment to the Committee on Ways and Means amendment does not change the scope and object of the bill and that the point of order is not well taken."

The revised amendment by Senators Owen, Craswell, Stratton, Smith and Zimmerman to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312 was ruled in order.

The President declared the question before the Senate to be the adoption of the revised amendment by Senators Owen, Craswell, Stratton, Smith and

Zimmerman on page 14, after line 20, to the Committee on Ways and Means amendment.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, is the amendment that people are talking about the one that says, 'No state state funds under this act may be expended for voluntary termination of pregnancy for an unemancipated minor unless she has first obtained parental or judicial consent?' Is that what the amendment is?"

REPLY BY THE PRESIDENT

President Cherberg: "That is correct."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen, Craswell, Stratton, Smith and Zimmerman on page 14, after line 20, to the Committee on Ways and Means amendment.

The motion by Senator Owen failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendments by Senators Rinehart, Gaspard and Fleming to the Committee on Ways and Means amendment be considered simultaneously and be adopted:

On page 100, after line 33 of the committee amendment, insert

"(9) In addition to the percentage salary increase provided in subsection (8) of this section, \$475,000 is provided solely to provide part-time community college faculty a 5.3 percent salary increase effective March 1, 1989."

Renumber the succeeding subsections consecutively

On page 102, line 17 of the committee amendment, strike "530,902,000" and insert "531,377,000"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Rinehart, Gaspard and Fleming on page 100, after line 33, and page 102, line 17, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment, having failed to receive the 60% majority, were not adopted by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Nelson, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Sellar, Smith, von Reichbauer, West, Zimmerman - 21.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1312.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll and the committee amendment, as amended, was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

MOTION

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

On page 1, beginning on line 1 of the title, after "fiscal matters," strike the remainder of the title and insert

"amending RCW 43.08.250 and 50.16.070; amending section 103, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 104, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 107, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 109, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 110, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 114, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 120, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 121, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 124, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 131, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 202, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 203, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 204, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 205, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 206, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 208, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 209, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 210, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 211, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 212, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 213, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 214, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 217, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 218, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 219, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 223, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 224, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 226, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 229, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 230, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 301, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 302, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 303, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 305, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 308, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 310, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 311, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 312, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 313, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 314, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 318, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 12, chapter 8, Laws of 1987 1st ex. sess. (uncodified); amending section 401, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 501, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. as amended by section 2, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); amending section 505, chapter 7, Laws of 1987 1st ex. sess. as amended by section 3, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); amending section 506, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 507, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 508, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 509, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 510, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 511, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 513, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 514, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 601, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 602, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 603, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 604, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 605, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 606, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 607, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 608, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 609, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 701, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 702, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 703, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 705, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 712, chapter 7, Laws of 1987 1st ex. sess.

(uncodified); amending section 715, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 717, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 3, chapter 272, Laws of 1987 (uncodified); reenacting and amending section 207, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 2nd ex. sess. and by section 1, chapter 2, Laws of 1987 2nd ex. sess. (uncodified); adding new sections to chapter 7, Laws of 1987 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1312, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator McDonald, what is the non-appropriated ending fund balance of this budget?"

Senator McDonald: "It's about sixty-nine million dollars. If this budget were passed without dealing with SEIB, which we are going to deal with, it would be somewhere in the neighborhood of sixty-eight million dollars, but we are going to deal with that, so it will be considerably less. Senator Vognild."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1312, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1312, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1312, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

DISPENSE WITH CALL OF THE SENATE

The Call of the Senate was dispensed with on motion of Senator Newhouse.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, a point of personal privilege. Mr. President and members of the body. I think, tonight, we heard one of the outstanding speeches on this floor. It was a speech and for those who care about the least, the last and the left out, you should have felt very good about it. I want to commend Senator Ray Moore for giving such an outstanding speech. For those of you who know me, you know that I'm consistent and I would like to say that I'm yielding on the point of personal privilege, because I think the only thing that affected that great speech, in my opinion, was a bad choice of words. That was the use of the word 'niggardly.' I know what the meaning is, but in my opinion, it denotes a bad connotation. Those of the older generation have used it quite readily; those of our younger generation, you don't hear that as much.

"In my opinion, it was not intended by Senator Moore. I addressed my Committee on Children and Family Services three weeks ago when a gentleman continually used that word with me sitting there. I knew that he was well-intended but, in my opinion, those kinds of words in the English language and those words that are in the Funk and Wagnall's Dictionary should not be practiced, even though they are not intended in one way or another. So, I say it was a great speech. I appreciated that speech, but I did not appreciate the expression of 'niggardly.'"

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

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The Speaker has signed SENATE JOINT MEMORIAL NO. 8030, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2038 by Committee on Ways and Means (originally sponsored by Representatives Sprenkle, Holland, Braddock, Brooks, Peery, Grimm and Locke)

Establishing the Washington state health care authority.

Referred to Committee on Ways and Means.

MOTION

At 8:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Friday, March 4, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 4, 1988

The Senate was called to order at 8:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Rinehart, Sellar and Wojahn. The Sergeant at Arms Color Guard, consisting of Pages Andrew Gustafson and Mahbub Majumdar, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 3, 1988

SB 5912 Prime Sponsor, Senator McDermott: Relating to state government. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5912 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Bauer, Fleming, Gaspard, Moore, Talmadge, Vognild, Williams, Wojahn.

March 3, 1988

ESHB 1455 Prime Sponsor, Committee on Ways and Means: Adopting the supplemental capital budget. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Williams.

MOTIONS

On motion of Senator Newhouse, the rules were suspended and Senate Bill No. 5912 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1455 was advanced to second reading and placed on the second reading calendar.

MESSAGES FROM THE HOUSE

March 3, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5147,

SUBSTITUTE SENATE BILL NO. 6096,

SENATE BILL NO. 6293,

SENATE BILL NO. 6362,

SENATE BILL NO. 6373,

SUBSTITUTE SENATE BILL NO. 6438,

SENATE BILL NO. 6494,

SENATE BILL NO. 6556,

SENATE BILL NO. 6563.

SENATE JOINT MEMORIAL NO. 8026, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1988

Mr. President:

The Speaker has signed:

SENATE BILL NO. 6143,

SENATE BILL NO. 6210,

SENATE BILL NO. 6211,

SUBSTITUTE SENATE BILL NO. 6252,

SUBSTITUTE SENATE BILL NO. 6264,

SENATE CONCURRENT RESOLUTION NO. 8428, and the same are herewith

transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5844,

SENATE BILL NO. 5953,

SENATE BILL NO. 6113,

SENATE BILL NO. 6262,

SENATE BILL NO. 6295,

SENATE BILL NO. 6296,

SENATE BILL NO. 6338,

SUBSTITUTE SENATE BILL NO. 6399,

SENATE BILL NO. 6516, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 46,

HOUSE BILL NO. 1330,

SUBSTITUTE HOUSE BILL NO. 1336,

HOUSE BILL NO. 1354,

HOUSE BILL NO. 1361,

SUBSTITUTE HOUSE BILL NO. 1370,

SUBSTITUTE HOUSE BILL NO. 1672,

HOUSE BILL NO. 1760,

SUBSTITUTE HOUSE BILL NO. 1862,

HOUSE JOINT RESOLUTION NO. 4222, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1988

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 280,

HOUSE BILL NO. 1300,

SUBSTITUTE HOUSE BILL NO. 1392,

HOUSE BILL NO. 1401,

HOUSE BILL NO. 1470,

SUBSTITUTE HOUSE BILL NO. 1472,

SUBSTITUTE HOUSE BILL NO. 1473,

HOUSE BILL NO. 1504,

HOUSE BILL NO. 1514,

HOUSE BILL NO. 1531,

HOUSE BILL NO. 1581, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9161, Charles R. Richmond, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF CHARLES R. RICHMOND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Absent: Senators Bender, Rinehart, Sellar, Wojahn - 4.

MOTIONS

On motion of Senator Vognild, Senator Bender was excused.

On motion of Senator Zimmerman, Senators Johnson and Sellar were excused.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9162, Marjorie S. Redman, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF MARJORIE S. REDMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator West - 1.

Excused: Senators Bender, Johnson, Sellar - 3.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1429, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Patrick, P. King, Brough, Armstrong, Wang, McLean, Butterfield, Chandler, Fuhrman, Doty, Todd, Silver, Moyer and Brekke)

Providing for home detention under the sentencing reform act.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 1, after line 4, insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

(1) There is a critical shortage of space in many county jails, which is likely to become even more acute during the next several years due to (a) increases in apprehensions for crimes involving violence and controlled substances, (b) increases in the length of confinement for repeat offenders of property crimes under the sentencing reform act, and (c) repeat offenders under laws prohibiting driving while intoxicated.

(2) Neither time nor financial resources are available to construct additional jail facilities. The present excess bed capacity in the state prison system is projected to disappear within the next two years.

(3) Public safety requires innovative approaches to incarceration alternatives. These alternatives must minimize risks to public safety through the use of supervision and monitoring techniques.

(4) Partial confinement for appropriate offenders, with realistic monitoring, appears to offer an alternative incarceration option for local jurisdictions that have determined that the option is an appropriate response to local needs."

Renumber the sections consecutively and correct internal references accordingly.

On motion of Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and adopted:

On page 6, line 13, after "offense," strike "or"

On page 6, line 15, after "drug" and before the period insert ", reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, burglary in the second degree as defined in RCW 9A.52.030, or harassment as defined in RCW 9A.46.020"

MOTION

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

On page 6, line 16, after "upon" strike "the" and insert ": (a) The"

On page 6, line 18, after "hours" strike "and" and insert ", (b)"

On page 6, line 19, after "program" insert ", and (c) compliance with court-ordered restitution"

MOTIONS

On motion of Senator Pullen, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "9.94A.190," strike "and"

On page 1, line 3 of the title, after "9.94A.120" and before the period insert "; and creating a new section"

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1429, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1429, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1429, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators McCaslin, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1429, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1460, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Locke and Mary) (by request of Office of the Administrator for the Courts)

Revising jury selection and summoning.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature recognizes the vital and unique role of the jury system in enhancing our system of justice. The purpose of this chapter is the promotion of efficient jury administration and the opportunity for widespread citizen participation in the jury system. To accomplish this purpose the legislature intends that all courts and juries of inquest in the state of Washington select, summon, and compensate jurors uniformly.

Sec. 2. Section 1, chapter 48, Laws of 1891 and RCW 2.36.010 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) A jury is a body of ~~((men))~~ persons temporarily selected from the qualified inhabitants of a particular district, and invested with power—

~~((1))~~ (a) To present or indict a person for a public offense.

~~((2))~~ (b) To try a question of fact.

(2) "Court" when used without further qualification means any superior court or court of limited jurisdiction in the state of Washington.

(3) "Judge" means every judicial officer authorized to hold or preside over a court. For purposes of this chapter "judge" does not include court commissioners or referees.

(4) "Juror" means any person summoned for service on a petit jury, grand jury, or jury of inquest as defined in this chapter.

(5) "Grand jury" means those twelve persons impaneled by a superior court to hear, examine, and investigate evidence concerning criminal activity and corruption.

(6) "Petit jury" means a body of persons twelve or less in number in the superior court and six in number in courts of limited jurisdiction, drawn by lot from the jurors in attendance upon the court at a particular session, and sworn to try and determine a question of fact.

(7) "Jury of inquest" means a body of persons six or fewer in number, but not fewer than four persons, summoned before the coroner or other ministerial officer, to inquire of particular facts.

(8) "Jury source list" means the list of all registered voters for any county, as compiled by each county auditor pursuant to the provisions of chapter 29.07 RCW. The list shall specify each voter's name, residence address, and precinct as shown on the original registration card of each qualified voter. The list shall be filed with the superior court by the county auditor.

(9) "Master jury list" means the list of prospective jurors from which jurors summoned to serve will be randomly selected. The master jury list shall be either randomly selected from the jury source list or may be an exact duplicate of the jury source list.

(10) "Jury term" means the period of time a person is required to serve as a juror. A jury term shall begin on the first Monday of each month and shall end on the Saturday immediately preceding the first Monday of each month, unless changed by the court. A jury term may be extended by the court if necessary for the administration of justice.

(11) "Jury panel" means those persons randomly selected for jury service for a particular jury term.

Sec. 3. Section 4, chapter 48, Laws of 1891 as last amended by section 6, chapter 162, Laws of 1980 and RCW 2.36.050 are each amended to read as follows:

~~((A petit jury is a body of persons twelve or less in number in the superior court and six in number in courts of limited jurisdiction, drawn in the superior court and in courts of limited jurisdiction by lot from the jurors in attendance upon the court at a particular session, and sworn to try and determine a question of fact.))~~ In courts of limited jurisdiction, juries shall be selected and impaneled in the same manner as in the superior courts, except that a court of limited jurisdiction shall use the master jury list developed by the superior court ~~((judge or judges))~~ to select a jury panel. Jurors for the jury panel may be selected at random from the population of the area served by the court.

NEW SECTION. Sec. 4. A new section is added to chapter 2.36 RCW to read as follows:

The county auditor shall prepare and file with the superior court at least annually, at a time or times set forth in an order of the judges of the superior court from the original registration files of voters of the county a list of all registered voters. The list may be divided into the respective voting precincts.

The superior court upon receipt of the list of registered voters filed by the county auditor shall use that list as the jury source list and shall compile a master jury list from the source list. The master jury list shall be certified by the superior court and filed with the county clerk. All previous jury source lists and master jury lists shall be superseded.

Upon receipt of amendments to the list of registered voters from the county auditor the superior court may update the jury source list and master jury list as maintained by the county clerk accordingly.

Sec. 5. Section 1, chapter 13, Laws of 1973 2nd ex. sess. and RCW 2.36.063 are each amended to read as follows:

The judge or judges of the superior court of any county may~~((if they so choose, by local superior court rule.))~~ employ a properly programmed electronic data processing system or device to ~~((make random selection of jurors as required by RCW 2.36.060.~~

Upon determination that such system shall be employed, the judge or judges of the superior court shall direct the county auditor to provide the names and other information concerning all registered voters which have been filed with him by the registrar of voters pursuant to RCW 2.36.060.

In those counties employing the electronic data processing random selection method, the judge or judges of the superior court may determine that fair and random selection may be

achieved without division of the county into three or more jury districts. Upon such determination, the judge or judges shall, during the month of July each year, order a master jury list to be selected by an unrestricted random sample from the names of all registered voters filed with the county auditor, without regard to location of precinct.

In those counties employing the electronic data processing random selection method, if the judge or judges of the superior court determine that the jury district procedure required for noncomputer jury selection is to be followed, the judge or judges shall divide the county into not less than three jury districts pursuant to RCW 2.36.066. The judge or judges shall during the month of July each year, order a master jury list to be selected by an unrestricted random sample from the names of all registered voters filed with the county auditor. Such list must contain as nearly as possible an equal number of jurors from each jury district.

The master jury list randomly selected shall contain names of a sufficient number of qualified voters to serve as jurors until the first day of August of the next calendar year, and shall be certified and filed with the county clerk. At any time the judge or judges may add to the jury list in the random selection manner by data process device as approved by the judge or judges. A certified list of the added names shall be filed with the county clerk. compile the master jury list and to randomly select jurors from the master jury list.

NEW SECTION. Sec. 6. A new section is added to chapter 2.36 RCW to read as follows:

It shall be the duty of the judges of the superior court to ensure continued random selection of the master jury list and jury panels. The judges shall review the process from time to time and shall cause to be kept on file with the county clerk a description of the jury selection process. Any person who desires may inspect this description in said office.

Nothing in this chapter shall be construed as requiring uniform equipment or method throughout the state, so long as fair and random selection of the master jury list and jury panels is achieved.

Sec. 7. Section 1, chapter 57, Laws of 1911 as last amended by section 1, chapter 203, Laws of 1975 1st ex. sess. and RCW 2.36.070 are each amended to read as follows:

~~((No))~~ A person shall be competent to serve as a juror in the ~~((superior courts of the))~~ state of Washington unless ~~((he be))~~ that person:

- (1) ~~((an elector and taxpayer of the state.~~
- (2) ~~a resident of the county in which he is called for service for more than one year preceding such time;~~
- (3) ~~in full possession of his faculties and of sound mind: PROVIDED, That a person shall not be precluded from the list of prospective jurors because of loss of sight in any degree. Sound mind, as used in this section, shall mean the necessary mental process utilized in reasoning to a logical conclusion; and~~

(4) able to read and write the English language)) Is less than eighteen years of age;

(2) Is not a citizen of the United States;

(3) Is not a resident of the county in which he or she has been summoned to serve;

(4) Is not able to communicate in the English language; or

(5) Has been convicted of a felony and has not had his or her civil rights restored.

Sec. 8. Section 2, chapter 13, Laws of 1973 2nd ex. sess. and RCW 2.36.093 are each amended to read as follows:

At such time as the judge or judges of ~~((the superior))~~ any court of any county shall deem that the public business requires a jury term to be held, ~~((he or they))~~ the judge or judges shall direct ~~((the county clerk to select jurors))~~ that a jury panel be selected and summoned to serve for the ensuing jury term~~((pursuant to RCW 2.36.090. In any county in which the judge or judges have chosen to employ the electronic data process random selection method as provided for in RCW 2.36.063, the county clerk shall within the first fifteen days of the calendar month preceding the month on which the jurors are to be called to serve, cause the names of the jurors to be selected from the master list of prospective jurors for the year placed on file in his office.~~

The name of a person once selected for a jury term shall be excluded from selection of jurors for subsequent terms in that jury year unless otherwise ordered by the judge or judges of superior court. **PROVIDED,** That at any time or for any period or periods of time, the judge or judges may direct by rule or order that all or any number or proportion of the jurors thereafter to be selected shall be selected to serve for two successive terms, to the end that not all of the jurors serving during a given period shall cease their service at the same time.

It shall be the duty and responsibility of the judge or judges of the superior court to insure that such electronic data processing system or device is employed so as to insure continued random selection of the master jury list and jurors. To that end, the judge or judges shall review the process from time to time and shall cause to be kept on file with the county clerk a description of the jury selection process. Any person who desires may inspect this description in said office.

Nothing in RCW 2.36.063 and 2.36.093 shall be construed as requiring uniform equipment or method throughout the state, so long as fair and random selection of the master jury list and jurors is achieved)) or terms.

NEW SECTION. Sec. 9. A new section is added to chapter 2.36 RCW to read as follows:

Persons selected to serve on a petit jury, grand jury, or jury of inquest shall be summoned by mail or personal service. The county clerk shall issue summons and thereby notify persons selected for jury duty. In courts of limited jurisdiction summons shall be issued by the court. Upon the agreement of the courts, the superior court may summon jurors for any and all courts in the county or judicial district.

Sec. 10. Section 7, chapter 57, Laws of 1911 as last amended by section 1, chapter 181, Laws of 1983 and RCW 2.36.100 are each amended to read as follows:

Except for a person who is not qualified for jury service under RCW 2.36.070, no person may be excused from jury service by the court except upon a showing of undue hardship, extreme inconvenience, public necessity, prior jury service ~~((twice))~~ once in the last ~~((five))~~ two years, or any reason deemed sufficient by the court for a period of time the court deems necessary. An excuse for prior service ~~((shall apply only in class AA and class A counties, and))~~ shall be granted only upon the written request of the prospective juror, which request shall certify the terms of prior service. Prior jury service may include service in superior court, in a court of limited jurisdiction ~~((or))~~, in the United States District Court, or on a jury of inquest.

Sec. 11. Section 3, chapter 191, Laws of 1925 ex. sess. and RCW 2.36.110 are each amended to read as follows:

It shall be the duty of a ~~((superior))~~ judge to excuse from further jury service any juror, who in the opinion of the judge, has manifested unfitness as a juror by reason of bias, prejudice, indifference, inattention or any physical or mental defect or by reason of conduct or practices incompatible with proper and efficient jury service.

Sec. 12. Section 6, chapter 57, Laws of 1911 and RCW 2.36.130 are each amended to read as follows:

If for any reason the jurors drawn for service upon a ~~((petit))~~ jury for any term shall not be sufficient to dispose of the pending jury business, or where no jury is in regular attendance and the business of the court may require the attendance of a jury before a regular term, the judge or judges of ~~((the superior))~~ any court may ~~((draw))~~ direct the random selection and summoning from the master jury list such additional names as they may consider necessary ~~((and the persons whose names are so drawn shall thereupon be summoned to serve as jurors forthwith. The judge or judges drawing such additional names, may, in his or their discretion, order and direct that, of such additional jurors, only those living nearest to the county seat or most conveniently reached and found shall be at first summoned by the sheriff, and at any time when a sufficiency of such persons has been summoned and produced in court, such judge or judges may, in his or their discretion, order and direct the sheriff not to summon the remainder of the additional jurors so drawn. By stipulation or agreement made in open court as a part of the record, the parties to any action may agree that an open venire may be issued to make up a jury in that action, and upon order of the court approving such stipulation and directing the number of jurors to be drawn, the clerk shall issue an open venire, and the sheriff shall fill the same by summoning from the bystanders, or elsewhere, a sufficient number of persons to fill the open venire)).~~

NEW SECTION. Sec. 13. A new section is added to chapter 2.36 RCW to read as follows:

(1) An employer shall provide an employee with a sufficient leave of absence from employment to serve as a juror when that employee is summoned pursuant to chapter 2.36 RCW.

(2) An employer shall not deprive an employee of employment or threaten, coerce, or harass an employee, or deny an employee promotional opportunities because the employee receives a summons, responds to the summons, serves as a juror, or attends court for prospective jury service.

(3) An employer who intentionally violates subsection (1) or (2) of this section shall be guilty of a misdemeanor.

(4) If an employer commits an act in violation of subsection (2) of this section the employee may bring a civil action for damages as a result of the violation and for an order requiring the reinstatement of the employee. If the employee prevails, the employee shall be allowed a reasonable attorney's fee as determined by the court.

(5) For purposes of this section employer means any person, association, partnership, or private or public corporation who employs or exercises control over wages, hours, or working conditions of one or more employees.

NEW SECTION. Sec. 14. A new section is added to chapter 2.36 RCW to read as follows:

A person summoned for jury service who intentionally fails to appear as directed shall be guilty of a misdemeanor.

Sec. 15. Section 3, chapter 213, Laws of 1955 and RCW 8.04.080 are each amended to read as follows:

The order shall direct that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder

by reason of the appropriation and the use by the state of the lands, real estate, premises, and other property described in the petition. The determination shall be made within thirty days after the entry of such order, before a jury if trial by jury is demanded at the hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury. If no regular venire has been called so as to be available to serve within such time on application of the petitioner at the hearing, the court may by its order continue such determination to the next regular jury term if a regular venire will be called within sixty days, otherwise the court shall call a special jury within said sixty days and direct ~~((the sheriff to summon))~~ that a jury panel be selected and summoned pursuant to chapter 2.36 RCW, from the citizens of the county in which the lands, real estate, premises, or other property sought to be appropriated are situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent is entered by the clerk in the minutes of such hearing. In any third class county or lesser classification, the costs of such special jury for the trial of such condemnation cases only shall be borne by the state.

Sec. 16. Section 2, chapter 67, Laws of 1971 ex. sess. and RCW 10.27.020 are each amended to read as follows:

For the purposes of this chapter:

- (1) The term "court" shall mean any superior court in the state of Washington.
- (2) The term "public attorney" shall mean the prosecuting attorney of the county in which a grand jury or special grand jury is impeached; the attorney general of the state of Washington when acting pursuant to RCW 10.27.070(9) and, the special prosecutor appointed by the governor, pursuant to RCW 10.27.070(10), and their deputies or special deputies.
- (3) The term "indictment" shall mean a written accusation found by a grand jury.
- (4) The term "principal" shall mean any person whose conduct is being investigated by a grand jury or special inquiry judge.
- (5) The term "witness" shall mean any person summoned to appear before a grand jury or special inquiry judge to answer questions or produce evidence.
- (6) A "grand jury" consists of ~~((not less than))~~ twelve ~~((nor more than seventeen))~~ persons, is impeached by a superior court and constitutes a part of such court. The functions of a grand jury are to hear, examine and investigate evidence concerning criminal activity and corruption and to take action with respect to such evidence. The grand jury shall operate as a whole and not by committee.

(7) A "special inquiry judge" is a superior court judge designated by a majority of the superior court judges of a county to hear and receive evidence of crime and corruption.

Sec. 17. Section 4, chapter 67, Laws of 1971 ex. sess. and RCW 10.27.040 are each amended to read as follows:

~~((The court shall select the))~~ Members of the grand jury ~~((from either the petit jury panel or from a grand jury panel of one hundred individuals drawn by lot))~~ shall be selected in the manner provided ((for petit jury panels under) in chapter 2.36 RCW((or from both)).

Sec. 18. Section 36.24.020, chapter 4, Laws of 1963 and RCW 36.24.020 are each amended to read as follows:

Any coroner, in his or her discretion, may hold an inquest if ~~((he))~~ the coroner suspects that the death of a person was unnatural, or violent, or resulted from unlawful means, or from suspicious circumstances, or was of such a nature as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person: PROVIDED, That, except under suspicious circumstances, no inquest shall be held following a traffic death.

The coroner in the county where an inquest is to be convened pursuant to this chapter shall ((summon six good and lawful persons to serve as jurors and)) notify the superior court to provide persons to serve as a jury of inquest to hear all the evidence concerning the death and to inquire into and render a true verdict on the cause of death. Jurors shall be selected and summoned in the same manner and shall have the same qualifications as specified in chapter 2.36 RCW. The prosecuting attorney having jurisdiction shall be notified in advance of any such inquest to be held, and at his discretion may be present at and assist the coroner in the conduct of the same. The coroner may adjourn the inquest from time to time as he may deem necessary.

The costs of inquests shall be borne by the county in which the inquest is held.

NEW SECTION. Sec. 19. (1) The judicial council shall direct the office of the administrator for the courts to conduct a study to determine the advisability of using other lists in addition to the jury source list as defined in section 2(8) of this act to expand the source for potential jurors.

(2) The office of the administrator for the courts shall complete its study and the judicial council shall report its findings and recommendations to the house committee on judiciary and senate committee on law and justice no later than January 9, 1989.

(3) This section shall expire on January 9, 1989.

NEW SECTION. Sec. 20. Pursuant to an agreement between the judge or judges of each superior court and the judge or judges of each court of limited jurisdiction, jury management activities may be performed by the superior court for any county or judicial district as provided by statute.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 57, Laws of 1911, section 1, chapter 26, Laws of 1921, section 1, chapter 191, Laws of 1925, section 1, chapter 238, Laws of 1943, section 1, chapter 287, Laws of 1961, section 1, chapter 92, Laws of 1967, section 1, chapter 135, Laws of 1979 ex. sess. and RCW 2.36.060;

(2) Section 4, chapter 57, Laws of 1911, section 2, chapter 191, Laws of 1925 ex. sess., section 1, chapter 65, Laws of 1965 and RCW 2.36.090;

(3) Section 8, chapter 57, Laws of 1911 and RCW 2.36.140; and

(4) Section 5, chapter 48, Laws of 1891 and RCW 2.36.160.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 71, page 235, Laws of 1854, section 1771, Code of 1881, section 2, page 118, Laws of 1888 and RCW 12.12.040;

(2) Section 73, page 236, Laws of 1854, section 1773, Code of 1881, section 4, page 119, Laws of 1888, section 1, chapter 119, Laws of 1975 1st ex. sess. and RCW 12.12.060; and

(3) Section 79, page 236, Laws of 1854, section 78, page 348, Laws of 1873, section 1779, Code of 1881 and RCW 12.12.100.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. Except for section 19, this act shall take effect January 1, 1989. Section 19 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1460, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1460, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1460, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kroidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McCaslin, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1460, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594, by Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Sutherland, Vekich, R. King, Dellwo, Todd and Rasmussen) (by request of Governor Gardner)

Providing for a water use efficiency study.

The bill was read the second time.

MOTIONS

Senator Barr moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 1, Laws of 1977 ex. sess. as last amended by section 1, chapter 343, Laws of 1987 and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during 1977 and during 1987.

The legislature further finds that there is a continuing agricultural water supply shortage in many areas of the state and that, in relation to the lessening of that unsatisfactory condition, there is an urgent need to both improve water supply facilities and replace other such facilities.

The legislature further finds that in addition to water storage facilities or other augmentation programs, improved efficiency of water use could provide an important new supply of water in many parts of the state with which to meet future water needs and that improved efficiency of water use should receive greater emphasis in the management of the state's water resources.

In order to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate unsatisfactory water supply conditions arising from droughts occurring from time to time in the state of Washington, and to carry out a comprehensive water use efficiency study for the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 2. A committee shall be charged with the task of carrying out a comprehensive study of water use efficiency in this state. The study shall not, however, be considered a water conservation study, considered a comprehensive study encompassing the exclusive means of creating a new supply of water, or considered to limit or restrict the use of water storage facilities as an option in creating a new supply of water. The committee, in consultation with other interested agencies, organizations, and the public, shall investigate and evaluate opportunities and means for achieving water use efficiency improvements. The evaluation shall include but not be limited to the following:

- (1) Review and analysis of water use efficiency initiatives in other states;
- (2) Review of the water use efficiency recommendations of the western governors association;
- (3) Identification of existing institutional and economic disincentives to efficient water use;
- (4) Identification of existing and potential incentives that could bring about improved efficiency of use;
- (5) Identification of alternatives for improving efficiency of use;
- (6) Estimation of potential water savings and public and private costs from implementing alternatives;
- (7) Identification of a recommended approach for improving water use efficiency in municipal and industrial water supply uses, irrigated agriculture and other major out-of-stream uses, and in-stream uses;
- (8) Evaluation of the terminology and development of definitions and methods relating to the use and measurement of water in chapters 90.03, 90.14, 90.22, 90.44, and 90.54 RCW, and such other provisions of existing law as it finds appropriate;
- (9) Development of recommendations for a public education program for efficient use of water; and
- (10) Development of recommendations for any needed changes in laws, rules, policies, procedures, and programs to facilitate improved water use efficiency.

NEW SECTION. Sec. 3. (1) The committee created in section 2 of this act shall consist of the following:

- (a) Four members from the state legislature; specifically, one member from the majority party and one member from the minority party of the senate, and one member from the majority party and one member from the minority party of the house of representatives;
 - (b) One individual representing each of the departments of ecology, agriculture, social and health services, fisheries, wildlife, and natural resources;
 - (c) One individual representing the interests of local government;
 - (d) One individual representing agricultural interests;
 - (e) One individual representing the governor's office;
 - (f) One individual representing environmental interests;
 - (g) One individual representing the interests of the timber industry;
 - (h) One individual representing the interests of industries' use of water;
 - (i) One individual representing Indian tribes;
 - (j) One individual representing the interests of public water utilities;
 - (k) One individual representing hydro power utilities;
 - (l) One individual representing the recreational or commercial fishing interest; and
 - (m) One individual representing the interests of water-oriented recreationists.
- (2) Each committee representative shall be recommended by their respective designated group or agency to the director of the department of ecology. The director shall submit the list of recommended representatives to the governor who shall use the list to appoint the members

of the committee, except for representatives from the legislature, who shall be appointed by the speaker of the house of representatives and the president of the senate.

(3) Members shall serve without compensation but nonlegislative and nonpublic officials or representative members of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The committee shall expire December 31, 1988.

(5) The committee shall consult on a regular and frequent basis with interested organizations and individuals. The committee shall hold public meetings to inform the public about the study, and to receive public comments on a draft report of its study findings and its recommendations.

(6) The committee shall document public comments and the committee's recommendations in a final water use efficiency report. The final report shall also include an estimate of staffing and funding needed to carry out the recommended approach.

NEW SECTION, Sec. 4. It shall be the responsibility of the department of ecology to provide staff support to the committee and to identify water use efficiency options for the tasks identified in section 2 of this act.

NEW SECTION, Sec. 5. The committee shall report its findings and recommendations to the legislature no later than December 31, 1988. The department shall not implement such recommendations by rule or regulation except upon the enactment of enabling legislation based upon the committee's recommendations.

NEW SECTION, Sec. 6. No aspect of the study authorized by sections 1 through 3 of this act may authorize any interference whatsoever with existing water rights. The study shall in all respects be subject to the provisions of RCW 43.83B.325 to the same extent as any provision of RCW 43.83B.300 through 43.83B.345.

NEW SECTION, Sec. 7. Sections 2 through 6 of this act shall expire June 30, 1989.

NEW SECTION, Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Barr, the following amendments to the Committee on Ways and Means amendment were considered simultaneously and adopted:

On page 3, line 4, after "study" strike "shall not, however," and insert ", however, shall neither"

On page 3, line 6, after "study," strike "considered" and insert "nor"

On page 3, line 9, after "water" strike ", or considered to limit or restrict" and insert "which limits or restricts"

On page 4, line 11, after "the" strike "use and measurement" and insert "efficient utilization"

MOTIONS

On motion of Senator Hansen, the following amendments by Senators Hansen, Barr and Anderson to the Committee on Ways and Means amendment were considered simultaneously and adopted:

On page 5, line 8, of the amendment, after "representing" strike "agricultural interests" and insert "producers of irrigated agricultural products."

On page 5, line 24 of the amendment, after "(k)" insert "One individual representing owners and operators of cattle farms;

(l) One individual representing the state-wide water resources association created under chapter 87.76 RCW;

(m)"

Renumber the subparagraphs accordingly.

Senator Anderson moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 4, line 16 of the amendment, after "(9)" strike "Development of"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 4, line 16, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1594.

The motion by Senator Anderson carried and the amendment to the committee amendment was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Barr, you made reference to the fact that the House had proposed that this study and all the implications be carried on by the Washington State University Water Resources Center. Did I understand you to say

that the University was not interested in doing this? Why did the Senate move it to the Department of Ecology and out of the Resources Center?"

Senator Barr: "The original Senate Bill that we passed through here two or three weeks ago, said that the Department of Ecology should be the lead agency in doing this study, but the House version which we amended here back to the Senate version did say that the Washington State University Water Resources Center would be the lead agency in the study, so we put it back to the Department of Ecology."

Senator Patterson: "Well, did you have testimony?"

Senator Barr: "I did not say that they didn't want to do it. I guess, if I did, I misstated. I guess what I was saying was that the House did that for some reason that I didn't quite understand. Frankly, I think they were just trying to pull the Department of Ecology's chain a little bit."

Senator Patterson: "I don't know about that. All I do know is that there's a lot of money being spent on a very, very good department at Washington State University in this area. They've been responsible for doing all the dam research; they are heavily engaged in water resources. It doesn't seem to me, that we ought to be having the Department of Ecology spend more money and hire more people to do a study when there are very competent people available in this state to do it. Now, if that's not the case, then I think that there may be a reason for moving it. What I'm trying to say is that we ought to utilize those agencies that we already have, that have the capabilities of doing these things, rather than pumping more money into the Department of Ecology to carry it on."

Senator Barr: "Thank you, Senator Patterson. I think the Water Resources Center does have some very capable people in it and could have done this study, but we in the committee had to make a decision and it was our original thought that the Ecology should do it. They are a little more involved in the day to day thing. It could have gone either way, but the way it is written now is that Ecology will do it. Thank you."

MOTION

Senator Williams moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 4, line 30 of the committee amendment, strike all of subsection (a) and insert:

(a) Four members of the house of representatives, appointed by the speaker, two from each major political party of which one member from each major political party shall be a member of the agriculture and rural development committee;

(b) Four members of the senate, appointed by the president of the senate, two from each major political party of which one member from each major political party shall be a member of the agriculture committee."

Renumber the remaining subsections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 4, line 30, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1594.

The motion by Senator Williams carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1594.

The motion by Senator Barr carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Barr, the following title amendments were considered simultaneously and adopted:

On page 1, beginning on line 2 of the title of the bill, after "43.83B.300;" strike all material down to and including "(uncodified);" on line 3

On page 1, line 3 of the title of the bill, after "sections;" delete "making appropriations;"

On motion of Senator Barr, the rules were suspended, Engrossed Substitute House Bill No. 1594, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1594, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1594, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 5; absent, 6; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, Lee, Madsen, McDonald, Metcalf, Moore, Nelson, Niemi, Owen, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn - 37.

Voting nay: Senators Craswell, DeJarnatt, Patterson, Rasmussen, Zimmerman - 5.

Absent: Senators Fleming, Hayner, Kiskaddon, McMullen, Newhouse, Vognild - 6.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1373, by Committee on Ways and Means/Revenue (originally sponsored by Representatives Unsoeld and Belcher)

Eliminating the current year tax cancellation for property becoming exempt from property tax.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 2, after line 12, insert the following:

"Sec. 2. Section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141, Laws of 1981 and RCW 84.36.800 are each amended to read as follows:

As used in RCW 84.36.020, 84.36.030, 84.36.040, 84.36.050, 84.36.060, 84.36.037, and 84.36.800 through 84.36.865:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation that meets the following criteria:

(a) The organization is exempt from income tax under section 501(c) of the Internal Revenue Code. This requirement is not applicable if: (i) The organization has an annual gross income of less than ten thousand dollars and has assets with an assessed value of less than one hundred thousand dollars; or (ii) the organization qualifies as a church for the purposes of this chapter;

(b) The organization pays no part of ((the)) its income ((of which is paid)) directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state; and

(c) No officer, director, trustee, or employee of the organization has had any ownership or financial interest exceeding one percent in the property within five years before the date of application for exemption under this section.

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, after line 12, to Substitute House Bill No. 1373.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Rinehart, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1373.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1373 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Voting nay: Senator Williams - 1.

Absent: Senators Bauer, Johnson - 2.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 1373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Senators Garrett, Gaspard and Hansen were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450, by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Schoon, Fox, Hargrove, Wineberry, B. Williams, Peery, Betzoff, P. King, Sayan, McLean, May, Fuhrman, Doty, Sutherland, D. Sommers, Walker, Sanders, Rayburn, Moyer, Cooper, O'Brien, Spanel and Day) (by request of Governor Gardner)

Extending the excise tax deferral and credit programs for manufacturing and research and development activities.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following Committee on Ways and Means amendments were considered simultaneously and adopted:

On page 2, line 12, after "chapter" strike all material through "development" on line 13 and insert "~~((or has received a concurrence waiver from the department of trade and economic development))~~"

On page 2, line 25, after "chapter" strike all material through "development" on line 26 and insert "~~((or has received a concurrence waiver from the department of trade and economic development))~~"

On page 3, beginning on line 35, strike all material through "state." on page 4, line 5 and insert the following:

~~"((14) "Concurrence waiver" means a written waiver of an otherwise required concurrence from a bargaining unit. The department of trade and economic development may issue a concurrence waiver only if:~~

~~(a) The department determines an applicant has made a good faith effort to obtain the required concurrence from a bargaining unit; and~~

~~(b) The department determines that granting the concurrence waiver is clearly in the best interests of the people of this state.))"~~

On motion of Senator Lee, the rules were suspended, Engrossed Substitute House Bill No. 1450, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1450, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1450, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent, 5; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senator Pullen - 1.

Absent: Senators Anderson, Bluechel, Deccio, McMullen, Nelson - 5.

Excused: Senators Garrett, Gaspard, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1560, by Representatives Sayan and Grimm (by request of Department of Retirement Systems)

Modifying public retirement benefits for persons who have attained age seventy and one-half and are still employed.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1560.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1560 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Vognlid - 1.

Excused: Senators Gaspard, Hansen - 2.

HOUSE BILL NO. 1560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1325, by Representatives Rust, Walker, Unsoeld, Schoon and Winsley (by request of Department of Ecology)

Changing provisions relating to the state water pollution control agency's authority.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment not be adopted:

On page 2, after line 22, insert the following:

*Sec. 2, Section 2, chapter 225, Laws of 1971 ex. sess. as amended by section 2, chapter 399, Laws of 1987 and RCW 90.54.020 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for (~~municipal~~) water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if the owner or operator demonstrates:

(i) (~~The municipality demonstrates~~) That the intake water is drawn from the same body of water into which the discharge is made; and

(ii) (~~The municipality demonstrates~~) That no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(5) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(6) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state.

(7) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(8) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(9) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(10) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.*

The President declared the question before the Senate to be the motion by Senator Metcalf that the Committee on Environment and Natural Resources amendment to House Bill No. 1325 not be adopted.

The motion by Senator Metcalf carried and the committee amendment to House Bill No. 1325 was not adopted.

MOTION

Senator Smitherman moved that the following amendment by Senators Smitherman, Metcalf and von Reichbauer be adopted:

On page 2, after line 22, insert the following:

*NEW SECTION. Sec. 2. In implementing this chapter and in participating in programs under the federal clean water act, the department may consult with the department of social and health services concerning standards for repair of existing, failing on-site sewage disposal

systems that are adjacent to marine waters. By January 1, 1989, the department of social and health services shall propose rules for adoption by the state board of health identifying the standards for repair of existing, failing on-site sewage disposal systems at single-family residences that were legally occupied prior to the effective date of this act and that are adjacent to marine waters. The rules may specify the design, operation and maintenance standards for such repaired systems so as to ensure protection of the public health, attainment of state water quality standards and the protection of shellfish and other public resources. The rules shall also provide that any proposed discharge to marine water shall be considered only if on-site sewage disposal systems are not feasible and that such discharges shall meet the requirements of this chapter and department of ecology regulations. The state board of health shall adopt such proposed rules unless the board finds modification or rejection of them necessary to protect the public health."

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Smitherman, does your amendment only apply to sewage disposal systems at single family residences that are adjacent to marine waters?"

Senator Smitherman: "That is certainly the intent, Senator Pullen."

Senator Pullen: "So, it does not apply to single family residences that are inland from marine waters?"

Senator Smitherman: "No, that wasn't the intent. I think if I tried to take on that issue, it would be a little too broad and we would be expanding the authority way beyond what the department really wants to have."

Senator Pullen: "You said this was agreed upon among three agencies, but the ones you mentioned are all heavily concerned with the environmental and ecological issues. Did you make any effort to propose this amendment to home building associations or property owner groups?"

Senator Smitherman: "Actually, the amendment grew out of a bill, Senator Pullen, that I had pushed a couple of years ago. I think what had happened was that they rejected that bill as being too broad. I had to work and work with the department over that. It would be about a three year period now--to narrow our concerns just to water front areas. I didn't talk to the home builders about this, but I think the home builders might be in agreement, but it only deals with existing homes on the beaches. So, again I don't think it would help them a lot."

POINT OF INQUIRY

Senator McCaslin: "Senator Smitherman, is a cesspool considered an on-site sewage disposal system?"

Senator Smitherman: "It is, but under this definition what we're looking at, is how we would upgrade those systems to make them functional in those areas."

Senator McCaslin: "If one of these homes along the water had a cesspool and had a problem, would this amendment cover it?"

Senator Smitherman: "It would cover it, but they would have to change to a system that would work and could be approved by the standard for inspection and all that sort of thing."

Senator McCaslin: "You gave me the answer we practiced on. I appreciate it."

POINT OF INQUIRY

Senator Smitherman: "Senator Metcalf, this bill now gives the Department of Social and Health Services broad regulatory authority over beach residences. Could the department become sort of a super building department and set construction standards for the residence itself?"

Senator Metcalf: "No, Senator Smitherman, the department may adopt any standard they deem appropriate for the construction and operation of the on-site sewer disposal system only. If this amendment passes, the bill will not allow the department to set construction standards for the dwelling. That is a province of the local building department."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Smitherman, Metcalf and von Reichbauer to House Bill No. 1325.

The motion by Senator Smitherman carried and the amendment was adopted.

MOTIONS

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

On page 1, line 2, delete "and" and after "RCW 90.48.260" insert "; and adding a new section to chapter 90.48 RCW"

On motion of Senator Nelson, the rules were suspended, House Bill No. 1325, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1325, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1325, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams - 45.

Voting nay: Senator Zimmerman - 1.

Absent: Senators Bauer, Wojahn - 2.

Excused: Senator Hansen - 1.

HOUSE BILL NO. 1325, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 791, by Committee on Judiciary (originally sponsored by Representatives Crane, Ballard, Wineberry and P. King)

Regulating camping clubs.

The bill was read the second time.

MOTIONS

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 23, line 10, after the period strike all material down to the period on line 12 and insert "The operator shall require the purchaser to sign an affidavit agreeing not to use the list for any commercial purpose"

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 791, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 791, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 791, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 791, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1592, by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Cole, O'Brien, Patrick, Walker, Jones, Wineberry, R. King, Winsley, Valle, Jacobsen, Wang, Basich, Fisher, Pruitt, Lux and Unsöld)

Authorizing workers' compensation for workers with asbestos-related diseases.

The bill was read the second time.

MOTIONS

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 51.12 RCW to read as follows:

(1) The department shall furnish the benefits provided under this title to any worker or beneficiary who may have a right or claim for benefits under the maritime laws of the United States resulting from an asbestos-related disease if (a) there are objective clinical findings to substantiate that the worker has an asbestos-related claim for occupational disease and (b) the worker's employment history has a prima facie indicia of injurious exposure to asbestos fibers while employed in the state of Washington in employment covered under this title. The department shall render a decision as to the liable insurer and shall continue to pay benefits until the liable insurer initiates payments or benefits are otherwise properly terminated under this title.

(2) The benefits authorized under subsection (1) of this section shall be paid from the medical aid fund, with the self-insurers and the state fund each paying a pro rata share, based on number of worker hours, of the costs necessary to fund the payments. For the purposes of this subsection only, the employees of self-insured employers shall pay an amount equal to one-half of the share charged to the self-insured employer.

(3) If the department determines that the benefits paid under subsection (1) of this section are owed to the worker or beneficiary by a self-insurer or the state fund, then the self-insurer or state fund shall reimburse the medical aid fund for all benefits paid and costs incurred by the fund.

(4) If the department determines that the benefits paid under subsection (1) of this section are owed to the worker or beneficiary by a federal program other than the federal social security, old age survivors, and disability insurance act, 42 U.S.C. or an insurer under the maritime laws of the United States:

(a) The department shall pursue the federal program insurer on behalf of the worker or beneficiary to recover from the federal program insurer the benefits due the worker or beneficiary and on its own behalf to recover the benefits previously paid to the worker or beneficiary and costs incurred;

(b) For the purpose of pursuing recovery under this subsection, the department shall be subrogated to all of the rights of the worker or beneficiary receiving compensation under subsection (1) of this section; and

(c) The department shall not pursue the worker or beneficiary for the recovery of benefits paid under subsection (1) of this section unless the worker or beneficiary receives recovery from the federal program insurer, in addition to receiving benefits authorized under this section. The director may exercise his or her discretion to waive, in whole or in part, the recovery of any such benefits where the recovery would be against equity and good conscience.

(5) The provisions of subsection (1) of this section shall not apply if the worker or beneficiary refuses, for whatever reason, to assist the department in making a proper determination of coverage. If a worker or beneficiary refuses to cooperate with the department, self-insurer, or federal program insurer by failing to provide information that, in the opinion of the department, is relevant in determining the liable insurer, or if a worker refuses to submit to medical examination, or obstructs or fails to cooperate with the examination, the department shall reject the application for benefits. No information obtained under this section is subject to release by subpoena or other legal process.

(6) The amount of any third party recovery by the worker or beneficiary shall be subject to a lien by the department to the full extent that the medical aid fund has not been otherwise reimbursed by another insurer. Reimbursement shall be made immediately to the medical aid fund upon recovery from the third party suit. If the department determines that the benefits paid under subsection (1) of this section are owed to the worker or beneficiary by a federal program insurer, the department shall not participate in the costs or attorneys' fees incurred in bringing the third party suit.

(7) This section shall expire July 1, 1993.

Sec. 2. Section 51.12.100, chapter 23, Laws of 1961 as last amended by section 21, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.100 are each amended to read as follows:

(1) The provisions of this title shall not apply to a master or member of a crew of any vessel, or to employers and workers for whom a right or obligation exists under the maritime laws for personal injuries or death of such workers.

(2) If an accurate segregation of payrolls of workers for whom such a right or obligation exists under the maritime laws cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the payrolls of employees to cover the part of their work for which no right or obligation exists under the maritime laws for injuries or death occurring in such work, and the employer, if not a self-insurer, shall pay premiums on that basis for the time such workers are engaged in their work.

(3) Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workers, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

(4) In the event payments are made under this title prior to the final determination under the maritime laws, such benefits shall be repaid by the worker or beneficiary if recovery is subsequently made under the maritime laws.

Sec. 3. Section 51.32.180, chapter 23, Laws of 1961 as last amended by section 53, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.180 are each amended to read as follows:

Every worker who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his or her family and dependents in case of death of the worker from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a worker injured or killed in employment under this title (~~PROVIDED; HOWEVER, That~~) except as follows: (1) This section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937; and (2) for claims filed on or after July 1, 1988, the rate of compensation for occupational diseases shall be established as of the date the disease requires medical treatment or becomes totally or partially disabling, whichever occurs first, and without regard to the date of the contraction of the disease or the date of filing the claim.

NEW SECTION. Sec. 4. The department of labor and industries shall conduct a study of the program established by section 1 of this act. The department's study shall include the use of benefits under the program and the cost of the program. The department shall report the results of the study to the economic development and labor committee of the senate and the commerce and labor committee of the house of representatives, or the appropriate successor committees, at the start of the 1993 regular legislative session.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1988, and shall apply to all claims filed on or after that date or pending a final determination on that date."

Senator Lee moved that the following amendments by Senators Lee and Warnke to the Committee on Economic Development and Labor amendment be considered simultaneously and be adopted:

On page 7, line 9 of the amendment, after "5." strike "This" and insert "Sections 1 through 4 of this"

On page 7, after line 13 of the amendment, insert the following:

"Sec. 6. Section 1, chapter 387, Laws of 1985 and RCW 49.26.100 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 49.26.100 through 49.26.140.

(1) "Asbestos project" means the construction, demolition, repair, maintenance, remodeling, or renovation of any public or private building or mechanical piping equipment or systems involving the demolition, removal, encapsulation, salvage, or disposal of material, or outdoor activity, releasing or likely to release asbestos fibers into the air.

(2) "Department" means the department of labor and industries.

(3) "Person" means any partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

(4) "Certified asbestos supervisor" means an individual who is certified by the department to supervise an asbestos project.

(5) "~~((Qualified))~~ Certified asbestos worker" means an individual who is certified by the department to ~~((undertake))~~ work on an asbestos project.

~~((6))~~ (6) "Certified asbestos contractor" means any partnership, firm, association, corporation or sole proprietorship registered under chapter 18.27 RCW that submits a bid or contracts to ~~((perform the removal or encapsulation of))~~ remove or encapsulate asbestos for another and is certified by the department to remove or encapsulate asbestos.

(7) "Owner" means the owner of any public or private building, structure, facility or mechanical system, or the agent of such owner.

NEW SECTION. Sec. 7. A new section is added to chapter 49.26 RCW to read as follows:

(1) Any owner or owner's agent who allows or authorizes any construction, renovation, remodeling, maintenance, repair, or demolition project which has a reasonable possibility, as defined by the department, of disturbing or releasing asbestos into the air, shall perform or cause to be performed, using practices approved by the department, a good faith inspection to determine whether the proposed project will disturb or release any material containing asbestos into the air.

An inspection under this section is not required if the owner or owner's agent is reasonably certain that asbestos will not be disturbed or assumes that asbestos will be disturbed by a project which involves construction, renovation, remodeling, maintenance, repair, or demolition and takes the maximum precautions as required by all applicable federal and state requirements.

(2) Except as provided in section 13 of this act, a written report describing each inspection, or a statement of assumption of the presence or reasonable certainty of the absence of asbestos, shall be included as part of the written notice of the asbestos project required in RCW 49.26.120. A copy of the written report or statement shall be given to the collective bargaining representatives or employee representatives, if any, of employees who may be exposed to any asbestos or material containing asbestos. A copy shall be posted as prescribed by the department in a place that is easily accessible to such employees.

NEW SECTION. Sec. 8. A new section is added to chapter 49.26 RCW to read as follows:

(1) Any owner or owner's agent who allows the start of any construction, renovation, remodeling, maintenance, repair, or demolition without first (a) conducting the inspection and submitting the report of the inspection, or submitting a statement of assumption of the presence or reasonable certainty of the absence of asbestos, as required under section 7 of this act; and (b) submitting the additional written description of the project as required under RCW 49.26.120 shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of section 7 of this act and RCW 49.26.120 shall be halted immediately and cannot be resumed before meeting such requirements. Any costs resulting from the halt of the project incurred by contractors or other parties affected by the halt of the project shall be paid by the owner or the owner's agent.

(2) It is the responsibility of any contractor registered under chapter 18.27 RCW to request in writing a copy of the written report or statement required under section 7 of this act from the owner or the owner's agent. No contractor may commence any construction, renovation, remodeling, maintenance, repair or demolition project without receiving the copy of the written report or statement from the owner or the owner's agent. Any contractor who begins any project without the copy of the written report or statement shall be subject to a mandatory fine of not less than two hundred and fifty dollars per day. Each day the violation continues shall be considered a separate violation.

(3) Any partnership, firm, corporation or sole proprietorship that begins any construction, renovation, remodeling, maintenance, repair, or demolition without meeting the requirements of section 7 of this act and the notification requirement under RCW 49.26.120 shall lose the exemptions provided in RCW 49.26.110 and 49.26.120 for a period of not less than six months.

(4) The certificate of any asbestos contractor who knowingly violates any provision of this chapter or any rule adopted under this chapter shall be revoked for a period of not less than six months.

(5) The penalties imposed in this section are in addition to any penalties under RCW 49.26.140.

NEW SECTION. Sec. 9. A new section is added to chapter 49.26 RCW to read as follows:

A safety conference shall be held for all asbestos projects within seven days before the start of actual work. A weekly safety conference shall suffice for purposes of this section as long as all asbestos projects that will be started that week at the same location are discussed. The conference shall include representatives of the owner or contracting agency, the certified asbestos contractor, the employer, the employees of the certified asbestos contractor and the employer including the certified asbestos workers, and the employees' representatives or collective bargaining representatives. It shall include a discussion of the employer's and contractor's safety program and such means, methods, devices, processes, practices, conditions, or operations the employer and contractors intend to use in providing a safe work environment.

Minutes shall be kept of each safety meeting and shall include the date of the meeting, the names of the individuals in attendance and the issues discussed. One copy of the meeting minutes shall be kept on file at the company and one copy shall be given to the employees' collective bargaining representative, or employee representative, if any, and shall be posted as prescribed by the department in a place that is easily accessible to employees.

Sec. 10. Section 2, chapter 387, Laws of 1985 and RCW 49.26.110 are each amended to read as follows:

(1) No ~~((contractor;))~~ employee~~(;))~~ or other individual is eligible to do work ~~((on an asbestos project))~~ governed by this chapter unless issued a certificate by the department except, in

the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship which has not lost this exemption under section 8(3) of this 1988 act, and conducted in its own facility and by its own employees under the direct, on-site supervision of a ((qualified)) certified asbestos ((worker)) supervisor. For the purposes of this chapter, on-site supervision shall include all activities taking place in the performance of a contract at one project location. In cases excepted under this section, the partnership, firm, corporation or sole proprietorship shall submit a written description to the department of the kinds of asbestos projects expected to be undertaken and the procedures to be used in undertaking asbestos projects, which description shall demonstrate competence in performing the work in compliance with the requirements of this chapter, rules adopted under this chapter, and any other requirements of law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos. To qualify for a certificate ~~((the contractor, employee, or other individual))~~; (a) Certified asbestos workers and supervisors must have successfully completed a ((basic)) training course of at least thirty hours, provided or approved by the department, on the health and safety aspects of the removal and encapsulation of asbestos including but not limited to the federal and state standards regarding protective clothing, respirator use, disposal, air monitoring, cleaning, and decontamination, and shall meet such additional qualifications as may be established by the department by rule for the type of certification sought; and (b) all applicants for certification as asbestos workers or supervisors must pass an examination in the type of certification sought which shall be provided or approved by the department. ((This training is)) These requirements are intended to represent the minimum ((training and education)) requirements for certification and shall not preclude contractors or employers from providing additional education or training. The department may require the successful completion of annual refresher courses provided or approved by the department for continued certification as an asbestos worker or supervisor.

(2) The department may deny, suspend, or revoke a certificate, ((in accordance with chapter 34.04 RCW)) as provided under RCW 49.26.140, for failure of the holder to comply with any requirement of this chapter or chapter 49.17 RCW, or any rule adopted under those chapters, or applicable health and safety standards and regulations. In addition to any penalty imposed under section 8 of this 1988 act, the department may suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:

(a) The certificate was obtained through error or fraud; or

(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.

Before any certificate may be suspended or revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against such holder, and shall give him or her the opportunity to request a hearing before the department. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony.

(3) Each person certified under this chapter shall display, upon the request of an authorized representative of the department, valid identification issued by the department.

NEW SECTION, Sec. 11. A new section is added to chapter 49.26 RCW to read as follows:

Before working on an asbestos project, a contractor shall obtain an asbestos contractor's certificate from the department and shall have in its employ at least one certified asbestos supervisor who is responsible for supervising all asbestos projects undertaken by the contractor and for assuring compliance with all state laws and regulations regarding asbestos. The contractor shall apply for certification renewal every year. The department shall ensure that the expiration of the contractor's registration and the expiration of his or her asbestos contractor's certificate coincide.

Sec. 12. Section 4, chapter 387, Laws of 1985 and RCW 49.26.120 are each amended to read as follows:

(1) No person may assign any employee, contract with, or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a ((qualified)) certified asbestos worker and under the direct, on-site supervision of a certified asbestos supervisor except, in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship which has not lost this exemption under section 8(3) of this 1988 act, and conducted in its own facility and by its own employees under the direct, on-site supervision of a ((qualified)) certified asbestos ((worker)) supervisor. In cases excepted under this section, the partnership, firm, corporation or sole proprietorship shall submit a written description to the department of the kinds of asbestos projects expected to be undertaken and the procedures to be used in undertaking asbestos projects, which description shall demonstrate competence in performing the work in compliance with the requirements of this chapter, rules adopted under this chapter, and any other requirements of law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos. The department ((may)) shall require persons undertaking asbestos projects to provide written notice to the department before the commencement of the project except as provided in section 13 of this 1988 act. The notice shall include a written description containing such information as the department requires by rule,

including the written report or statement required under section 7 of this 1988 act. The department may by rule allow a person to report multiple projects at one site in one report. The department shall by rule clarify the procedure and criteria by which a person will be considered to have attempted to meet the prenotification requirement.

(2) The department shall by rule, after consultation with the state fire protection policy board, establish policies and procedures for municipal fire department and fire district personnel who clean up sites after fires which have rendered it likely that asbestos has been or will be disturbed or released into the air.

NEW SECTION. Sec. 13. A new section is added to chapter 49.26 RCW to read as follows:

Prenotification to the department under RCW 49.26.120, including submission of the report or statement required under section 7 of this act, shall not be required for:

(1) Any asbestos project involving less than eleven square feet of surface area, or less than ten linear feet of pipe unless the surface area of the pipe is greater than eleven square feet. The person undertaking such a project shall keep the reports, or statements, and written descriptions required under section 7 of this act and RCW 49.26.120 which shall be available upon request by the department. Employees and employee representatives shall be notified as required under section 7(2) of this act.

(2) Projects which are defined as emergencies by the rules of the department. Emergency projects which disturb or release any material containing asbestos into the air shall be reported to the department within three working days after the commencement of the project in the manner otherwise required under this chapter. The person's employees and the employees' collective bargaining representatives, or employee representatives, if any, shall be notified of the emergency as soon as possible by the person undertaking the emergency project.

NEW SECTION. Sec. 14. A new section is added to chapter 49.26 RCW to read as follows:

All owners shall make a good faith effort, using practices approved by the department, to identify all materials which contain asbestos in their facilities and maintain records which catalog the location of the identified materials containing asbestos. Copies of these records shall be made available on request to the department, the employees' collective bargaining representative, or employee representative, the employees, and any contractor preparing bids for work to be performed on the owner's facilities.

Sec. 15. Section 3, chapter 387, Laws of 1985 as amended by section 1, chapter 219, Laws of 1987 and RCW 49.26.130 are each amended to read as follows:

(1) The department shall administer (~~RCW 49.26.110 through 49.26.140~~) this chapter.

(2) The director of the department shall adopt, in accordance with chapters 34.04 and 49.17 RCW, rules necessary to carry out (~~RCW 49.26.110 through 49.26.140~~) this chapter.

(3) The department (~~may~~) shall prescribe fees for the issuance and renewal of certificates, including recertification, and the administration of examinations, and for the review of training courses.

(4) The asbestos account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in the account. Moneys in the account shall be spent after appropriation only for costs incurred by the department in the administration and enforcement of this chapter. Disbursements from the account shall be on authorization of the director or the director's designee.

NEW SECTION. Sec. 16. A new section is added to chapter 49.26 RCW to read as follows:

Any employee who notifies the department of any activity the employee reasonably believes to be a violation of this chapter or any rule adopted under this chapter or who participates in any proceeding related thereto shall have the same rights and protections against discharge or discrimination as employees are afforded under chapter 49.17 RCW.

NEW SECTION. Sec. 17. A new section is added to chapter 49.26 RCW to read as follows:

Workers previously certified by the department to work on asbestos projects whose certification is valid on the effective date of this act shall be required to attend annual refresher courses to be recertified under this chapter. The department may require all persons who apply for recertification as required under this chapter to successfully complete educational requirements as required by the department by rule and to pass an examination.

NEW SECTION. Sec. 18. There is appropriated from the accident fund to the department of labor and industries for the biennium ending June 30, 1989, the sum of five hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. Repayment shall be made from the asbestos account to the accident fund of any moneys appropriated by law in order to implement this act.

NEW SECTION. Sec. 19. Sections 15 and 18 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Sections 6 through 14, 16, and 17 of this act shall take effect January 1, 1989. The department of labor and industries may immediately take such steps as are necessary to ensure that sections 6 through 18 of this act are implemented on those dates."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Lee and Warnke on page 7, lines 9 and 13, to the Committee on Economic Development and Labor amendment to Substitute House Bill No. 1592.

The motion by Senator Lee carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor amendment, as amended, to Substitute House Bill No. 1592.

The motion by Senator Lee carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 2 of the title, after "51.12.100," strike the remainder of the title and insert "51.32.180, 49.26.100, 49.26.110, 49.26.120, and 49.26.130; adding new sections to chapter 49.26 RCW; adding a new section to chapter 51.12 RCW; creating a new section; prescribing penalties; making an appropriation; providing effective dates; and declaring an emergency."

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1592, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1592, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1592, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McMullen - 1.

SUBSTITUTE HOUSE BILL NO. 1592, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1420 and the pending amendment by Senator Niemi on page 2, after line 15, to the Committee on Ways and Means amendment, deferred March 2, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Substitute House Bill No. 1420 is a measure which makes various changes in the computation of property tax levy rates and adjusts the relationships between the state and junior and senior taxing districts in establishing the maximum tax rates.

"The amendment to the Committee on Ways and Means amendment proposed by Senator Niemi would alter the conditions by which nonprofit organizations, associations or corporation could claim property tax exemptions.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Niemi to the Committee on Ways and Means amendment was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1420.

The motion by Senator McDonald carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 39.67.010, 39.67.020, 84.55.092, 84.52.010, and 84.52.100; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.52 RCW; creating new sections; and making an appropriation."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1420, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1420, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1420, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Hansen - 1.

Absent: Senators Deccio, Patterson - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:58 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Cherberg.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9163, Nanci C. Primley, as a member of the Housing Finance Commission, was confirmed.

Senator McCaslin spoke to the confirmation of Nanci C. Primley as a member of the Housing Finance Commission.

APPOINTMENT OF NANCI C. PRIMLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 8.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 41.

Absent: Senators Barr, Johnson, McMullen, Moore, Rasmussen, Sellar, Smith, Wojahn - 8.

SECOND READING

ENGROSSED HOUSE BILL NO. 1346, by Representatives Meyers, Sutherland, S. Wilson, Belcher, R. King, Amondson, Cantwell, P. King, Grimm, Holland, Lewis, J. Williams, Sanders, Zellinsky, Smith, Cooper and K. Wilson

Providing reduced rental fees for lease of communication sites on state lands.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 2, after line 14, insert the following:

"NEW SECTION, Sec. 4. There is appropriated from the state general fund to the department of natural resources for the biennium ending June 30, 1989, the sum of two thousand eight hundred dollars, or so much thereof as may be necessary, to pay that portion of the rent not paid by the lessees for electronic repeaters operated by amateur radio operators."

On motion of Senator Nelson, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "communications;" strike "and"

On page 1, line 3 of the title, after "RCW" insert "; and making an appropriation"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1346, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1346, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1346, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Vognild - 1.

ENGROSSED HOUSE BILL NO. 1346, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1835, by Committee on Ways and Means (originally sponsored by Representatives Grant, Hankins, Jesernig, Brooks, Meyers, Ballard, Hine, Rayburn, Sayan, Silver, Appelwick, Moyer, Ebersole, Nealey, Dellwo, Miller, Jacobsen, S. Wilson, Grimm, Chandler, Fuhrman, Schoon, B. Williams, Ferguson, Doty, Day, Basich, P. King, Anderson, Pruitt and Todd)

Providing for economic diversification in the Tri-Cities.

The bill was read the second time.

MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendment not be adopted:

On page 1, beginning on line 5, strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that:

(1) Cutbacks in federal funds and programs to the Tri-Cities pose a substantial threat to the region and the state with massive lay-offs, loss of personal income, and declines in state revenues;

(2) The Tri-Cities is of critical significance to the state because of its leading role in the nuclear industry and its concentration of excellent scientists and engineers. Because of the presence of this highly trained workforce, this region requires a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the Tri-Cities including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

NEW SECTION. Sec. 2. (1) The department of trade and economic development shall begin implementation of the priority goals established by the Tri-Cities diversification study conducted under chapter 501, Laws of 1987, as follows:

- (a) To retain and expand existing businesses and industries within the region;
- (b) To attract businesses and industries to the region that will provide new jobs;
- (c) To encourage the formation of new businesses and industries in the region; and
- (d) To assist in the development of a regional infrastructure favorable to economic diversification.

In evaluating these goals, the department, in conjunction with a Tri-Cities advisory committee, shall determine which objectives of these priority goals are most likely to lead to economic diversification. Consideration shall be given to potential jobs and income benefits, generation of additional fiscal support, increased private sector participation, and market forces supporting the proposed objectives. The department shall consider such additional studies and governmental agencies which could support the priority goals determined under this section.

(2) Unless the context clearly requires otherwise, for the purposes of this act, "department" means the department of trade and economic development.

NEW SECTION. Sec. 3. The sum of one million eight hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1989, for the purposes of this act. This appropriation shall be expended in accordance with the limitations imposed under this act.

NEW SECTION. Sec. 4. (1) The department of trade and economic development shall designate a project manager within the department to facilitate the department's activities within the Tri-Cities region. This position shall be located in the Tri-Cities region. The manager's responsibilities shall include but not be limited to:

- (a) Seeking to increase the use of existing state economic development programs in the Tri-Cities region;
- (b) Helping to locate additional funds to be used for diversification activities;
- (c) Forming committees to oversee activities within the priority areas;
- (d) Coordinating evaluation of state diversification in the region;
- (e) Seeking to increase the effectiveness of existing efforts to incubate new enterprises in the Tri-Cities region and to increase the resources devoted to the incubation of new enterprises;
- (f) Facilitating technology transfer from the research base in the region to local businesses, including efforts to increase: The availability and accessibility of venture capital in the Tri-Cities region, especially for the early stages of enterprise development and for the expansion of existing enterprises, the accessibility of legal expertise, especially in regard to licenses and patents, and the identification of and assistance to entrepreneurs with expertise in managing new product development; and
- (g) Increasing the availability and coordination of resources devoted to the expansion, development, and modernization of enterprises in existing promising growth areas of the Tri-Cities regional economy such as the industrial applications of advanced technology and recreational development.

(2) A maximum of seventy-five thousand dollars shall be made available for the purposes of this section.

NEW SECTION. Sec. 5. (1) The department shall contract with a local nonprofit organization for the purposes of (a) through (f) of this subsection. The local nonprofit organization shall have engaged in furthering the economic diversification of the Tri-Cities region and have a governing board including but not limited to representatives of local businesses, labor organizations, local governments, visitor and convention bureau, local educational institutions, local associate development organizations, the agribusiness community, and local ports. The nonprofit contractor shall subcontract with local organizations, institutions, or agencies to:

- (a) Conduct an import substitution program to connect existing industries with local suppliers of goods and services and identify market gaps that can be filled by start-up firms.
- (b) Act as team coordinator of the Tri-Cities business and job retention team. The team shall ensure the provision of retention services to small businesses and their employees. The team shall have representatives from local businesses, local business organizations, local labor organizations, the local reemployment center, local educational institutions, the private industry council, and local governments. The subcontractor shall conduct a survey of local businesses and coordinate the delivery of marketing, technical, managerial, and training assistance appropriate to client businesses and employees. The surveys shall gather information about business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, the availability of financing, and other appropriate information. The subcontractor shall coordinate team efforts with the Washington ambassadors program and select appropriate marketing, management, training, and technical specialists to assist the team on either a volunteer or subcontract basis. The subcontractor shall conduct an initial

assessment of firms or workforces indicating a need for assistance to determine viability, problems, skill levels, public and private costs associated with any potential business failure or lay-off, the potential for preventing closure or reduction-in-force, and the potential for a change in ownership, including employee and community buy-outs. If the initial assessment indicates the need for a more thorough study of the feasibility of various options for retaining a firm, the subcontractor may contract or subcontract for such a study under the following conditions:

(i) The small business is engaged in light or heavy manufacturing, the processing of agricultural products, or transportation services;

(ii) Only one study may be funded per business; and

(iii) A maximum of twenty-five thousand dollars in funds received from the state shall be made available per study.

(c) Develop and implement a training program in marketing for small firms producing products suitable for export outside the Tri-Cities area. The program shall have a variety of training formats to meet the diverse needs of the targeted firms and shall include, but not be limited to: A presentation on the value and the potential of marketing cooperatives, training programs for sales personnel, and training in the development of marketing plans as part of the overall business plan. The subcontractor shall work with public and private schools of business administration in developing the curriculum and may use other subcontractors in implementing the program.

(d) Facilitate the development and operation of small business incubators. The subcontractor may contract with existing small business incubators in the Tri-Cities or with local governments, community organizations, or educational institutions, to:

(i) Conduct small business incubator feasibility studies;

(ii) Provide technical, managerial, financing and marketing assistance to firms inside and outside incubators;

(iii) Facilitate the creation of an equity capital fund for use by incubated firms;

(iv) Market the services offered by small business incubators and encourage local entrepreneurs to use incubator services and facilities; and

(v) Consolidate the efforts of local educational institutions, the private industry council and the local small business development center in one incubator.

(e) Operate an investment opportunities office. The subcontractor shall solicit business plans from local entrepreneurs and, when necessary, assist the entrepreneurs in the development of such plans. The subcontractor shall then work with the entrepreneurs to locate investment capital in coordination with the business assistance center of the department of trade and economic development.

(f) Provide business assistance. The assistance shall include specialized technical or managerial assistance in fields that promote the existing strengths of the region in such areas as agricultural services and processing, the industrial applications of advanced technology, and recreation and tourism.

Specific assistance shall be given to small businesses in securing federal contracts from agencies participating in the small business innovation research program.

(3) The department shall establish such criteria as it deems appropriate for delivery of the services supplied under contract as provided in this section. The department shall provide training and technical assistance to the contractor's personnel and the personnel of any program, team, office, or other effort provided for under this section, as appropriate. Such training and technical assistance shall be funded out of moneys provided for under sections 4 and 7 of this act.

(4) A maximum of eight hundred ten thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 6. The contractor selected for purposes of section 5 of this act shall also subcontract with local organizations, institutions, or agencies to:

(1) Establish a Tri-Cities agribusiness development program in cooperation with the IMPACT program, the Tri-Cities industrial development council, and the agricultural extension program of Washington State University. The subcontractor's duties in operating the agribusiness development program shall include but not be limited to:

(a) Seeking to increase the utilization of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the Tri-Cities region;

(b) Seeking to increase the coordination and effectiveness of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the Tri-Cities region; and

(c) Undertaking efforts to promote and further the existing strengths of the Tri-Cities region in value-added agricultural processing, agricultural services, specialty agriculture, and agricultural diversification.

(2) Evaluate the means for increasing the value of the wine industry to the Tri-Cities and for the region to become a principal center for the wine industry.

Funding provided under this section may be used for a faculty member to research and teach at the Tri-Cities university center in the field of agribusiness and agricultural services

development and provide additional agricultural technical assistance to growers and processors in the Tri-Cities region.

A maximum of two hundred five thousand dollars shall be made available for purposes of this section.

NEW SECTION, Sec. 7. The department shall be responsible for oversight and implementation of all efforts under this act. The department shall be responsible for a social and economic impact assessment; coordination of the multi-agency efforts; and shall act as liaison with local governments, financial institutions, and other private entities to address financing needs in the Tri-Cities. The assessment shall be submitted as part of the report in section 14 of this act. A maximum of ninety thousand dollars shall be made available for purposes of this section.

NEW SECTION, Sec. 8. The department shall conduct a study through the Tri-Cities university center on the feasibility of using heat generated by existing nuclear facilities for commercial industrial applications, taking into consideration, and drawing from as appropriate, existing studies on heating and on other warm water uses. Any state appropriations for this study are contingent upon and shall be no more than one-third of the federal funds provided for this study. A maximum of fifty thousand dollars shall be made available for purposes of this section.

NEW SECTION, Sec. 9. (1) The department, in conjunction with Washington State University, and in consultation with other four-year institutions of higher education and private sector laboratories, shall establish a program to facilitate the transfer of technology from the substantial research base in the region to local businesses. In all efforts, the department shall seek to protect the rights and confidentiality of those involved in high-technology research.

(2) The department shall designate responsible parties and develop methods to establish a network for technology transfer in the Tri-Cities. Specific support programs shall be established to increase the availability of seed capital and build necessary business and management skills to advance technology transfer in the Tri-Cities region.

NEW SECTION, Sec. 10. (1) The employment security department shall provide enhanced retraining and job search assistance in the Tri-Cities region to dislocated workers. For the purposes of this section a "dislocated worker" means a worker who (a) has been terminated or laid off, or received a notice of termination or lay off from employment and is not eligible for or has exhausted unemployment benefits, (b) has been terminated as a result of any permanent plant closure, (c) is a long-term unemployed person and unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry, or (d) is a farmer or other self-employed individual who has been displaced due to economic conditions or natural disasters. Training and retraining assistance shall be designed to contribute to the diversification of the economy of the Tri-Cities region or to relieving economic dislocation and distress in the Tri-Cities region resulting from the sudden and severe loss of local sources of employment.

(2) The employment security department shall work in conjunction with the Tri-Cities university center, local community colleges, and other local educational institutions in designing and providing such services. The department shall consult and work in conjunction with local businesses, local labor organizations, local associate development organizations, local private industry councils and local government to determine the demand for labor and to identify the employment skills required for employment in the private and public sectors in the Tri-Cities region.

(3) In establishing training and retraining programs under this act, the employment security department shall use existing federal and state training and retraining resources, including the unemployment insurance contingency fund. The department shall also consult and work in conjunction with those groups involved in efforts to attract new business ventures to the Tri-Cities region and in efforts to assist in the formation of new enterprises in the Tri-Cities region, including the Tri-Cities economic diversification study advisory committee.

(4) The employment security department shall coordinate the training and retraining assistance efforts in the Tri-Cities region with all appropriate existing programs within the department, with special emphasis on the active use of data and analytical services available in the department regarding labor markets in the state. The employment security department shall also coordinate its training and retraining activities in the Tri-Cities region with the department of trade and economic development, the department of community development, the state economic development board, and the board for vocational education, and with other state departments and programs as appropriate.

(5) Training and retraining assistance provided under this act shall be focused in the following areas:

- (a) Entrepreneurial development and training;
- (b) Short-term job creation;
- (c) Training in the incubation of new business enterprises and training at incubator facilities;
- (d) Agriculture, agricultural processing, and agricultural services;
- (e) The industrial applications of advanced technology;
- (f) Recreational and tourism development; and

(g) Hazardous materials clean-up.

(6) The employment security department shall subcontract with local organizations, institutions, or agencies to provide expanded services to dislocated workers, older unemployed workers, and the long-term unemployed. Such services shall be either direct or referral services to the unemployed, including:

- (a) Credit counseling;
- (b) Social services including marital counseling;
- (c) Psychotherapy or psychological counseling;
- (d) Mortgage foreclosures and utilities problems counseling;
- (e) Drug and alcohol abuse services;
- (f) Medical services; and
- (g) Other services as deemed appropriate.

(7) Subcontractors shall conduct outreach efforts to encourage the unemployed to seek assistance.

(8) A maximum of three hundred seventy thousand dollars shall be made available for purposes of this section. Funds not required by the employment security department for purposes of matching federal training moneys shall be used to subcontract with local organizations, businesses, agencies, local governments, or educational institutions to carry out the purposes of this section.

NEW SECTION. Sec. 11. The department of community development shall make an additional two hundred thousand dollars available through its local development matching fund program to projects or studies directed toward the diversification of the Tri-Cities economy. A maximum of two hundred thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 12. The department shall report back to the legislature by December 31, 1988, on the success of activities under sections 1 through 11 of this act.

NEW SECTION. Sec. 13. This act shall expire July 1, 1990.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be the motion by Senator Lee that the Committee on Economic Development and Labor amendment on page 1, beginning on line 5, to Engrossed Second Substitute House Bill No. 1835 not be adopted.

The motion by Senator Lee carried and the committee amendment was not adopted.

MOTION

Senator Hayner moved that the following amendment by Senators Hayner, Benitz and Lee be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Cutbacks in federal funds and programs to the Tri-Cities pose a substantial threat to the region and the state with massive lay-offs, loss of personal income, and declines in state revenues;

(2) The Tri-Cities is of critical significance to the state because of its leading role in the nuclear industry and its concentration of excellent scientists and engineers. Because of the presence of this highly trained workforce, this region requires a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the Tri-Cities including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

NEW SECTION. Sec. 2. The department of trade and economic development shall begin implementation of the priority goals established by the Tri-Cities diversification study conducted under chapter 501, Laws of 1987, as follows:

(1) To retain and expand existing businesses and industries within the region;

(2) To attract businesses and industries to the region that will provide new jobs;

(3) To encourage the formation of new businesses and industries in the region; and

(4) To assist in the development of a regional infrastructure favorable to economic diversification.

In evaluating these goals, the department, in conjunction with a Tri-Cities advisory committee, shall determine which objectives of these priority goals are most likely to lead to economic diversification. Consideration shall be given to potential jobs and income benefits.

generation of additional fiscal support, increased private sector participation, and market forces supporting the proposed objectives. The department shall consider such additional studies and governmental agencies which could support the priority goals determined under this section.

For the purposes of sections 1 through 12 of this act, "department" means the department of trade and economic development.

NEW SECTION. Sec. 3. The sum of one million eight hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for the biennium ending June 30, 1989, for the purposes of sections 1 through 12 of this act. This appropriation shall be expended in accordance with the limitations imposed under this act.

NEW SECTION. Sec. 4. (1) The department of trade and economic development shall designate a project manager within the department to facilitate the department's activities within the Tri-Cities region. This position shall be located in the Tri-Cities region. The manager's responsibilities shall include but not be limited to:

(a) Seeking to increase the use of existing state economic development programs in the Tri-Cities region;

(b) Helping to locate additional funds to be used for diversification activities;

(c) Forming committees to oversee activities within the priority areas;

(d) Coordinating evaluation of state diversification in the region;

(e) Seeking to increase the effectiveness of existing efforts to incubate new enterprises in the Tri-Cities region and to increase the resources devoted to the incubation of new enterprises;

(f) Facilitating technology transfer from the research base in the region to local businesses, including efforts to increase: The availability and accessibility of venture capital in the Tri-Cities region, especially for the early stages of enterprise development and for the expansion of existing enterprises, the accessibility of legal expertise, especially in regard to licenses and patents, and the identification of and assistance to entrepreneurs with expertise in managing new product development; and

(g) Increasing the availability and coordination of resources devoted to the expansion, development, and modernization of enterprises in existing promising growth areas of the Tri-Cities regional economy such as the industrial applications of advanced technology and recreational development.

(2) A maximum of seventy-five thousand dollars shall be made available for the purposes of this section.

NEW SECTION. Sec. 5. There is established the Tri-Cities diversification board. The board shall consist of fifteen members appointed by the governor, including but not limited to representatives of local businesses, labor organizations, local governments, visitor and convention bureaus, local educational institutions, local associate development organizations, the agribusiness community, and local ports. In making the appointments, the governor shall endeavor to ensure that the appointees have experience in local diversification efforts. Vacancies shall be filled in the same manner as the original appointment.

The board shall review for approval or disapproval proposals for the diversification of the Tri-Cities area presented to it by the department.

Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. (1) In carrying out the purposes of (a) through (l) of this subsection, the department shall consult with the Tri-Cities diversification board. The department shall subcontract with local organizations, institutions, or agencies to perform one or more of the following:

(a) Develop a regional export program to identify potential products for export from the region and facilitate their export.

(b) Develop waterfront resources to facilitate increased tourism in the area.

(c) Conduct an import substitution program to connect existing industries with local suppliers of goods and services and identify market gaps that can be filled by start-up firms.

(d) Act as team coordinator of the Tri-Cities business and job retention team. The team may ensure the provision of retention services to small businesses and their employees. The team shall have equal representation from local businesses and local labor. The team may also have representatives from local educational institutions, the private industry council, and local governments. The subcontractor shall conduct a survey of local businesses and coordinate the delivery of marketing, technical, managerial, and training assistance appropriate to client businesses and employees. The surveys shall gather information about business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, the availability of financing, and other appropriate information. The subcontractor shall coordinate team efforts with the Washington ambassadors program and select appropriate marketing, management, training, and technical specialists to assist the team on either a volunteer or subcontract basis. The subcontractor shall conduct an initial assessment of firms or workforces

indicating a need for assistance to determine viability, problems, skill levels, public and private costs associated with any potential business failure or layoff, the potential for preventing closure or reduction-in-force, and the potential for a change in ownership, including employee and community buy-outs. If the initial assessment indicates the need for a more thorough study of the feasibility of various options for retaining a firm, the subcontractor may contract or subcontract for such a study under the following conditions:

(i) The small business is engaged in light or heavy manufacturing, the processing of agricultural products, or transportation services;

(ii) Only one study may be funded per business; and

(iii) A maximum of twenty-five thousand dollars in funds received from the state shall be made available per study.

(e) Develop and implement a training program in marketing for small firms producing products suitable for export outside the Tri-Cities area. The program may have a variety of training formats to meet the diverse needs of the targeted firms and should include, but need not be limited to: A presentation on the value and the potential of marketing cooperatives, training programs for sales personnel, and training in the development of marketing plans as part of the overall business plan. The subcontractor may work with public and private schools of business administration in developing the curriculum and may use other subcontractors in implementing the program.

(f) Facilitate the development and operation of small business incubators. The department may subcontract with existing small business incubators in the Tri-Cities or with local governments, community organizations, or educational institutions, to:

(i) Conduct small business incubator feasibility studies;

(ii) Provide technical, managerial, financing and marketing assistance to firms inside and outside incubators;

(iii) Facilitate the creation of an equity capital fund for use by incubated firms;

(iv) Market the services offered by small business incubators and encourage local entrepreneurs to use incubator services and facilities; and

(v) Consolidate the efforts of local educational institutions, the private industry council and the local small business development center in one incubator.

(g) Operate an investment opportunities office. The subcontractor should solicit business plans from local entrepreneurs and, when necessary, assist the entrepreneurs in the development of such plans.

(h) Provide for targeted business recruiting and business development. Business development should include specialized technical or managerial assistance in fields that promote the existing strengths of the region in such areas as agricultural services and processing, the industrial applications of advanced technology, and recreation and tourism.

Specific assistance should be given to small businesses in securing federal contracts from agencies participating in the small business innovation research program.

(i) Develop or conduct such other projects or programs as are approved of by the Tri-Cities diversification board.

(2) The department shall establish such criteria as it deems appropriate for delivery of the services supplied under contract as provided in this section. The department shall provide training and technical assistance to the personnel of any program, team, office, or other effort provided for under this section, as appropriate. Such training and technical assistance shall be funded out of moneys provided for under sections 4 and 8 of this act.

No contract may be entered into under this section until the department has consulted with and received the approval of the Tri-Cities diversification board.

(3) A maximum of eight hundred ten thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 7. The department shall also subcontract with local organizations, institutions, or agencies to:

(1) Establish a Tri-Cities agribusiness development program in cooperation with the IMPACT program, the Tri-Cities industrial development council, and the agricultural extension program of Washington State University. The subcontractor's duties in operating the agribusiness development program shall include but not be limited to:

(a) Seeking to increase the utilization of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the Tri-Cities region;

(b) Seeking to increase the coordination and effectiveness of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the Tri-Cities region; and

(c) Undertaking efforts to promote and further the existing strengths of the Tri-Cities region in value-added agricultural processing, agricultural services, specialty agriculture, and agricultural diversification.

(2) Evaluate the means for increasing the value of the wine industry to the Tri-Cities and for the region to become a principal center for the wine industry.

No contract may be entered into under this section until the department has consulted with and received the approval of the Tri-Cities diversification board.

Funding provided under this section may be used for a faculty member to research and teach at the Tri-Cities university center in the field of agribusiness and agricultural services development and provide additional agricultural technical assistance to growers and processors in the Tri-Cities region.

A maximum of two hundred five thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 8. The department shall be responsible for oversight and implementation of all efforts under this act. The department shall be responsible for a social and economic impact assessment; coordination of the multi-agency efforts; and shall act as liaison with local governments, financial institutions, and other private entities to address financing needs in the Tri-Cities. The assessment shall be submitted as part of the report in section 12 of this act.

A maximum of ninety thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 9. The department shall conduct a study through the Tri-Cities university center on the feasibility of using heat generated by existing nuclear facilities for commercial industrial applications, taking into consideration, and drawing from as appropriate, existing studies on heating and on other warm water uses. Any state appropriations for this study are contingent upon and shall be no more than one-third of the federal funds provided for this study. A maximum of fifty thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 10. (1) Through an interagency agreement with the department, the employment security department shall provide enhanced retraining, support services, and job search assistance, including an out-of-area job search and relocation component, if needed, for dislocated workers in the Tri-Cities region. For the purpose of this section "dislocated workers" means workers in the Tri-Cities who (a) have been terminated or laid off, or received a notice of termination or lay-off from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters. Training and retraining assistance shall be designed to contribute to the diversification of the economy of the Tri-Cities region or to relieve economic dislocation and distress in the Tri-Cities region resulting from the sudden and severe loss of local sources of employment.

(2) The employment security department shall consult with and may subcontract with local educational institutions, local businesses, local labor organizations, local associate development organizations, local private industry councils, local social service organizations, and local governments in carrying out this program of training and services for dislocated workers in the Tri-Cities region.

(3) Training and retraining assistance provided under sections 1 through 12 of this act should include but need not be limited to the following areas: Entrepreneurial development and training; short-term job creation; training in the incubation of new business enterprises and training at incubator facilities; agriculture, agricultural processing, and agricultural services; the industrial applications of advanced technology; recreational and tourism development; and hazardous materials clean-up.

(4) The employment security department shall subcontract with local organizations, institutions, or agencies to provide expanded services to dislocated workers, older unemployed workers, and the long-term unemployed. Such services shall be either direct or referral services to the unemployed, and should include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; and medical services

(5) The employment security department shall coordinate the services provided in this section with all other services provided by the department and with the other diversification efforts undertaken by state and local government agencies on behalf of the Tri-Cities region.

(6) Subcontractors shall conduct outreach efforts to encourage the unemployed to seek assistance.

(7) A maximum of three hundred seventy thousand dollars shall be made available for purposes of this section. These funds shall be used for programs and services in addition to those provided by the employment security department using existing federal and state employment and training services.

NEW SECTION. Sec. 11. Through an interagency agreement with the department, the department of community development shall enhance its services and programs available in the Tri-Cities. Such services and programs may include, but need not be limited to: Assisting in developing the food processing industry, agribusiness financing, loans to businesses, and the funding of diversification projects or studies.

A maximum of two hundred thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 12. The department shall report back to the legislature by December 31, 1988, on the success of activities under sections 1 through 11 of this act.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act shall expire July 1, 1990.

Sec. 14. Section 2, chapter 232, Laws of 1985 as amended by section 12, chapter 116, Laws of 1986 and RCW 82.60.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a county in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 15. Section 15, chapter 116, Laws of 1986 and RCW 82.62.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a county in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 16. Section 2, chapter 164, Laws of 1985 as amended by section 2, chapter 461, Laws of 1987 and RCW 43.168.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a county in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; or ((b)) (c) an area within a county, which area: (i) is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

MOTION

Senator Williams moved that the following amendment to the amendment by Senators Hayner, Benitz and Lee be adopted:

On page 2, line 22, after "with" strike "a Tri-cities advisory committee" and insert "The Tri-Cities diversification board"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 2, line 22 to the amendment by Senators Hayner, Benitz and Lee.

The motion by Senator Williams carried and the amendment to the amendment was adopted.

MOTION

Senator Williams moved that the following amendment to the amendment by Senators Hayner, Benitz and Lee be adopted:

On page 3, line 3, after "development," insert "For the purposes of sections 1 through 12 of this act, "Tri-Cities" means the metropolitan area as defined by the department that includes the cities of Kennewick, Pasco, and Richland."

Debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Senator Williams, was your amendment attempting to clarify the metropolitan area that would be defined by the term 'standard statistical metropolitan area?' Is that what you were trying to do, so it would cover all those places that would be part of the standard statistical metropolitan area?"

Senator Williams: "Senator Smitherman, I wrestled with what the definition was and I didn't really want it to be a tight definition. I just wanted us to understand that the Tri-Cities, and as Senator Hayner has indicated, if you get tied down to some official designation of what a statistical area is or whatever, you might exclude somebody. So, I was really trying to be very general, but to indicate that the Tri-Cities officially in legislation, meant a certain geographic area. That's really all."

MOTION

On motion of Senator Williams, and there being no objection, the amendment on page 3, line 3, to the amendment by Senators Hayner, Benitz and Lee was withdrawn.

MOTION

Senator Williams moved that the following amendment to the amendment by Senators Hayner, Benitz and Lee be adopted:

On page 5, line 13, after "efforts," insert "The governor shall appoint the chairman of the board. The chairman may designate a member of the board to serve as acting chairman in the event of the chairman's absence."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 5, line 13, to the amendment by Senators Hayner, Benitz and Lee to Engrossed Second Substitute House Bill No. 1835.

The motion by Senator Williams failed and the amendment to the amendment was not adopted.

MOTION

Senator Williams moved that the following amendment to the amendment by Senators Hayner, Benitz and Lee be adopted:

On page 5, line 16, after "review" strike "for approval or disapproval of" and insert "and make recommendations on"

The President declared the question before the Senate to be the adoption of the amendment by Senator Williams on page 5, line 16, to the amendment by Senators Hayner, Benitz and Lee to Engrossed Second Substitute House Bill No. 1835.

The motion by Senator Williams failed and the amendment to the amendment was not adopted.

MOTION

Senator Williams moved that the following amendments to the amendment by Senators Hayner, Benitz and Lee be considered simultaneously and be adopted.

On page 5, line 30, after "shall" strike "subcontract" and insert "contract"

On page 10, line 14, after "also" strike "subcontract" and insert "contract"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Williams on page 5, line 30, and page 10, line 14, to the amendment by Senators Hayner, Benitz and Lee to Engrossed Second Substitute House Bill No. 1835.

The motion by Senator Williams carried and the amendments to the amendment were adopted.

MOTION

Senator Williams moved that the following amendment to the amendment by Senators Hayner, Benitz and Lee be adopted:

On page 9, line 23, after "programs" strike the remainder of the subsection through line 27 and insert "(2) The department may develop other projects or programs as recommended by the Tri-Cities diversification board."

Debate ensued.

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

Further debate ensued.

MOTION

On motion of Senator Bender, Senator DeJarnatt was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Williams on page 9, line 23, to the amendment by Senators Hayner, Benitz and Lee to Engrossed Second Substitute House Bill No. 1835.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 17; nays, 31; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, Garrett, Gaspard, Halsan, Hansen, Kreidler, Moore, Niemi, Rasmussen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn - 17.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Fleming, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, West, Zimmerman - 31.

Excused: Senator DeJarnatt - 1.

MOTION

Senator Williams moved that the following amendments to the amendment by Senators Hayner, Benitz and Lee be considered simultaneously and be adopted:

On page 10, line 5, after "until" strike "the department has consulted with and received the approval of" and insert "reviewed by"

On page 11, line 16, after "until" strike "the department has consulted with and received the approval of" and insert "reviewed by"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Williams on page 10, line 5, and page 11, line 16, to the amendment by Senators Hayner, Benitz and Lee to Engrossed Second Substitute House Bill No. 1835.

The motion by Senator Williams failed and the amendments were not adopted.

MOTION

Senator Williams moved that the following amendment to the amendment by Senators Hayner, Benitz and Lee be adopted:

On page 16, after line 5, insert the following:

NEW SECTION, Sec. 14. (1) Washington State University shall initiate a study to investigate the state's role in the diversification of the state's economy and to investigate the impact of the state's dependence on the military economy.

(2) The study shall focus on:

(a) Methods of utilizing the assets of military-dependent companies and their workforce to diversify such companies. The study shall examine production technologies and occupations which could easily be converted from military use, such as light rail mass transit, alternative energy, low-cost housing, and new product development.

(b) Potential markets for new non military technologies and products.

(c) Retraining and reemployment opportunities for the highly skilled work force now engaged in military production throughout the state.

(d) The development of a plan to diversify the industrial base of the state's economy.

(3) The following shall provide whatever assistance is needed in the completion of the study: The department of employment security, the department of trade and economic development, and the state economic development board.

(4) The university shall submit a final report to the legislature no later than January 1, 1989.

(5) The university may solicit from public or private sources any funds needed, in addition to appropriated funds, to complete the study.

NEW SECTION, Sec. 15. The sum of forty thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to Washington State University for the study in section 13 of this act."

Renumber the remaining sections and correct any internal references accordingly.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Williams on page 16, line 5, to the amendment by Senators Hayner, Benitz and Lee to Engrossed Second Substitute House Bill No. 1835.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 19; nays, 28; absent, 2.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Moore, Niemi, Rasmussen, Rinehart, Smitherman, Talmadge, Warnke, Williams, Wojahn - 19.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 28.

Absent: Senators McMullen, Vogtild - 2.

MOTION

Senator Benitz moved that the following amendment to the amendment by Senators Hayner, Benitz and Lee be adopted.

On page 10, after line 12 of the amendment, insert the following:

NEW SECTION, Sec. 7. The sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1989, to Washington State University for the following purposes:

(1) Seventy-five thousand dollars shall be used for one faculty member to research and teach at the Tri-Cities university center in the field of business development, new enterprise development, and the transfer of new technologies to commercial applications.

(2) Seventy-five thousand dollars shall be used for one faculty member to research and teach at the Tri-Cities university center in the field of agribusiness and agricultural services development.

(3) One hundred thousand dollars shall be used for faculty and equipment for wine industry research."

Renumber the remaining sections and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benitz on page 10, after line 12, to the amendment by Senators Hayner, Benitz and Lee to Engrossed Second Substitute House Bill No. 1835.

The motion by Senator Benitz carried and the amendment to the amendment was adopted.

MOTIONS

On motion of Senator Benitz, the following amendment to the amendment by Senators Hayner, Benitz and Lee was adopted:

On page 3, line 5 of the amendment, strike "eight hundred" and insert "five hundred fifty"

On motion of Senator Benitz, the following amendments to the amendment by Senators Hayner, Benitz and Lee were considered simultaneously and adopted:

On page 10, beginning on line 9 of the amendment, strike "eight hundred ten" and insert "six hundred fifteen"

On page 11, line 19 of the amendment, after "board," strike all language through line 29, and insert "A maximum of one hundred fifty"

The President declared the question before the Senate to be the adoption of the amendment by Senators Hayner, Benitz and Lee, as amended, to Engrossed Second Substitute House Bill No. 1835.

The motion by Senator Hayner carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendments were considered simultaneously and adopted:

On page 25, beginning on line 9 of the title amendment, strike "an appropriation" and insert "appropriations"

On page 1, line 2 of the title, after "region," strike the remainder of the title and insert "amending RCW 82.60.020, 82.62.010, and 43.168.020; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Second Substitute House Bill No. 1835, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1835, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1835, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Voting nay: Senator Williams - 1.

Absent: Senators Moore, Patterson - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1835, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:20 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:37 p.m. by President Cherberg.

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

REPORT OF STANDING COMMITTEE

March 3, 1988

ESHB 1701 Prime Sponsor, Committee on Transportation: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf.

MOTION

On motion of Senator Newhouse, the rules were suspended and Engrossed Substitute House Bill No. 1701 was advanced to second reading and placed on the second reading calendar.

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

MESSAGES FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5669,

ENGROSSED SENATE BILL NO. 6093,

ENGROSSED SENATE BILL NO. 6119,

SENATE BILL NO. 6136,

SUBSTITUTE SENATE BILL NO. 6181,

SENATE BILL NO. 6227,

SENATE BILL NO. 6313,

SENATE BILL NO. 6339,

SENATE BILL NO. 6354,

SENATE BILL NO. 6371,

SENATE BILL NO. 6374,

SENATE BILL NO. 6375,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6534,

SUBSTITUTE SENATE BILL NO. 6536,

SENATE BILL NO. 6537,

SENATE BILL NO. 6608,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6742, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1988

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8434, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 4, 1988

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4446, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4446 by Representatives Ebersole and Ballard

Revising the cut-off date for passage of legislation.

MOTION

On motion of Senator Newhouse, the rules were suspended and House Concurrent Resolution No. 4446 was advanced to second reading and placed on the second reading calendar.

POINT OF ORDER

Senator Talmadge: "Mr. President, I raise a point of order with respect to the introduction of House Concurrent Resolution No. 4446. The point of order that I raise is that House Concurrent Resolution No. 4446 is not properly before the Senate. Article 2, Section 36, of the Washington Constitution bars the introduction of new bills during the last ten days of the legislative session. The Rules of the Senate provide that a concurrent resolution is to be treated as a bill.

"I'd refer the President to Rule 53 which defines a bill as, 'When used alone means bill, joint memorial, joint resolution, or concurrent resolution.' Under Rule 58, with respect to concurrent resolutions of the Senate, 'A concurrent resolution shall be subject to the rules governing the course of bills and may be adopted without a roll call.' Also Rule 55, Mr. President, governs the introduction of bills.

"The point I make is that the Constitution requires that bills not be introduced during the last ten days of a legislative session. The Rules of the Senate provide that concurrent resolutions are, in fact, bills for purposes of the Senate Rules, and take the same status under the Senate Rules as if they were bills.

"Therefore, this measure is not properly before the Senate. It is introduced within the last ten days of the legislative session. The only way that it can be properly before the body is if under Article 2, Section 36, of the Constitution the bodies--both House and Senate--by two-thirds majority waive the inhibition or the bar on the introduction of such a new bill."

Further debate ensued.

At 3:42 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 4:57 p.m. by President Cherberg.

The Senate resumed deliberation of House Concurrent Resolution No. 4446, under consideration before the Senate went at ease.

RULING BY THE PRESIDENT

President Cherberg: "In response to the point of order raised by Senator Talmadge regarding the number of votes required to adopt House Concurrent Resolution No. 4446, the President recognizes Article 2, Section 36, the constitutional prohibition on introducing a bill in the last ten days of a legislative session. The President also recognizes that Senate Rule 53 defines bill as including concurrent resolutions. The President believes that the constitutional prohibition is aimed at bills leading to legislation. The President further believes concurrent resolutions are necessary to allow the two Houses of the Legislature to transact business and do not fall into the category of bills as contemplated by the Constitution.

"The President, therefore, finds that House Concurrent Resolution No. 4446 requires a majority vote to be adopted."

MOTION

On motion of Senator Newhouse, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4446, by Representatives Ebersole and Ballard

Revising the cut-off date for passage of legislation.

The resolution was read the second time.

MOTION

Senator Newhouse moved that the rules be suspended and House Concurrent Resolution No. 4446 be advanced to third reading, the second reading considered the third and the resolution be placed on final passage.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, we should have a chance to amend the concurrent resolution. I wish to speak to it before it's advanced to final passage."

REPLY BY THE PRESIDENT

President Cherberg: "There are no amendments to the resolution, Senator."

Senator Rasmussen: "I may have some. There's no requirement that I reveal my strategy before the moment arrives, Mr. President. If I may--"

REPLY BY THE PRESIDENT

President Cherberg: "You may speak, yes."

Senator Rasmussen: "I would want to ask Senator Newhouse a question. Would you yield?"

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, how long ago did we pass the two-year biennial budget of ten point two billion dollars?"

Senator Newhouse: "It was in April, 1987, about ten months ago."

Senator Rasmussen: "Just a short time ago. We haven't spent it all yet. That's my question. If we were to Sine Die tonight, would the state stop running?"

Senator Newhouse did not reply.

Senator Rasmussen: "Well, thank you, Senator Newhouse, for your answer. I can see quite plainly the state wouldn't stop running, but I would like to point out, in as nice a way as I can, that Senator Vognild has cooperated every inch of the way. He has moved this thing along like he was a majority leader, which he isn't. He's only a minority leader at the present time. Next time, probably the majority, but that's the point. The Democrats have done everything they can to expedite this session with the hope that we could break the record and go home a day early. The way it's going now, we're never going to go home, because we can make work as a result.

"I looked at the calendar, there aren't any bills on here that are really earth shaking. They're earth shaking to some individuals, yes, but most of the necessary things have been passed. We could go home tonight, if you'd want to do it instead of extending us out for another two weeks. I can't vote for this, because all we've been doing is piddling around here all afternoon. Usually, on the last day before the cut-off, we're passing bills like crazy--we don't even read them. This time we haven't been reading them either, but we haven't been passing them. So, I don't understand why the majority party wants the delay."

Senator Newhouse: "I'm sorry. I have a hundred and seven bills and three of them are three bills that were requested by Senator Rasmussen."

Senator Rasmussen: "Not by me, by Dr. Hollister--the retirement board. I was only the messenger."

"Well, thank you, Mr. President. I can see that we'll be here for quite awhile. I'm going to arrange my affairs and I won't have any amendments, but I won't vote for the resolution."

The President declared the question before the Senate to be the motion by Senator Newhouse to suspend the rules and advance House Concurrent Resolution No. 4446 to third reading and final passage.

The motion by Senator Newhouse carried and House Concurrent Resolution No. 4446 was advanced to third reading.

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

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution No. 4446.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4446, and the resolution passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

HOUSE CONCURRENT RESOLUTION NO. 4446, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1729, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick and Locke)

Changing provisions relating to corporate takeovers.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.50.010 are each amended to read as follows:

The legislature finds that:

(1) Corporations that offer employment and health, retirement, and other benefits to ((a large number of)) citizens of the state of Washington are vital to the economy of this state and the well-being of all of its citizens;

(2) The welfare of the employees of these corporations is of paramount interest and concern to this state;

(3) Many businesses in this state rely on these corporations to purchase goods and services;

(4) Hostile or unfriendly attempts to gain control of or influence otherwise publicly held corporations can cause corporate management to dissipate a corporation's assets in an effort to resist the takeover by selling or distributing cash or assets, redeeming stock, or taking other steps to increase the short-term gain to shareholders and to dissipate energies required for strategic planning, market development, capital investment decisions, assessment of technologies, and evaluation of competitive challenges that can damage the long-term interests of shareholders and the economic health of the state by reducing or eliminating the ability to finance investments in research and development, new products, facilities and equipment, and by undermining the planning process for those purposes;

(5) Hostile or unfriendly attempts to gain control or influence otherwise publicly held corporations are often highly leveraged pursuant to financing arrangements which assume that an acquirer will promptly obtain access to an acquired corporation's cash or assets and use them, or the proceeds of their sale, to repay acquisition indebtedness;

(6) Hostile or unfriendly attempts to gain control of or influence otherwise publicly held corporations can harm the economy of the state by weakening corporate performance, and causing unemployment, plant closings, reduced charitable donations, declining population base, reduced income to fee-supported local government services, reduced tax base, and reduced income to other businesses; and

(7) The state has a substantial and legitimate interest in regulating domestic corporations and those foreign corporations that have their most significant business contacts with this state and in regulating hostile or unfriendly attempts to gain control of or influence otherwise publicly held domestic corporations and those foreign corporations that employ a large number of citizens of the state, pay significant taxes, and have a substantial economic base in the state.

The legislature intends this chapter to balance the substantial and legitimate interests of the state in domestic corporations and those foreign corporations that employ a large number of citizens of the state and that have a substantial economic base in the state with: The interests of citizens of other states who own shares of such corporations; the interests of the state of incorporation of such foreign corporations in regulating the internal affairs of corporations incorporated in that state; and the interests of promoting interstate commerce. To this effect, the legislature intends to regulate certain transactions between publicly held corporations and acquiring persons that will tend to harm the long-term health of domestic corporations and of foreign corporations that have their principal executive office and a majority of their assets in this state and that employ a large number of citizens of this state.

((~~(8) This section shall expire December 31, 1988.~~))

Sec. 2. Section 2, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.50.020 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Acquiring person" means a person or group of persons, other than the target corporation or a subsidiary of the target corporation, who beneficially owns ten percent or more of the outstanding voting shares of the target corporation. The term "acquiring person" does not include a person who (a) beneficially owns ten percent or more of the outstanding voting

shares of the target corporation on the effective date of this section; (b) acquires its shares by gift, inheritance, or in a transaction in which no consideration is exchanged; or (c) exceeds the ten percent threshold as a result of action taken solely by the target corporation, such as redemption of shares, unless that person, by its own action, acquires additional shares of the target corporation. An agent, bank, broker, nominee, or trustee for another person (if the other person is not an acquiring person) who acts in good faith and not for the purpose of circumventing this chapter, is not an acquiring person;

(2) "Affiliate" means a person who directly or indirectly controls, or is controlled by, or is under common control with, a person.

(3) "Associate" means (a) a domestic or foreign corporation or organization of which a person is an officer, director, or partner or in which a person performs a similar function; (b) a direct or indirect beneficial owner of ten percent or more of any class of equity securities of a person; (c) a trust or estate in which a person has a beneficial interest or as to which a person serves as trustee or in a similar fiduciary capacity; and (d) if having the same residence as a person, the person's relative, spouse, or spouse's relative.

(4) "Beneficial ownership," when used with respect to any shares, means ownership by a person:

(a) Who, individually or with or through any of its affiliates or associates, beneficially owns such shares, directly or indirectly; or

(b) Who, individually or with or through any of its affiliates or associates, has (i) the right to acquire the shares, whether the right is exercisable immediately or only after the passage of time, pursuant to any agreement, arrangement, or understanding, whether or not in writing, or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise. A person is not the beneficial owner of shares tendered pursuant to a tender or exchange offer made by the person or any of the person's affiliates or associates until the tendered shares are accepted for purchase or exchange; or (ii) the right to vote the shares pursuant to any agreement, arrangement, or understanding, whether or not in writing. A person is not the beneficial owner of any shares under subsection (4)(b)(i) of this section if the agreement, arrangement, or understanding to vote the shares arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the exchange act and is not then reportable on a schedule 13D under the exchange act, or any comparable or successor report; or

(c) Who has any agreement, arrangement, or understanding, whether or not in writing, for the purpose of acquiring, holding, voting (except voting pursuant to a revocable proxy or consent as described in (b)(ii) of this subsection), or disposing of the shares with any other person who beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, the shares.

(5) "Control," "controlling," "controlled by," and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise. A person's beneficial ownership of ten percent or more of a domestic or foreign corporation's outstanding voting shares shall create a presumption that such person has control of such corporation. However, a person does not have control of a domestic or foreign corporation if the person holds voting shares, in good faith and not for the purpose of circumventing this chapter, as an agent, bank, broker, nominee, custodian, or trustee for one or more beneficial owners who do not individually or as a group have control of such corporation.

(6) "Exchange act" means the federal securities exchange act of 1934, as amended.

(7) "Market value," in the case of property other than cash or shares, means the fair market value of the property on the date in question as determined by the board of directors of the target corporation in good faith.

(8) "Person" means an individual, domestic or foreign corporation, partnership, trust, unincorporated association, or other entity; an affiliate or associate of any such person; or any two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding, or dispersing of securities of a domestic or foreign corporation.

(9) "Significant business transaction" means:

(a) A merger or consolidation of a target corporation or a subsidiary of a target corporation with (i) an acquiring person or (ii) any other domestic or foreign corporation which is, or after the merger or consolidation would be, an affiliate or associate of the acquiring person;

(b) A sale, lease, exchange, mortgage, pledge, transfer, or other disposition or encumbrance, whether in one transaction or a series of transactions, to or with an acquiring person or an affiliate or associate of an acquiring person of assets of a target corporation or a subsidiary of a target corporation (i) having an aggregate market value equal to five percent or more of the aggregate market value of all the assets, determined on a consolidated basis, of the target corporation, (ii) having an aggregate market value equal to five percent or more of the aggregate market value of all the outstanding shares of the target corporation, or (iii) representing five percent or more of the earning power or net income, determined on a consolidated basis, of the target corporation;

(c) ~~((The termination, whether at one time or over a period of time, of five percent or more of the employees of the target corporation and/or its subsidiaries employed in this state after the acquiring person's share acquisition date, unless the target corporation demonstrates by clear and convincing evidence that the termination of employees is not due to the acquiring person's acquisition of ten percent or more of the shares of the corporation))~~ The termination, while the corporation has an acquiring person and as a result of the acquiring person's acquisition of ten percent or more of the shares of the corporation, of five percent or more of the employees of the target corporation and/or its subsidiaries employed in this state, whether at one time or over the five-year period following the share acquisition date. For the purposes of this subsection (c), a termination other than an employee's death or disability or bona fide voluntary retirement, transfer, resignation, or leave of absence shall be presumed to be a termination resulting from the acquiring person's acquisition of shares, which presumption may be rebutted by clear and convincing evidence. A bona fide voluntary transfer of employees between the target corporation and its subsidiaries or between its subsidiaries is not a termination for the purposes of this subsection (c).

(d) The issuance, transfer, or redemption by a target corporation or a subsidiary of a target corporation, whether in one transaction or a series of transactions, of shares or of options, warrants, or rights to acquire shares of a target corporation or a subsidiary of a target corporation to or beneficially owned by an acquiring person or an affiliate or associate of an acquiring person except pursuant to the exercise of warrants or rights to purchase shares offered, or a dividend, distribution, or redemption paid or made pro rata, to all shareholders or holders of options, warrants, or rights to acquire shares of the target corporation, and except for involuntary redemptions permitted by the target corporation's charter or by the law of this state or the state of incorporation;

(e) The adoption of a plan or proposal for the sale of assets, liquidation, or dissolution of a target corporation proposed by, or pursuant to an agreement, arrangement, or understanding, whether or not in writing, with an acquiring person or an affiliate or associate of an acquiring person;

(f) A reclassification of securities, including, without limitation, any stock split, stock dividend, or other distribution of stock in respect of stock, or any reverse stock split, or recapitalization of a target corporation, or a merger or consolidation of a target corporation with a subsidiary of the target corporation, or any other transaction, whether or not with or into or otherwise involving an acquiring person, proposed by, or pursuant to an agreement, arrangement, or understanding, whether or not in writing, with an acquiring person or an affiliate or associate of an acquiring person, that has the effect, directly or indirectly, of increasing the proportionate share of the outstanding shares of a class or series of voting shares or securities convertible into voting shares of a target corporation or a subsidiary of the target corporation that is directly or indirectly owned by an acquiring person or an affiliate or associate of an acquiring person, except as a result of immaterial changes due to fractional share adjustments;

(g) A receipt by an acquiring person or an affiliate or associate of an acquiring person of the benefit, directly or indirectly, except proportionately as a shareholder of a target corporation, of loans, advances, guarantees, pledges, or other financial assistance or tax credits or other tax advantages provided by or through a target corporation; or

(h) An agreement, contract, or other arrangement providing for any of the transactions in this subsection.

(10) "Share acquisition date" means the date on which a person first becomes an acquiring person of a target corporation.

(11) "Subsidiary" means a domestic or foreign corporation that has a majority of its outstanding voting shares owned, directly or indirectly, by another domestic or foreign corporation.

(12) "Tangible assets" means tangible real and personal property of all kinds. It shall also include leasehold interests in tangible real and personal property.

(13) "Target corporation" means:

(a) ~~Every domestic corporation organized under chapter 23A.12 RCW or any predecessor provision ((and every foreign corporation required to have a certificate of authority to transact business in this state pursuant to chapter 23A.92 RCW, if, as of the share acquisition date:~~

(a) ~~The assessed valuation of the domestic or foreign corporation's and its subsidiaries' personal and real property in the state for purposes of computing state and local property taxes in the state exceeds the aggregate assessed valuation of its personal and real property in all other states for purposes of computing state and local property taxes in such states;~~

(b) ~~The domestic or foreign corporation's principal executive office is located in the state;~~

(c) ~~A majority of the domestic or foreign corporation's and its subsidiaries' employees are residents of the state;~~

(d) ~~A majority of the domestic or foreign corporation's and its subsidiaries' tangible assets, measured by market value, are located in the state;~~

(e) ~~The domestic or foreign corporation and its subsidiaries employ more than twenty thousand residents of the state; and~~

~~(f) The domestic or foreign corporation and its subsidiaries have: (i) More than ten percent of its shareholders of record resident in the state; or (ii) more than ten percent of its shares owned of record by state residents; or (iii) five thousand or more shareholders of record resident in the state)) if, as of the share acquisition date, the corporation's principal executive office is located in the state and either a majority of the corporation's employees, together with those of its subsidiaries, are residents of the state or the corporation, together with its subsidiaries, employs more than one thousand residents of the state; and~~

~~(b) Every foreign corporation required to have a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW, if, as of the share acquisition date:~~

~~(i) The corporation's principal executive office is located in the state;~~

~~(ii) The corporation has: (A) More than ten percent of its shareholders of record resident in the state; or (B) more than ten percent of its shares owned of record by state residents; or (C) one thousand or more shareholders of record resident in the state;~~

~~(iii) A majority of the corporation's employees, together with those of its subsidiaries, are residents of the state or the corporation, together with its subsidiaries, employs more than one thousand residents of the state; and~~

~~(iv) A majority of the corporation's tangible assets, together with those of its subsidiaries, measured by market value, are located in the state or the corporation, together with its subsidiaries, has more than fifty million dollars' worth of tangible assets located in the state.~~

For purposes of this subsection, the record date for determining the percentages and numbers of shareholders and shares shall be the last shareholder record date before the event requiring that the determination be made. A shareholder record date shall be determined pursuant to RCW 23A.08.270 for a domestic corporation and the comparable provision of the law of the state in which a foreign corporation is incorporated. If a shareholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the domestic or foreign corporation's most recent fiscal quarter.

The residence of each shareholder is presumed to be the address appearing in the records of the domestic or foreign corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Shares of a domestic or foreign corporation allocated to the account of an employee or former employee or beneficiaries of employees or former employees of a domestic or foreign corporation and held in a plan that is qualified under section 401(a) of the federal internal revenue code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(f) of the code shall be deemed, for the purposes of this subsection, to be held of record by the employee to whose account such shares are allocated.

A domestic or foreign corporation shall be deemed to be a target corporation if the domestic or foreign corporation's failure to satisfy the requirements of this subsection is caused by the action of, or is the result of a proposal by, an acquiring person or affiliate or associate of an acquiring person.

Sec. 3. Section 6, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.28.129 are each amended to read as follows:

~~((†)) If a corporation engages in activity in violation of chapter 23A.50 RCW, then the secretary of state shall revoke the corporation's certificate of incorporation pursuant to the procedures in RCW 23A.28.125.~~

~~((2) This section shall expire on December 31, 1988.))~~

Sec. 4. Section 7, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.32.200 are each amended to read as follows:

~~((†)) If a corporation engages in activity in violation of chapter 23A.50 RCW, then the secretary of state shall revoke the corporation's certificate of authority pursuant to the procedures in RCW 23A.32.160.~~

~~((2) This section shall expire on December 31, 1988.))~~

Sec. 5. Section 109, chapter 53, Laws of 1965 as last amended by section 8, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.32.010 are each amended to read as follows:

No foreign corporation shall have the right to transact business in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this title to transact in this state any business which a corporation organized under this title is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state. ~~((Until December 31, 1988.))~~ Except as provided in chapter 23A.50 RCW, nothing in this title contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Without excluding other activities which may not constitute transacting business in this state, a foreign corporation shall not be considered to be transacting business in this state, for the purposes of this title, by reason of carrying on in this state any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.

(3) Maintaining bank accounts.

(4) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.

(5) Effecting sales through independent contractors.

(6) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.

(7) Creating as borrower or lender, or acquiring, indebtedness or mortgages or other security interests in real or personal property.

(8) Securing or collecting debts or enforcing any rights in property securing the same.

(9) Transacting any business in interstate commerce.

(10) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature.

NEW SECTION, Sec. 6. Section 10, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.50.901 are each repealed.

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

MOTION

Senator Talmadge moved that the following amendment to the Committee on Law and Justice amendment be adopted:

On page 16, after line 11, insert the following:

"Sec. 3. Section 4, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.50.040 are each amended to read as follows:

(1) (a) Notwithstanding any provision of chapter 23A.08 RCW, a target corporation shall not engage in any significant business transaction for a period of five years following the acquiring person's share acquisition date unless the significant business transaction or the purchase of shares made by the acquiring person on the share acquisition date is approved prior to the acquiring person's share acquisition date by a majority of the members of the board of directors of the target corporation. A target corporation may engage in any significant business transaction within the five-year period, other than a significant business transaction under RCW 23A.50.020(9)(c), if the acquiring person beneficially owns eighty-five percent or more of the outstanding voting shares of the target corporation.

(b) If a good faith proposal for a significant business transaction is made in writing to the board of directors of the target corporation prior to the significant business transaction or prior to the share acquisition date, the board of directors shall respond in writing, within thirty days or such shorter period, if any, as may be required by the exchange act setting forth its reasons for its decision regarding the proposal. If a good faith proposal to purchase shares is made in writing to the board of directors of the target corporation, the board of directors, unless it responds affirmatively in writing within thirty days or a shorter period, if any, as may be required by the exchange act shall be deemed to have disapproved such share purchase.

(2) A target corporation that engages in a significant business transaction that violates subsection (1) of this section and that is not exempt under RCW 23A.50.030 shall have its certificate of incorporation or certificate of authority to transact business in this state revoked pursuant to RCW 23A.28.125 or 23A.32.160 for domestic or foreign target corporations, respectively. In addition, such significant business transaction shall be void."

Remember the sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 16, after line 11, to the Committee on Law and Justice amendment to Substitute House Bill No. 1729.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Fleming moved that the following amendment by Senators Fleming, Vognild and Warnke to the Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.50.010 are each amended to read as follows:

The legislature finds that:

(1) Corporations that offer employment and health, retirement, and other benefits to ((a large number of)) citizens of the state of Washington are vital to the economy of this state and the well-being of all of its citizens;

(2) The welfare of the employees of these corporations is of paramount interest and concern to this state;

(3) Many businesses in this state rely on these corporations to purchase goods and services;

(4) Hostile or unfriendly attempts to gain control of or influence otherwise publicly held corporations can cause corporate management to dissipate a corporation's assets in an effort to resist the takeover by selling or distributing cash or assets, redeeming stock, or taking other steps to increase the short-term gain to shareholders and to dissipate energies required for strategic planning, market development, capital investment decisions, assessment of technologies, and evaluation of competitive challenges that can damage the long-term interests of shareholders and the economic health of the state by reducing or eliminating the ability to finance investments in research and development, new products, facilities and equipment, and by undermining the planning process for those purposes;

(5) Hostile or unfriendly attempts to gain control of or influence otherwise publicly held corporations are often highly leveraged pursuant to financing arrangements which assume that an acquirer will promptly obtain access to an acquired corporation's cash or assets and use them, or the proceeds of their sale, to repay acquisition indebtedness;

(6) Hostile or unfriendly attempts to gain control of or influence otherwise publicly held corporations can harm the economy of the state by weakening corporate performance, and causing unemployment, plant closings, reduced charitable donations, declining population base, reduced income to fee-supported local government services, reduced tax base, and reduced income to other businesses; ((and))

(7) The state has a substantial and legitimate interest in regulating domestic corporations and those foreign corporations that have their most significant business contacts with this state and in regulating hostile or unfriendly attempts to gain control of or influence otherwise publicly held domestic corporations and those foreign corporations that employ a large number of citizens of the state, pay significant taxes, and have a substantial economic base in the state; and

(8) Friendly acquisitions of corporations in this state, and hostile attempts to gain control of or influence corporations in this state with fewer than one thousand resident employees, can also have potentially disastrous effects in suddenly eliminating an employee's employment as the direct result of a current or successor employer's decision to sell, relocate, or close the business. Such effects should be shared by the employer who has made the decision that sale, relocation, or closure of the business is an economic advantage.

The legislature intends this chapter to balance the substantial and legitimate interests of the state in domestic corporations and those foreign corporations that employ a large number of citizens of the state and that have a substantial economic base in the state with: The interests of citizens of other states who own shares of such corporations; the interests of the state of incorporation of such foreign corporations in regulating the internal affairs of corporations incorporated in that state; and the interests of promoting interstate commerce. To this effect, the legislature intends to regulate certain transactions between publicly held corporations and acquiring persons that will tend to harm the long-term health of domestic corporations and of foreign corporations that have their principal executive office and a majority of their assets in this state and that employ a large number of citizens of this state.

~~((f) This section shall expire December 31, 1988.))~~

Sec. 2. Section 2, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.50.020 are each amended to read as follows:

The definitions in this section apply throughout ((this chapter)) RCW 23A.50.010 through 23A.50.050.

(1) "Acquiring person" means a person or group of persons, other than the target corporation or a subsidiary of the target corporation, who beneficially owns ten percent or more of the outstanding voting shares of the target corporation. The term "acquiring person" does not include a person who (a) beneficially owns ten percent or more of the outstanding voting shares of the target corporation on the effective date of this section; (b) acquires its shares by gift, inheritance, or in a transaction in which no consideration is exchanged; or (c) exceeds the ten percent threshold as a result of action taken solely by the target corporation, such as redemption of shares, unless that person, by its own action, acquires additional shares of the target corporation. An agent, bank, broker, nominee, or trustee for another person (if the other person is not an acquiring person) who acts in good faith and not for the purpose of circumventing this chapter, is not an acquiring person;

(2) "Affiliate" means a person who directly or indirectly controls, or is controlled by, or is under common control with, a person.

(3) "Associate" means (a) a domestic or foreign corporation or organization of which a person is an officer, director, or partner or in which a person performs a similar function; (b) a direct or indirect beneficial owner of ten percent or more of any class of equity securities of a

person; (c) a trust or estate in which a person has a beneficial interest or as to which a person serves as trustee or in a similar fiduciary capacity; and (d) if having the same residence as a person, the person's relative, spouse, or spouse's relative.

(4) "Beneficial ownership," when used with respect to any shares, means ownership by a person:

(a) Who, individually or with or through any of its affiliates or associates, beneficially owns such shares, directly or indirectly; or

(b) Who, individually or with or through any of its affiliates or associates, has (i) the right to acquire the shares, whether the right is exercisable immediately or only after the passage of time, pursuant to any agreement, arrangement, or understanding, whether or not in writing, or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise. A person is not the beneficial owner of shares tendered pursuant to a tender or exchange offer made by the person or any of the person's affiliates or associates until the tendered shares are accepted for purchase or exchange; or (ii) the right to vote the shares pursuant to any agreement, arrangement, or understanding, whether or not in writing. A person is not the beneficial owner of any shares under subsection (4)(b)(ii) of this section if the agreement, arrangement, or understanding to vote the shares arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the exchange act and is not then reportable on a schedule 13D under the exchange act, or any comparable or successor report; or

(c) Who has any agreement, arrangement, or understanding, whether or not in writing, for the purpose of acquiring, holding, voting (except voting pursuant to a revocable proxy or consent as described in (b)(ii) of this subsection), or disposing of the shares with any other person who beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, the shares.

(5) "Control," "controlling," "controlled by," and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise. A person's beneficial ownership of ten percent or more of a domestic or foreign corporation's outstanding voting shares shall create a presumption that such person has control of such corporation. However, a person does not have control of a domestic or foreign corporation if the person holds voting shares, in good faith and not for the purpose of circumventing this chapter, as an agent, bank, broker, nominee, custodian, or trustee for one or more beneficial owners who do not individually or as a group have control of such corporation.

(6) "Exchange act" means the federal securities exchange act of 1934, as amended.

(7) "Market value," in the case of property other than cash or shares, means the fair market value of the property on the date in question as determined by the board of directors of the target corporation in good faith.

(8) "Person" means an individual, domestic or foreign corporation, partnership, trust, unincorporated association, or other entity; an affiliate or associate of any such person; or any two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding, or dispersing of securities of a domestic or foreign corporation.

(9) "Significant business transaction" means:

(a) A merger or consolidation of a target corporation or a subsidiary of a target corporation with (i) an acquiring person or (ii) any other domestic or foreign corporation which is, or after the merger or consolidation would be, an affiliate or associate of the acquiring person;

(b) A sale, lease, exchange, mortgage, pledge, transfer, or other disposition or encumbrance, whether in one transaction or a series of transactions, to or with an acquiring person or an affiliate or associate of an acquiring person of assets of a target corporation or a subsidiary of a target corporation (i) having an aggregate market value equal to five percent or more of the aggregate market value of all the assets, determined on a consolidated basis, of the target corporation, (ii) having an aggregate market value equal to five percent or more of the aggregate market value of all the outstanding shares of the target corporation, or (iii) representing five percent or more of the earning power or net income, determined on a consolidated basis, of the target corporation;

(c) (The termination, whether at one time or over a period of time, of five percent or more of the employees of the target corporation and/or its subsidiaries employed in this state after the acquiring person's share acquisition date, unless the target corporation demonstrates by clear and convincing evidence that the termination of employees is not due to the acquiring person's acquisition of ten percent or more of the shares of the corporation)) The termination, while the corporation has an acquiring person and as a result of the acquiring person's acquisition of ten percent or more of the shares of the corporation, of five percent or more of the employees of the target corporation and/or its subsidiaries employed in this state, whether at one time or over the five-year period following the share acquisition date. For the purposes of this subsection (c), a termination other than an employee's death or disability or bona fide voluntary retirement, transfer, resignation, or leave of absence shall be presumed to be a termination resulting from the acquiring person's acquisition of shares, which presumption may be rebutted by clear and convincing evidence. A bona fide voluntary transfer of employees

between the target corporation and its subsidiaries or between its subsidiaries is not a termination for the purposes of this subsection (c):

(d) The issuance, transfer, or redemption by a target corporation or a subsidiary of a target corporation, whether in one transaction or a series of transactions, of shares or of options, warrants, or rights to acquire shares of a target corporation or a subsidiary of a target corporation to or beneficially owned by an acquiring person or an affiliate or associate of an acquiring person except pursuant to the exercise of warrants or rights to purchase shares offered, or a dividend, distribution, or redemption paid or made pro rata to, all shareholders or holders of options, warrants, or rights to acquire shares of the target corporation, and except for involuntary redemptions permitted by the target corporation's charter or by the law of this state or the state of incorporation;

(e) The adoption of a plan or proposal for the sale of assets, liquidation, or dissolution of a target corporation proposed by, or pursuant to an agreement, arrangement, or understanding, whether or not in writing, with an acquiring person or an affiliate or associate of an acquiring person;

(f) A reclassification of securities, including, without limitation, any stock split, stock dividend, or other distribution of stock in respect of stock, or any reverse stock split, or recapitalization of a target corporation, or a merger or consolidation of a target corporation with a subsidiary of the target corporation, or any other transaction, whether or not with or into or otherwise involving an acquiring person, proposed by, or pursuant to an agreement, arrangement, or understanding, whether or not in writing, with an acquiring person or an affiliate or associate of an acquiring person, that has the effect, directly or indirectly, of increasing the proportionate share of the outstanding shares of a class or series of voting shares or securities convertible into voting shares of a target corporation or a subsidiary of the target corporation that is directly or indirectly owned by an acquiring person or an affiliate or associate of an acquiring person, except as a result of immaterial changes due to fractional share adjustments;

(g) A receipt by an acquiring person or an affiliate or associate of an acquiring person of the benefit, directly or indirectly, except proportionately as a shareholder of a target corporation, of loans, advances, guarantees, pledges, or other financial assistance or tax credits or other tax advantages provided by or through a target corporation; or

(h) An agreement, contract, or other arrangement providing for any of the transactions in this subsection.

(10) "Share acquisition date" means the date on which a person first becomes an acquiring person of a target corporation.

(11) "Subsidiary" means a domestic or foreign corporation that has a majority of its outstanding voting shares owned, directly or indirectly, by another domestic or foreign corporation.

(12) "Tangible assets" means tangible real and personal property of all kinds. It shall also include leasehold interests in tangible real and personal property.

(13) "Target corporation" means:

(a) Every domestic corporation organized under chapter 23A.12 RCW or any predecessor provision ~~((and every foreign corporation required to have a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW, if, as of the share acquisition date:~~

~~(a) The assessed valuation of the domestic or foreign corporation's and its subsidiaries' personal and real property in the state for purposes of computing state and local property taxes in the state exceeds the aggregate assessed valuation of its personal and real property in all other states for purposes of computing state and local property taxes in such states;~~

~~(b) The domestic or foreign corporation's principal executive office is located in the state;~~

~~(c) A majority of the domestic or foreign corporation's and its subsidiaries' employees are residents of the state;~~

~~(d) A majority of the domestic or foreign corporation's and its subsidiaries' tangible assets, measured by market value, are located in the state;~~

~~(e) The domestic or foreign corporation and its subsidiaries employ more than twenty thousand residents of the state; and~~

~~(f) The domestic or foreign corporation and its subsidiaries have: (i) More than ten percent of its shareholders of record resident in the state; or (ii) more than ten percent of its shares owned of record by state residents; or (iii) five thousand or more shareholders of record resident in the state) if, as of the share acquisition date, the corporation's principal executive office is located in the state and either a majority of the corporation's employees, together with those of its subsidiaries, are residents of the state or the corporation, together with its subsidiaries, employs more than one thousand residents of the state; and~~

~~(b) Every foreign corporation required to have a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW, if, as of the share acquisition date:~~

~~(i) The corporation's principal executive office is located in the state;~~

~~(ii) The corporation has: (A) More than ten percent of its shareholders of record resident in the state; or (B) more than ten percent of its shares owned of record by state residents; or (C) one thousand or more shareholders of record resident in the state;~~

(iii) A majority of the corporation's employees, together with those of its subsidiaries, are residents of the state or the corporation, together with its subsidiaries, employs more than one thousand residents of the state; and

(iv) A majority of the corporation's tangible assets, together with those of its subsidiaries, measured by market value, are located in the state or the corporation, together with its subsidiaries, has more than fifty million dollars' worth of tangible assets located in the state.

For purposes of this subsection, the record date for determining the percentages and numbers of shareholders and shares shall be the last shareholder record date before the event requiring that the determination be made. A shareholder record date shall be determined pursuant to RCW 23A.08.270 for a domestic corporation and the comparable provision of the law of the state in which a foreign corporation is incorporated. If a shareholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the domestic or foreign corporation's most recent fiscal quarter.

The residence of each shareholder is presumed to be the address appearing in the records of the domestic or foreign corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Shares of a domestic or foreign corporation allocated to the account of an employee or former employee or beneficiaries of employees or former employees of a domestic or foreign corporation and held in a plan that is qualified under section 401(a) of the federal internal revenue code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(l) of the code shall be deemed, for the purposes of this subsection, to be held of record by the employee to whose account such shares are allocated.

A domestic or foreign corporation shall be deemed to be a target corporation if the domestic or foreign corporation's failure to satisfy the requirements of this subsection is caused by the action of, or is the result of a proposal by, an acquiring person or affiliate or associate of an acquiring person.

NEW SECTION. Sec. 3. A new section is added to chapter 23A.50 RCW to be codified between RCW 23A.50.010 and 23A.50.050, to read as follows:

(1) If a significant business transaction defined by RCW 23A.50.020(9)(c) occurs and is prohibited by RCW 23A.50.010 through 23A.50.050, the target corporation and its subsidiaries shall pay to each terminated employee who was employed in the state of Washington a sum equal to three months' wages for each year of employment with the corporation and/or its subsidiaries and shall pay or provide three months' fringe benefits, including but not limited to, pension and medical and dental benefits, for each year of employment with the corporation and/or its subsidiaries. This sum shall be in addition to any final wage payment that may be due to the employee and shall be paid within one regular pay period after the employee's last full day of work.

(2) The requirements of subsection (1) of this section shall apply to any termination occurring during the five-year period following the share acquisition date, whether termination occurred before or after the five percent threshold was reached.

Sec. 4. Section 6, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.28.129 are each amended to read as follows:

((†)) If a corporation engages in activity in violation of chapter 23A.50 RCW, then the secretary of state shall revoke the corporation's certificate of incorporation pursuant to the procedures in RCW 23A.28.125.

~~((2) This section shall expire on December 31, 1988.))~~

Sec. 5. Section 7, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.32.200 are each amended to read as follows:

((†)) If a corporation engages in activity in violation of chapter 23A.50 RCW, then the secretary of state shall revoke the corporation's certificate of authority pursuant to the procedures in RCW 23A.32.160.

~~((2) This section shall expire on December 31, 1988.))~~

Sec. 6. Section 109, chapter 53, Laws of 1965 as last amended by section 8, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.32.010 are each amended to read as follows:

No foreign corporation shall have the right to transact business in this state until it shall have procured a certificate of authority so to do from the secretary of state. No foreign corporation shall be entitled to procure a certificate of authority under this title to transact in this state any business which a corporation organized under this title is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this state. ~~((Until December 31, 1988.))~~ Except as provided in chapter 23A.50 RCW, nothing in this title contained shall be construed to authorize this state to regulate the organization or the internal affairs of such corporation.

Without excluding other activities which may not constitute transacting business in this state, a foreign corporation shall not be considered to be transacting business in this state, for the purposes of this title, by reason of carrying on in this state any one or more of the following activities:

- (1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.
- (2) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.
- (3) Maintaining bank accounts.
- (4) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining trustees or depositories with relation to its securities.
- (5) Effecting sales through independent contractors.
- (6) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.
- (7) Creating as borrower or lender, or acquiring, indebtedness or mortgages or other security interests in real or personal property.
- (8) Securing or collecting debts or enforcing any rights in property securing the same.
- (9) Transacting any business in interstate commerce.
- (10) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature.

NEW SECTION, Sec. 7. Section 10, chapter 4, Laws of 1987 2nd ex. sess. and RCW 23A.50.901 are each repealed.

NEW SECTION, Sec. 8. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 8 through 20 of this act.

- (1) "Employer" includes any corporation which employs eight or more persons and which is not required under this chapter to comply with the requirements of section 3 of this act.
- (2) "Employee" includes any individual employed by an employer.
- (3) "Relocation" of a business or part of a business means removal of all or substantially all operations of the business, a separate facility or branch, or a distinct division or department of a business to a location at least sixty miles away from their original location.
- (4) "Termination" of a business or part of a business means cessation of all or substantially all operations of the business, a separate facility or branch, or a distinct division or department of a business and the business or part of the business is permanently closed.
- (5) "Transfer of ownership" of a business or part of a business includes any transfer of ownership in a business, a separate facility or branch, or a distinct division or department of a business, including sale of stock, a sale of assets, a foreclosure or other form of repossession by creditors, a gift, a devise, or any other means of transfer of ownership.
- (6) "One month's pay" means the average monthly compensation paid to an employee by an employer based on the amount of compensation received by the employee during the preceding twelve months.
- (7) "Years of service" shall include all years during which the employee was employed by the employer, or any owner, subsidiary, division, or entity otherwise related to the employer, or during which the employee was employed in the same operation or facility while it was owned by a predecessor to the employer.
- (8) "Successor employer" means an employer to whom the ownership of a business or a part of a business has been transferred.
- (9) "Predecessor employer" means an employer who has transferred the ownership of a business or a part of a business to another.
- (10) "Comparable position" means a position that requires comparable education, skills, experience, and effort and is performed under similar working conditions.

NEW SECTION, Sec. 9. Any employer that relocates, terminates, or transfers the ownership in a business or any part of a business shall be liable to the employees for severance pay at the rate of one month's pay for each year of service by the employee, not to exceed twelve months' pay. The employer is liable to employees who have been employed by the employer for at least one pay period but less than one year for severance pay in the amount of one month's pay. The severance pay owing shall be in addition to any final wage payment to the employee and shall be paid within one regular pay period after the employee's last day of work. An employer's liability for severance pay under this section shall be limited to the value of the business at the time of the relocation, termination, or transfer of the ownership of the business or any part of the business.

NEW SECTION, Sec. 10. An employer shall not be liable for severance pay under section 9 of this act to an employee if:

- (1) The employee is covered by an express contract providing for severance pay; or
- (2) The employee accepts employment with the new owner of the business or with the predecessor employer at a different facility or location that provides the same wages and benefits as the employee received prior to the relocation, termination, or transfer of ownership of the business.

NEW SECTION, Sec. 11. A successor employer has an obligation to offer a position to each employee who was employed by the predecessor employer during the twelve months preceding the transfer of ownership. The employee shall be offered the position that employee held for the predecessor employer prior to the transfer of ownership if a substantial portion of

the work performed by that employee continues to be performed by the business. If the work performed by an employee is no longer performed by the business, the employer must offer the employee a comparable position or, if no comparable position is available, any available position for which the employee is qualified. The wages, benefits, and other conditions of employment offered or provided to the former employees of the predecessor employer may not be inferior to the wages, benefits, and other conditions of employment provided to new employees filling the same or comparable positions with the successor employer.

A former employee of a predecessor employer who accepts a job with a successor employer may not be discharged, except for misconduct connected with the employee's work, for one year after the employee's date of hire by the successor employer.

NEW SECTION. Sec. 12. Section 11 of this act does not apply to a former employee of a predecessor employer if:

(1) There is no work available which the employee is qualified to perform: PROVIDED, That all employees of a predecessor employer shall be offered employment before new employees are hired; or

(2) The former employee held a managerial position with the predecessor employer in which the employee was responsible for setting fundamental company policy, and it is necessary for the successor employer to replace the employee in order to implement its management plan: PROVIDED, That the employee shall be offered an alternative position for which the employee is qualified.

NEW SECTION. Sec. 13. An employer may not avoid the obligation under section 9 of this act by discharging or laying off employees prior to the relocation, termination, or transfer of ownership of the business or any part of the business. A successor employer's obligation under section 11 of this act is not affected if the predecessor employer discharges or lays off employees prior to the relocation, termination, or transfer of ownership of the business or any part of the business. An employer or a successor employer is relieved of obligations to an employee employed during the twelve months prior to the relocation, termination, or transfer of ownership only if the employer or successor employer proves by clear and convincing evidence that the employee's discharge or layoff was not a result of the expected relocation, termination, or transfer of ownership of the business or any part of the business.

NEW SECTION. Sec. 14. Any employee may bring suit in superior court to enforce the employee's rights under this chapter. The courts are authorized to direct specific performance of the successor employer's obligation under section 11 of this act to offer employment to an employee of its predecessor.

NEW SECTION. Sec. 15. The director of labor and industries is authorized to take assignments of claims for severance pay under section 9 of this act and prosecute actions for the collection of severance pay under the same conditions provided for the assignment and prosecution of claims for unpaid wages under RCW 49.48.040.

NEW SECTION. Sec. 16. Any individual who successfully prosecutes a claim for severance pay or a claim to enforce the successor employer's duty to offer employment to the predecessor's employees shall be awarded costs and attorney's fees, including costs and attorney's fees necessary to collect a judgment.

NEW SECTION. Sec. 17. (1) A person with a claim for severance pay against an employer or a claim for an offer of employment from a successor employer shall have a lien for moneys owing under this chapter on: (a) All of the property used in the operation of the business or part of the business that has been relocated, terminated, or transferred creating an obligation under this chapter, and (b) all proceeds of the sale or transfer of ownership of the property.

(2) A notice of the claim shall be filed within sixty days of the employee's termination of employment with the auditor of the county in which the affected business or part of the business is or was located. The notice of claim shall contain a statement of the employee's demands, the name and address of the employer, the name and address of the successor employer (if applicable), and the date of the employee's last service. A copy of this notice shall be served or mailed to the employer and, if applicable, to the successor employer at the time it is filed.

(3) The lien may be enforced within the same time and in the same manner as mechanics' liens are enforced when the lien is upon real property, or in the same manner as chattel liens are enforced when the lien is upon personal property.

(4) This lien shall be preferred to any encumbrance that may attach after the relocation, termination, or transfer of ownership that created the obligation under this chapter and to any encumbrance that may have attached prior to that time but was not filed or recorded so as to create constructive notice of the encumbrance.

NEW SECTION. Sec. 18. Sections 8 through 20 of this act do not apply to an employee who is terminated:

(1) Following a determination by the department of employment security that the employer has undergone a bona fide restructuring of the employer's business for the purposes of efficiency and improvements in the productivity of the business;

(2) Because the employer has gone into receivership or bankruptcy;

(3) Because of the employer's termination of a business due to death, serious illness, or an act of God;

(4) Because the employer's business is not profitable. To qualify for this exemption, an employer must provide the employee with written notice of the expected termination, relocation, or transfer of the ownership of the business due to loss of profits at least six months prior to termination of the employee, and shall make the books of the employer open for inspection by the employee for the purpose of verifying the loss of profits; or

(5) If the employer had provided the employee with twelve months' written notice of the intent to terminate the business.

NEW SECTION, Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 20. Sections 8 through 19 of this act are each added as new sections to chapter 23A.50 RCW.

NEW SECTION, Sec. 21. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Fleming, Vognild and Warnke to the Committee on Law and Justice amendment to Substitute House Bill No. 1729.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 29.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment to Substitute House Bill No. 1729.

The motion by Senator Pullen carried and the committee amendment was adopted.

MOTIONS

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

On line 2 of the title, after "23A.32.010;" strike "adding a new section to chapter 23A.50 RCW;"

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1729, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1729, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1729, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Zimmerman - 37.

Voting nay: Senators Bender, Craswell, Fleming, Kreidler, McDonald, Niemi, Rinehart, Talmadge, Warnke, West, Williams, Wojahn - 12.

SUBSTITUTE HOUSE BILL NO. 1729, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 46,
 HOUSE BILL NO. 1330,
 SUBSTITUTE HOUSE BILL NO. 1336,
 HOUSE BILL NO. 1354,
 HOUSE BILL NO. 1361,
 SUBSTITUTE HOUSE BILL NO. 1370,
 SUBSTITUTE HOUSE BILL NO. 1672,
 HOUSE BILL NO. 1760,
 SUBSTITUTE HOUSE BILL NO. 1862,
 HOUSE JOINT RESOLUTION NO. 4222.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 280,
 HOUSE BILL NO. 1300,
 SUBSTITUTE HOUSE BILL NO. 1392,
 HOUSE BILL NO. 1401,
 HOUSE BILL NO. 1470,
 SUBSTITUTE HOUSE BILL NO. 1472,
 SUBSTITUTE HOUSE BILL NO. 1473,
 HOUSE BILL NO. 1504,
 HOUSE BILL NO. 1514,
 HOUSE BILL NO. 1531,
 HOUSE BILL NO. 1581.

President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of House Bill No. 1649 and the pending striking Committee on Ways and Means amendment, deferred March 2, 1988.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Warnke, the President finds that House Bill No. 1649 is a measure which makes numerous changes in pension portability laws including definitional changes. In addition, House Bill No. 1649 affects the portability procedures applicable to certain employees by removing the statewide city employees retirement system, clarifying the definition of 'dual member' to exclude certain persons who are receiving disability benefits from any retirement system administered by the Department of Retirement Systems, providing guidelines for administering maximum benefit limitations and authorizing lump sum payments in lieu of monthly benefits under certain circumstances.

"The amendment proposed by the Ways and Means Committee also makes definitional changes and affects portability procedures applicable to certain employees by providing for changes in computation of compensation and requiring a 'dual member' to be vested in one system in order to exercise the portability benefit.

"The President, therefore, finds that the proposed committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The Committee on Ways and Means amendment was ruled in order.

MOTION

On motion by Senator Hayner, and there being no objection, the Committee on Ways and Means amendment to House Bill No. 1649 was withdrawn.

MOTION

On motion by Senator Nelson, further consideration of House Bill No. 1649 was deferred.

President Cherberg assumed the Chair.

SECOND READING

HOUSE BILL NO. 1819, by Representatives Unsoeld, Belcher, Holm, Sayan, Brough, Haugen, Appelwick, Crane, Dellwo and Ebersole

Revising the property tax exemption for houses for the aged.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes an important public service is offered by nonprofit homes for the aged. The legislature also recognizes the need for public services offered by local government. Nonprofit homes for the aged receive benefits from local government, and local governments need a stable tax base to provide these services. The legislature further recognizes that converting taxable property to tax-exempt property can cause disruptions to local government. It is the intent of the legislature to allow existing structures to be converted to partially tax-exempt homes for the aged while at the same time protecting the tax base of local government.

Sec. 2. Section 84.36.040, chapter 15, Laws of 1961 as last amended by section 1, chapter 31, Laws of 1987 and RCW 84.36.040 are each amended to read as follows:

(1) The real and personal property used by nonprofit ~~((+))~~ (a) day care centers as defined pursuant to RCW 74.15.020 as now or hereafter amended; ~~((#))~~ (b) free public libraries; ~~((#))~~ (c) orphanages and orphan asylums; ~~((#))~~ (d) homes for the aged; ~~((#))~~ (e) homes for the sick or infirm; ~~((#))~~ (f) hospitals for the sick; and ~~((#))~~ (g) outpatient dialysis facilities, which are used for the purposes of such organizations shall be exempt from taxation: PROVIDED, That the benefit of the exemption inures to the user.

(2) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

(3) The exemption for a home for the aged under subsection (1)(d) of this section for structures that do not have a tax-exempt status and that are converted to a tax-exempt status under subsection (1)(d) of this section after January 1, 1988, applies only to any state property tax levy, any port district property tax levy, and all excess property tax levies. This partial exemption applies to such converted structures and the land upon which they are located.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

MOTION

Senator Talmadge moved that the following amendment to the Committee on Ways and Means amendment to House Bill No. 1819 be adopted:

On page 1, after line 26 of the amendment, strike all material through page 2, line 32 of the amendment and insert the following:

"Sec. 2. Section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141, Laws of 1981 and RCW 84.36.800 are each amended to read as follows:

As used in RCW 84.36.020, 84.36.030, 84.36.040, 84.36.050, 84.36.060, 84.36.037, and 84.36.800 through 84.36.865:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means:

(a) An organization, association or corporation, other than a home for the aged, no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state; or

(b) An organization, association, or corporation that is a home for the aged if the home meets the following criteria:

(i) The home for the aged is owned by a religious or fraternal organization, or was constructed using public funds or grants from federally funded housing programs, or has at least fifty percent of the dwelling units in the home occupied by persons who meet an income requirement for an exemption under RCW 84.36.381;

(ii) The home is exempt from income tax under section 501(c)(3) of the Internal Revenue Code;

(iii) The home pays no part of its income directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the home in accordance with its purposes and bylaws and the salary or compensation paid to officers of such home is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state; and

(iv) No officer, director, trustee, or employee of the home has had any ownership or financial interest exceeding one percent in the property within five years before the date of application for exemption under this section.

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 1, after line 26, to the Committee on Ways and Means amendment to House Bill No. 1819.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

MOTION

On motion by Senator Cantu, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 2 of the amendment, line 25, after "1988," insert "or earlier if agreed by the home for the aged."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to House Bill No. 1819.

Debate ensued.

The motion by Senator Nelson failed and the Committee on Ways and Means amendment, as amended, was not adopted on a rising vote.

MOTION

Senator Nelson moved that further consideration of House Bill No. 1819 be deferred.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Nelson to defer consideration of House Bill No. 1819.

ROLL CALL

The Secretary called the roll and the motion to defer House Bill No. 1819 carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Further consideration of House Bill No. 1819 was deferred.

POINT OF INQUIRY

Senator Vognild: "Senator Newhouse, will we ever again see House Bill No. 1819 before this body?"

Senator Newhouse: "It is entirely possible, Senator Vognild. There are no present plans to do anything with it."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1170, by Committee on Commerce and Labor (originally sponsored by Representative Patrick)

Changing requirements for physicians retained by the medical bureau of the department of labor and industries.

The bill was read the second time.

MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendment not be adopted:

On page 2, after line 12, insert the following:

"Sec. 7, Section 11, chapter 14, Laws of 1980 and RCW 51.32.110 are each amended to read as follows:

Any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the worker and as may be provided by the rules of the department. If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer upon approval by the department, with notice to the worker may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That the department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or required under this section. If the worker necessarily incurs traveling expenses in attending for examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

If the medical examination required by this section causes the worker to be absent from his or her work without pay he or she shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended.

Any worker required to submit to a physical examination under this title is entitled to be accompanied by a person of the worker's choosing who shall be allowed to be present and accompany the worker during the entire physical examination: PROVIDED, That anyone accompanying a worker at a physical examination shall not in any manner interfere with the conduct of the examination, and shall not instruct, direct or advise the worker with respect to the worker's response to or participation in the examination, except that language interpreters may assist the communication process. A worker who wishes to be accompanied by another person as provided by this section must notify the examining physician in advance of the examination."

Renumber the remaining section consecutively.

The President declared the question before the Senate to be the motion by Senator Lee to not adopt the Committee on Economic Development and Labor amendment to Substitute House Bill No. 1170.

The motion by Senator Lee carried and the Committee on Economic Development and Labor amendment to Substitute House Bill No. 1170 was not adopted.

MOTION

Senator Anderson moved that the following amendment by Senators Anderson and McMullen be adopted:

On page 1, line 22, after "criteria," insert the following:

"(3) The department shall investigate the level of compliance of self-insurers with the requirement of full reporting of claims information to the department, particularly with respect to medical examinations, and develop effective enforcement procedures or recommendations for legislation if needed."

Debate ensued.

The President declared the question before the Senate to the adoption of the amendment by Senators Anderson and McMullen to Substitute House Bill No. 1170.

The motion by Senator Anderson carried and the amendment was adopted.

MOTION

On motion by Senator Anderson, the following amendment by Senators Anderson and McMullen was adopted:

On page 2, after line 6, insert the following:

"NEW SECTION. Sec. 5. The department shall study the role of the attending physician in assuring an injured worker's return to work at the earliest time consistent with good medical care, and the effect of changing the attending physician when return to work does not occur expeditiously. The department shall report the results of its study to the appropriate committees of the legislature no later than December 1, 1988."

Renumber the remaining sections and correct any internal references accordingly.

MOTIONS

On motion by Senator Lee, the following title amendment was adopted:

On page 1, line 3 of the title, after "RCW;" insert "creating a new section."

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1170, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1170, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1170, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators McCaslin, Patterson - 2.

SUBSTITUTE HOUSE BILL NO. 1170, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Brough, Belcher, Appelwick, Locke, Schmidt and Todd)

Providing for a state-wide child support schedule.

The bill was read the second time.

MOTION

Senator Hayner moved that the following Committee on Law and Justice amendment be adopted:

On page 4, after line 29, insert the following:

"(8) This section shall expire July 1, 1990."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment on page 4, after line 29, to Engrossed Substitute House Bill No. 1465.

The motion by Senator Hayner carried and the committee amendment was adopted.

MOTIONS

On motion by Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 7, line 24, after "every" strike "six" and insert "twelve"

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 7, after line 1, strike all the material down to and including "motion." on line 28

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

On motion by Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 16, after line 20, insert the following:

*Sec. 18. Section 17, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 430, Laws of 1987 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and ~~(-except as otherwise provided in subsection (4) of this section:))~~ only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) ~~((An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:~~

~~(a) if the order in practice works a severe economic hardship on either party or the child;~~

~~(b) if a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;~~

~~(c) if a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or~~

~~(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100;~~

~~(5)) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances."~~

On motion by Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 16, after line 20, insert the following:

*Sec. 18. Section 3, chapter 435, Laws of 1987 and RCW 26.23.030 are each amended to read as follows:

There is created a Washington state support registry within the office of support enforcement as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall:

(1) Account for and disburse all support payments received by the registry;

(2) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties;

(3) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry;

(4) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered.

The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (1) The location of the custodial parent is unknown; (2) the child support debt is in litigation; or (3) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under 42 U.S.C. Sec. 657. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party, moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.

If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on

behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A-.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and up to ten percent of amounts collected as current support.

Sec. 19. Section 22, chapter 171, Laws of 1979 ex. sess. as amended by section 3, chapter 276, Laws of 1985 and RCW 74.20.330 are each amended to read as follows:

(1) Whenever public assistance is paid under this title, each applicant or recipient is deemed to have made assignment to the department of any rights to a support obligation from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any unpaid support obligation or support debt which has accrued at the time the assignment is made. Payment of public assistance under this title operates as an assignment by operation of law.

(2) Upon the recipient's request, the department ((may, and under appropriate circumstances)) shall(;) continue to establish the support obligation and to enforce and collect the support debt ((for a period not to exceed three months from the month following the month in which such family ceased)) after the family ceases to receive public assistance, and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20-.040 (2) and (3). The department shall distribute all amounts collected in accordance with 42 U.S.C. Sec. 657 and RCW 26.23.030.

Sec. 20. Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 31, chapter 435, Laws of 1987 and RCW 74.20A.030 are each amended to read as follows:

The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

No collection action shall be taken against parents of children eligible for admission to, or children who have been released from, a state school for the developmentally disabled as defined by chapter 72.33 RCW.

The department may initiate, continue, maintain, or execute action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state, for a period not to exceed three months from the month following the month in which the family or any member thereof ceases to receive public assistance and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040 and RCW 26.23.030."

MOTIONS

On motion by Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 16, after line 20, insert the following:

*Sec. 18. Section 17, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 430, Laws of 1987 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based:

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(6) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the adopted child support schedule. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances.

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

On motion by Senator Pullen, the following Committee on Law and Justice amendments were considered simultaneously and adopted:

On page 16, line 28, after "sections" strike "8" and insert "4, 8,"

On page 16, line 29, strike "Section 8 of this act is" and insert "Sections 4 and 8 of this act are"

On motion by Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 16, line 32, after "immediately," strike all the material down to and including "1989." on line 33

MOTIONS

On motion by Senator Hayner, the following amendments by Senators Hayner, Pullen, Nelson and Talmadge were considered simultaneously and adopted:

On page 2, line 22, after "(1)" insert "(a) Except as provided in (b) of this subsection."

On page 2, after line 25, insert "(b) If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less."

On motion by Senator Pullen, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, after "26.09.100," insert "26.09.170,"

On page 1, line 3 of the title, after "26.09.100," insert "26.23.030, 74.20.330, 74.20A.030,"

On page 1, line 3 of the title, after "74.20A.055," strike "and 74.20A.160" and insert ", 74.20A.160, and 26.09.170"

On page 1, beginning on line 4 of the title, strike "adding a new section to chapter 36.09 RCW;"

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute House Bill No. 1465, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Halsan: "Senator Hayner, I may be a little bit behind on this particular one, but I'm just reading the language that's been inserted in regards to what, I guess, you could call the county option that you're proposing. The last sentence of the language that was inserted states, 'The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.' Now, that means it's still presumptive, exactly like it was in the original bill, for all combined incomes of twenty-five hundred dollars or less and the only thing that can be varied by twenty-five percent by the local counties is above twenty-five hundred dollars combined income. Is that correct?"

Senator Hayner: "I think that is correct."

Senator Halsan: "O.K., that was the question."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1465, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1465, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Niemi, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Decchio, Halsan, McCaslin, Newhouse, Owen, Rasmussen - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1649, deferred earlier today, after the striking Committee on Ways and Means amendment was withdrawn after being ruled in order earlier today.

MOTION

Senator Hayner moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 192, Laws of 1987 and RCW 41.54.010 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (~~"Actuary" means the state actuary as established under chapter 44.44 RCW.~~) "Average base salary" means the dual member's average base salary of the highest consecutive sixty months of service prior to the member's retirement. Periods constituting authorized leaves of absence shall not be used in the calculation of the average base salary.

(2) "Base salary" means salaries or wages earned by a member of a system during a payroll period for personal services and includes wages and salaries deferred under provisions ((established pursuant to sections 403(b), 414(h), and 457)) of the United States internal revenue code, but shall exclude ((overtime payments;)) nonmoney maintenance compensation, and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump sum payment.

(3) (~~"Average compensation" means, respectively, "final compensation" as defined in RCW 41.20.010 and 41.44.030(14), "average final compensation" as defined in RCW 41.32.010 and 41.40.010, "average earnable compensation" as used in RCW 41.32.490, and "average final salary" as defined in RCW 43.43.120.~~

(4) "Service retirement allowance" means, respectively, "retirement allowance" as used or defined in RCW 41.20.130, 41.32.010, 41.40.010, 41.44.030(22), and 43.43.260.

(5) "Current system average final compensation" means that compensation or average compensation used in the service retirement benefit calculation of the current system with compensation being either that earned in the current system or the base salary earned in a prior system, whichever produces the greater benefit.

(6) "Prior system average final compensation" means the compensation or average compensation used in the service retirement benefit calculation of the prior system, with compensation being either that earned in the prior system or the base salary earned in any system in which dual membership is held, whichever produces the greater benefit.

(7) "Compensation" means, respectively, "compensation earnable" as defined in RCW 41.28.010, "earnable compensation" as defined in RCW 41.32.010, "compensation earnable" as defined in RCW 41.40.010, "compensation earnable" as defined in RCW 41.44.030, and "average final salary" as used in RCW 43.43.120(15).

(8) "Current system" means the system in which a member is currently making contributions and accruing service credit.

(9) "Department" means the department of retirement systems.

((10)) (4) "Director" means the director of the department of retirement systems.

((11)) (5) "Dual member" means a person who (a) is or becomes a member of a system on or after July 1, 1988, (b) has been a member of one or more other systems, and (c) has never been retired for service from a retirement system and is not receiving a disability retirement or

disability leave benefit from (~~(a) prior~~) any retirement system listed in RCW 41.50.030. No person may become a dual member after June 30, 1992.

~~((12))~~ "Prior system" means a system in which a person had previous membership but is no longer making member contributions.

~~((3))~~ (6) "Service" means the same as it may be defined in each respective system. For the purposes of RCW 41.54.030, military service granted under RCW 41.40.170(3) or 43.43.260 may only be based on service accrued under chapter 41.40 or 43.43 RCW, respectively.

~~((14))~~ (7) "System" means the retirement systems established under chapters ((41-26-)) 41.32, 41.40, ((41-44-)) and 43.43 RCW. The inclusion of an individual first class city system is subject to the procedure set forth in RCW 41.54.060.

Sec. 2. Section 3, chapter 192, Laws of 1987 and RCW 41.54.030 are each amended to read as follows:

(1) ~~((As used in this section, the percentage factor to be used in calculating a benefit under chapter 41-28 RCW shall be determined using only the service earned in a retirement system created under that chapter:~~

~~(2) The service retirement allowances to be paid to a dual member upon retiring from the current system because of service shall be the sum of:~~

~~(a) The service retirement allowance received under the current system as a result of multiplying the current system average final compensation by the percentage factor of the current system and the service earned under the current system; and~~

~~(b) The sum of the respective service retirement allowances received under prior systems as a result of multiplying each prior system's average final compensation by the percentage factor of that prior system and the service earned under that prior system.~~

~~(3) Eligibility to receive a service benefit under this chapter shall be based on (a) the criteria of any system in which dual membership is held, and (b) the dual member's combined systems' service.)~~ Except as limited in subsection (2) of this section, a dual member's service in all systems may be combined for the sole purpose of determining the member's eligibility to receive a service retirement allowance.

(2) A dual member must have five or more years of service in one system in order to have the member's service retirement allowances calculated under this section.

(3) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be allowed to substitute the member's average base salary from any system as the compensation used in calculating the allowance.

(4) The service retirement allowances from a system which, but for this ((chapter)) section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

Sec. 3. Section 4, chapter 192, Laws of 1987 and RCW 41.54.040 are each amended to read as follows:

(1) The retirement allowances calculated under RCW 41.54.030 shall be paid separately by each respective current and prior system. Any deductions from such separate payments shall be according to the provisions of the respective systems.

(2) Postretirement adjustments, if any, shall be applied by the respective systems based on the payments made under subsection (1) of this section.

(3) If a dual member dies in service in any system, the surviving spouse shall receive the same benefit from each system that would have been received if the member were active in the system at the time of death based on service actually established in that system. However, this subsection does not make a surviving spouse eligible for the survivor benefits provided in RCW 43.43.270.

Sec. 4. Section 7, chapter 192, Laws of 1987 and RCW 41.54.070 are each amended to read as follows:

The benefit granted by this chapter shall not result in a total benefit less than would have been received absent such benefit. The total sum of the retirement allowances received under this chapter shall not exceed the smallest amount the dual member would receive if all the service had been rendered in any one system. When calculating the maximum benefit a dual member would receive: (1) Military service granted under RCW 41.40.170(3) or 43.43.260 shall be based only on service accrued under chapter 41.40 or 43.43 RCW, respectively; and (2) the calculation shall be made assuming that the dual member did not defer any allowances pursuant to RCW 41.54.030(3). When a dual member's combined retirement allowances would exceed the limitation imposed by this section, the allowances shall be reduced by the systems on a proportional basis, according to service.

Sec. 5. Section 1, chapter 105, Laws of 1975-'76 2nd ex. sess. as last amended by section 9, chapter 192, Laws of 1987 and RCW 41.04.270 are each amended to read as follows:

(1) Notwithstanding any provision of chapter 2.10, 2.12, 41.26, 41.28, 41.32, 41.40, or 43.43 RCW to the contrary, on and after March 19, 1976, any member or former member who (a)

receives a retirement allowance earned by said former member as deferred compensation from any public retirement system authorized by the general laws of this state, or (b) is eligible to receive a retirement allowance from any public retirement system listed in RCW 41.50.030, but chooses not to apply, or (c) is the beneficiary of a disability allowance from any public retirement system listed in RCW 41.50.030 shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system listed in RCW 41.50.030: PROVIDED, That (a) and (b) of this subsection shall not apply to persons who have accumulated less than fifteen years service credit in any such system.

(2) Nothing in this section is intended to apply to ~~((a))~~ any retirement system except those listed in RCW 41.50.030 ~~((and chapter 41.28 RCW, or (b)))~~ and the city employee retirement systems for Seattle, Tacoma, and Spokane. Subsection (1)(b) of this section does not apply to a dual member as defined in RCW 41.54.010.

Sec. 6. Section 13, chapter 274, Laws of 1947 as last amended by section 1, chapter 379, Laws of 1987 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) (a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office in a town or city who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official of a town or city. A member who receives more than ten thousand dollars per year in compensation for his or her elective service is not eligible for the option provided by this subsection (3)(b);

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession:

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization; PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months; PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system; PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member employed, other than as an official, after July 1, 1988, shall also have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States; PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority; PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

NEW SECTION. Sec. 7. A new section is added to chapter 41.54 RCW to read as follows:

(1) The system may pay a dual member a lump sum payment in lieu of a monthly benefit if the initial monthly benefit computed in accordance with RCW 41.54.030 would be less than fifty dollars. The lump sum payment shall be the greater of the actuarial equivalent of such monthly benefits or an amount equal to the individual's accumulated contributions plus accrued interest.

(2) It is the intent of the legislature that any member who receives a settlement under this section shall be deemed to be retired from the system making the lump sum payment.

NEW SECTION. Sec. 8. A new section is added to chapter 41.32 RCW to read as follows:

A member of the retirement system who is first employed after July 1, 1988, by a first class city that has its own retirement system shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter.

Sec. 9. Section 6, chapter 13, Laws of 1985 as amended by section 1, chapter 265, Laws of 1987 and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) (a) "Accumulated contributions" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of all regular annuity contributions with regular interest thereon.

(b) "Accumulated contributions" for persons who establish membership in the retirement system on or after October 1, 1977, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(11) (a) (i) "Earnable compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money; PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit; PROVIDED FURTHER, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(ii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.011. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(b) "Earnable compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay; PROVIDED, That retroactive payments to an individual by an employer

on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(1) the earnable compensation the member would have received had such member not served in the legislature; or

(ii) such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid. For the purposes of section 8 of this 1988 act, "employer" includes a first class city that has its own retirement system.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(18) "Pension" means the moneys payable per year during life from the pension reserve fund.

(19) "Pension reserve fund" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(20) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(21) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(22) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(23) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(24) "Regular interest" means such rate as the director may determine.

(25) (a) "Retirement allowance" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for persons who establish membership in the retirement system on or after October 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

(26) "Retirement system" means the Washington state teachers' retirement system.

(27) (a) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service is rendered.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for

which earnable compensation is earned for ninety or more hours per calendar month. Members shall receive twelve months of service for each contract year or school year of employment.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

Notwithstanding RCW 41.32.240, teachers covered by RCW 41.32.755 through 41.32.825, who render service need not serve for ninety days to obtain membership so long as the required contribution is submitted for such ninety-day period. Where a member did not receive service credit under RCW 41.32.775 through 41.32.825 due to the ninety-day period in RCW 41.32.240 the member may receive service credit for that period so long as the required contribution is submitted for the period. Anyone entering membership on or after October 1, 1977, and prior to July 1, 1979, shall have until June 30, 1980, to make the required contribution in one lump sum.

(28) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average earnable compensation of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(31) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Retirement board" means the director of retirement systems.

NEW SECTION. Sec. 10. By January 1, 1992, the department of retirement systems shall report on the implementation of chapter 41.54 RCW to the joint committee on pension policy and the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 11. This act shall take effect July 1, 1988."

POINT OF ORDER

Senator Warnke: "Mr. President, I raise the point of order, that the amendment changes the scope and object of House Bill No. 1649 and I would like to speak to that point. House Bill No. 1649 has a very limited scope and object, which is to clarify and delete certain existing pension portability definitions and provisions as enacted by this Legislature last year. The floor striking amendment changes the scope and object of this limited bill by providing a brand new definition of average base salary, which is the very foundation for qualifying for pension eligibility and for compensation levels. This is a new policy direction for the Legislature, not contemplated by the House Bill. For those reasons, I believe the floor amendment changes the scope and object of House Bill No. 1649."

Further debate ensued.

MOTION

On motion by Senator Newhouse, further consideration of House Bill No. 1649 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1368, by Committee on Judiciary (originally sponsored by Representative Armstrong)

Revising provisions on enforcement of judgments.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 6.01 RCW to read as follows:

The term "certified mail," as used in this title, includes, for mailings to a foreign country, any form of mail that requires or permits a return receipt.

NEW SECTION, Sec. 2. A new section is added to chapter 6.01 RCW to read as follows:

If, before levying under a writ of attachment or execution, a sheriff receives notice that the defendant has become a debtor in a bankruptcy case, the sheriff shall immediately give written notice of that fact to the plaintiff's attorney of record, if any, otherwise to the plaintiff, and shall not be bound to levy under the writ. If, after levying on property under a writ of attachment or execution, a sheriff receives such notice, the sheriff shall give written notice of the attachment or execution, describing the property seized, to the trustee in the bankruptcy case if there is one, otherwise to the bankruptcy court, with a copy to the plaintiff's attorney of record, if any, otherwise to the plaintiff, and shall transfer the property to the trustee on demand or as the bankruptcy court otherwise directs. If no demand is made on the sheriff for surrender of the property and the sheriff thereafter receives notice of the closing of the bankruptcy case, the sheriff shall give written notice by first class mail to the plaintiff's attorney of record, if any, otherwise to the plaintiff, requiring that the plaintiff release the property or obtain a renewal of the writ from the court, and, if the plaintiff fails to release the property or to apply for a renewal within fourteen days after the mailing of the sheriff's notice, the sheriff shall release the property to the defendant.

Sec. 3. Section 1, chapter 10, Laws of 1982 as last amended by section 208, chapter 442, Laws of 1987 and RCW 6.13.080 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises;

(2) On debts secured (a) by ((purchase money)) security agreements describing as collateral the mobile home that is claimed as a homestead or (b) by mortgages or deeds of trust on the premises (:) that have been executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance.

Sec. 4. Section 30, chapter 260, Laws of 1984 as amended by section 209, chapter 442, Laws of 1987 and RCW 6.13.090 are each amended to read as follows:

A judgment against the owner of a homestead shall become a lien on the value of the homestead property in excess of the homestead exemption from the time the judgment creditor records the judgment with the recording officer of the county where the property is located. However, if a judgment of a district court of this state has been transferred to a superior court, the judgment becomes a lien from the time of recording with such recording officer a duly certified abstract of the record of such judgment as it appears in the office of the clerk in which the transfer was originally filed.

Sec. 5. Section 253, page 178, Laws of 1854 as last amended by section 301, chapter 442, Laws of 1987 and RCW 6.15.010 are each amended to read as follows:

Except as provided in RCW 6.15.050, the following personal property shall be exempt from execution, attachment, and garnishment:

(1) All wearing apparel of every individual and family, but not to exceed seven hundred fifty dollars in value in furs, jewelry, and personal ornaments for any individual.

(2) All private libraries of every individual, but not to exceed one thousand dollars in value, and all family pictures and keepsakes.

(3) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community:

(a) The individual's or community's household goods, appliances, furniture, and home and yard equipment, not to exceed one thousand five hundred dollars in value;

(b) Provisions and fuel for the comfortable maintenance of the individual or community for three months;

(c) Other property, except personal earnings as provided under RCW ((6-15-060(t))) 6.15.050(1), not to exceed five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities; and

(d) One motor vehicle which is used for personal transportation, not to exceed one thousand two hundred dollars in value.

((((4))) (4) To each qualified individual, one of the following exemptions:

(a) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed three thousand dollars in value;

(b) To a physician, surgeon, attorney, clergyman, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed three thousand dollars in value;

(c) To any other individual, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed three thousand dollars in value.

For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

Sec. 6. Section 1, page 88, Laws of 1890 as amended by section 1, chapter 64, Laws of 1987 and by section 302, chapter 442, Laws of 1987 and RCW 6.15.020 are each reenacted and amended to read as follows:

(1) Unless otherwise provided by federal law, any money received by any citizen of the state of Washington as a pension from the government of the United States, whether the same be in the actual possession of such person or be deposited or loaned, shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her family any money exempted by this section, the same shall be exempt to the family as provided in this section.

(2) The right of a person to a pension, annuity, or retirement allowance or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any citizen of the state of Washington under any employee benefit plan, and any fund created by such a plan or arrangement, shall be exempt from execution, attachment, or seizure by or under any legal process whatever: PROVIDED, That this subsection shall permit benefits under any such plan or arrangement to be payable to a spouse, former spouse, child, or other dependent of a participant in such plan to the extent expressly provided for in a qualified domestic relations order (as such term is defined in section 206(d) of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1056(d) or in section 401(a)(13) of the internal revenue code of 1954, as amended).

(3) For the purposes of this section, the term "employee benefit plan" means any plan or arrangement that is subject to the provisions of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. Secs. ((101)) 1001 through 1461 or that is described in sections 401(a), 403(a), 403(b), 408, or 409 (as in effect before January 1, 1984) of the internal revenue code of 1954, as amended, or both: PROVIDED, That the term "employee benefit plan" shall not include any employee benefit plan that is excluded from the application of the federal employee retirement income security act of 1974, as amended, pursuant to section 4(b)(1) of that act, 29 U.S.C. Sec. 1003(b)(1).

Sec. 7. Section 346, page 88, Laws of 1869 as last amended by section 306, chapter 442, Laws of 1987 and RCW 6.15.060 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, property claimed exempt under RCW 6.15.010 shall be selected by the individual entitled to the exemption, or by the husband or wife entitled to a community exemption, in the manner described in subsection (3) of this section.

(2) If, at the time of seizure under execution or attachment of property exemptible under RCW 6.15.010(3) (a), (b), or (c), the individual or the husband or wife entitled to claim the exemption is not present, then the sheriff or deputy shall make a selection equal in value to the applicable exemptions and, if no appraisal is required and no objection is made by the creditor as permitted under subsection (4) of this section, the officer shall return the same as exempt by inventory. Any selection made as provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions.

(3)(a) A debtor who claims personal property as exempt against execution or attachment shall, at any time before sale, deliver to the officer making the levy a list by separate items of the property claimed as exempt, together with an itemized list of all the personal property owned or claimed by the debtor, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes, claims and

demands, and shall verify such list by affidavit. The officer shall immediately advise the creditor, attorney, or agent of the exemption claim and, if no appraisal is required and no objection is made by the creditor as permitted under subsection (4) of this section, the officer shall return with the process the list of property claimed as exempt.

(b) A debtor who claims personal property exempt against garnishment shall proceed as provided in RCW 6.27.160.

(c) A debtor who claims as a homestead, under chapter 6.13 RCW, a mobile home that is not yet occupied as a homestead and that is located on land not owned by the debtor shall claim the homestead as against a specific levy by delivering to the sheriff who levied on the mobile home, before sale under the levy, a declaration of homestead that contains (i) a declaration that the debtor owns the mobile home, intends to reside therein, and claims it as a homestead, and (ii) a description of the mobile home, a statement where it is located or was located before the levy, and an estimate of its actual cash value.

(4)(a) Except as provided in (b) of this subsection, a creditor, or the agent or attorney of a creditor, who wishes to object to a claim of exemption shall proceed as provided in RCW 6.27.160 and shall give notice of the objection to the officer not later than seven days after the officer's giving notice of the exemption claim.

(b) A creditor, or the agent or attorney of the creditor, who wishes to object to a claim of exemption made to a levying officer, on the ground that the property claimed exceeds exemptible value, may demand appraisal. ~~((in the absence of such demand within seven days following the officer's giving of notice of the claim, the officer shall release to the debtor the property claimed as exempt.))~~ If the creditor, or the agent or attorney of the creditor, demands an appraisal, two disinterested persons shall be chosen to appraise the property, one by the debtor and the other by the creditor, agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fails to choose an appraiser, or the two fail to select a third, or if one or more of the appraisers fail to act, the court shall appoint one or more as the circumstances require. The appraisers shall forthwith proceed to make a list by separate items, of the personal property selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described," which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or attachment and be annexed to and made part of the return, and the property therein specified shall be exempt from levy and sale, but the other personal estate of the debtor shall remain subject to execution, attachment, or garnishment. Each appraiser shall be entitled to fifteen dollars or such larger fee as shall be fixed by the court, to be paid by the creditor if all the property claimed by the debtor shall be exempt; otherwise to be paid by the debtor.

(c) If, within seven days following the giving of notice to a creditor of an exemption claim, the officer has received no notice from the creditor of an objection to the claim or a demand for appraisal, the officer shall release the claimed property to the debtor.

Sec. 8. Section 4, chapter 329, Laws of 1981 as amended by section 410, chapter 442, Laws of 1987 and RCW 6.17.100 are each amended to read as follows:

(1) Before a writ of execution may issue on any real property, the judgment creditor must file with the court an affidavit as described in subsection (4) of this section and must mail a copy of the affidavit to the judgment debtor at the debtor's last known address.

(2) If the affidavit attests that the premises are occupied or otherwise claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.13.080 must comply with RCW 6.13.100 through 6.13.170.

(3) The term "due diligence," as used in subsection (4) of this section, includes but is not limited to the creditor or the creditor's representative personally visiting the premises, contacting the occupants and inquiring about their relationship to the judgment debtor, contacting immediate neighbors of the premises, and searching the records of the auditor of the county in which the property is located to determine if a declaration of homestead or nonabandonment has been recorded by the judgment debtor. An examination of the debtor in supplemental proceedings on the points to be covered in the affidavit constitutes "due diligence."

(4) The affidavit required by this section shall include:

(a) A statement that the judgment creditor has exercised due diligence to ascertain whether the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest and believes that there is not sufficient nonexempt personal property belonging to the judgment debtor to so satisfy the judgment. A list of personal property located shall be attached with an indication of any items that the judgment creditor believes to be exempt.

(b) A statement that the judgment creditor has exercised due diligence to ascertain whether the property is occupied or otherwise claimed by the judgment debtor as a homestead as defined in chapter 6.13 RCW.

(c) A statement based on belief whether the judgment debtor is currently occupying the property as the judgment debtor's principal residence and whether there is a declaration of homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion.

(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, a statement based on belief whether the judgment debtor has been absent for a period of at least six months, with facts relied upon to reach that conclusion, and, if known, the judgment debtor's current address.

Sec. 9. Section 4, chapter 25, Laws of 1929 as last amended by section 411, chapter 442, Laws of 1987 and RCW 6.17.110 are each amended to read as follows:

(1) The writ of execution shall be issued in the name of the state of Washington, sealed with the seal of the court, and subscribed by the clerk of the court in which the judgment was entered or to which it has been transferred, and shall be directed to the sheriff of the county in which the property is situated. The writ shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon; and if the judgment has been recorded, the writ shall so indicate and shall state the recording number.

(2) Before an execution is delivered on a judgment of a district court of this state, the amount of the judgment, or damages and costs, and the fees due to each person separately shall be entered in the docket and on the back of the execution. In any proceeding to enforce a judgment certified to a district court from the small claims department under RCW 12.40.110, the execution shall include the amount of the judgment owed plus reasonable costs and reasonable attorneys' fees incurred by the judgment creditor in seeking enforcement of the judgment in district court.

(3) A writ shall require substantially as follows:

(a) If the execution is against the property of the judgment debtor, it shall require the officer to satisfy the judgment out of the personal property of the debtor unless an affidavit has been filed with the court pursuant to RCW 6.17.100, in which case it shall require that the judgment be satisfied out of the real property of the debtor.

(b) If the execution is against real or personal property in the hands of a personal representative, heir, devisee, legatee, tenant of real property, or trustee, it shall require the officer to satisfy the judgment out of such property.

(c) If the execution is for the delivery of real or personal property, it shall particularly describe the property and state its value and require the officer to deliver possession of it to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered. If the property described in the execution cannot be delivered, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

(d) If the execution is to enforce obedience to any order, it shall particularly command what is required to be done or to be omitted.

(e) If the nature of the case requires it, the execution may embrace two or more of the requirements of this section.

(f) In all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

Sec. 10. Section 351, page 91, Laws of 1869 as last amended by section 413, chapter 442, Laws of 1987 and RCW 6.17.130 are each amended to read as follows:

When the writ of execution is against the property of the judgment debtor, the sheriff shall set the date of sale and serve on the debtor, in the same manner as service of a summons in a civil action, or cause to be transmitted by both regular mail and certified mail, return receipt requested, a copy of the writ, together with copies of RCW 6.13.010, 6.13.030, and 6.13.040(;;) if real property is to be levied on, or copies of RCW 6.15.010(;;) and 6.15.060 if personal property is to be levied on, and shall at the time of service, or with the mailing, notify the judgment debtor of the date of sale. If service on the judgment debtor must be effected by publication, only the following notice need be published under the caption of the case:

To Judgment Debtor:

A writ of execution has been issued in the above-captioned case, directed to the sheriff of county, commanding the sheriff as follows:

"WHEREAS, ... (Quoting body of writ of execution)."

The sale date has been set for YOU MAY HAVE A RIGHT TO EXEMPT PROPERTY from the sale under statutes of this state, including sections 6.13.010, 6.13.030, 6.13.040, 6.15.010, and 6.15.060 of the Revised Code of Washington, in the manner described in those statutes.

Sec. 11. Section 414, chapter 442, Laws of 1987 and RCW 6.17.140 are each amended to read as follows:

The sheriff shall, at a time as near before or after service of the writ on, or mailing of the writ to, the judgment debtor as is possible, execute the writ as follows:

(1) If property has been attached, the sheriff shall indorse on the execution, and pay to the clerk forthwith, if he or she has not already done so, the amount of the proceeds of sales of perishable property or debts due the defendant previously received, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in custody, the sheriff shall sell the same, or sufficient thereof to satisfy the judgment. When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the sheriff may, on instructions from the judgment creditor, levy on other property of the judgment debtor without delay.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, the sheriff shall levy on the property of the judgment debtor, sufficient to satisfy the judgment, in the manner described in RCW 6.17.160.

(4) If, after the judgment is satisfied, any property remains in custody, the sheriff shall deliver it to the judgment debtor.

(5) Until a levy, personal property shall not be affected by the execution.

(6) When property has been sold or debts received on execution, the sheriff shall pay the proceeds to the clerk who issued the writ, for satisfaction of the judgment as commanded in the writ or for return of any excess proceeds to the judgment debtor. No sheriff or other officer may retain any moneys collected on execution more than twenty days before paying the same to the clerk of the court who issued the writ.

Sec. 12. Section 13, page 42, Laws of 1886 as last amended by section 416, chapter 442, Laws of 1987 and RCW 6.17.160 are each amended to read as follows:

The sheriff to whom the writ is directed and delivered shall execute the same without delay as follows:

(1) Real property, including a vendee's interests under a real estate contract, shall be levied on by recording a copy of the writ, together with a description of the property attached, with the recording officer of the county in which the real estate is situated.

(2) Personal property, capable of manual delivery, shall be levied on by taking into custody.

(3) Shares of stock and other investment securities shall be levied on in accordance with the requirements of RCW 62A.8-317.

(4) A fund in court shall be levied on by leaving a copy of the writ with the clerk of the court with notice in writing specifying the fund.

(5) A franchise granted by a public or quasi-public corporation shall be levied on by (a) serving a copy of the writ on, or mailing it to, the judgment debtor as required by RCW 6.17.130 and (b) filing a copy of the writ in the office of the auditor of the county in which the franchise was granted together with a notice in writing that the franchise has been levied on to be sold, specifying the time and place of sale, the name of the owner, the amount of the judgment for which the franchise is to be sold, and the name of the judgment creditor.

(6) A vendor's interest under a real estate contract shall be levied on by (a) recording a copy of the writ, with descriptions of the contract and of the real property covered by the contract, with the recording officer of the county in which the real estate is located and (b) serving a copy of the writ, with a copy of the descriptions, on, or mailing the same to, the judgment debtor and the vendee under the contract in the manner as ~~((required by))~~ described in RCW 6.17.130.

(7) Other intangible personal property may be levied on by serving a copy of the writ on, or mailing it to, the judgment debtor in the manner as required by RCW 6.17.130, together with a description of the property. If the property is a claim on which suit has been commenced, a copy of the writ and of the description shall also be filed with the clerk of the court in which the suit is pending.

Sec. 13. Section 268, page 182, Laws of 1854 as last amended by section 419, chapter 442, Laws of 1987 and RCW 6.17.190 are each amended to read as follows:

(1) After levy of execution upon personal property, the sheriff may permit the judgment debtor to retain possession of the property or any part of it until the day of sale, upon the debtor executing a written bond to the sheriff with sufficient surety, in double the value of such property, to the effect that it shall be delivered to the sheriff at the time and place of sale, and for nondelivery thereof, an action may be maintained upon such bond by the sheriff or the judgment creditor, or the judgment creditor may, on motion supported by affidavit that the property has not been delivered and the judgment remains unpaid, stating the amount unpaid, have judgment against the surety on the bond for the balance remaining due.

(2) In the alternative, the sheriff may appoint the judgment debtor as an agent to keep the property, without bond, upon written approval by the judgment creditor.

Sec. 14. Section 1, chapter 35, Laws of 1935 as last amended by section 602, chapter 442, Laws of 1987 and RCW 6.21.020 are each amended to read as follows:

Before the sale of personal property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) The judgment creditor shall, not less than thirty days prior to the day of sale, cause a copy of the notice of sale to be transmitted both by regular mail and by certified mail, return

receipt requested, to the judgment debtor at the debtor's last known address, and by regular mail to the attorney of record for the judgment debtor, if any. The judgment creditor shall file an affidavit with the court showing compliance with the requirements of this subsection.

(2) The sheriff shall post typed or printed notice of the time and place of the sale in three public places in the county in which the sale is to take place, for a period of not less than four weeks prior to the day of sale.

Sec. 15. Section 807, chapter 442, Laws of 1987 and RCW 6.25.070 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the court shall issue a writ of attachment only after prior notice to defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to defendant and an opportunity for a prior hearing only if:

(a)(i) The attachment is to be levied only on real property, or (ii) if it is to be levied on personal property, the ground alleged for issuance of attachment is one appearing in RCW 6.25.030 (5) through (7) or in RCW 6.25.040(1) or, if attachment is necessary for the court to obtain jurisdiction of the action, the ground alleged is one appearing in RCW 6.25.030 (1) through (4); and

(b) The court finds, on the basis of specific facts alleged in the affidavit, after an ex parte hearing, that there is probable cause to believe the allegations of plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to defendant, after seizure of property under the writ the defendant shall be entitled to prompt notice of the seizure and of a right to an early hearing, if requested, at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists. Such notice shall be given in the manner prescribed in subsections (4) and (5) of this section.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice shall be served in the same manner as a summons in a civil action and shall be served together with: (a) ~~((Copies))~~ A copy of the plaintiff's affidavit and a copy of the writ if already issued; (b) if the defendant is an individual, copies of homestead statutes, RCW 6.13-.010, 6.13.030, and 6.13.040, if real property is to be attached, or copies of exemption statutes, RCW 6.15.010 and 6.15.060, if personal property is to be attached; and (c) if the plaintiff has proceeded under subsection (2) of this section, a copy of a "Notice of Right to Hearing" in substantially the following form:

NOTICE OF RIGHT TO HEARING

In a lawsuit against you, a Washington court has issued ~~((the))~~ or will issue a Writ of Attachment ~~((included with this notice))~~ against your property. Under the writ a sheriff or sheriff's deputy has or will put a lien against your real estate or has seized or will seize other property of yours to hold until the court decides the lawsuit.

Delivery of this notice of your rights is required by law.

YOU HAVE THE RIGHT TO A PROMPT HEARING. If notice of a hearing date and time is not served with this notice, you have a right to request the hearing. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else your property will be released.

If the defendant is an individual, the following paragraph shall be added to the notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED if it is exempt property as described in the copies of statutes included with this notice and if you claim your exemptions in the way described in the statutes.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To Defendant:

A writ of attachment has been issued in the above-captioned case, directed to the Sheriff of County, commanding the Sheriff as follows:

"WHEREAS, . . . (Quoting body of writ of attachment)"

YOU HAVE A RIGHT TO ASK FOR A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for attachment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the attachment will be discharged.

If the defendant is an individual, the following paragraph shall be added to the published notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED if it is exempt property as described in Washington exemption statutes, including sections 6.13.010,

6.13.030, 6.13.040, 6.15.010, and 6.15.060 of the Revised Code of Washington, in the manner described in those statutes.

Sec. 16. Section 6, page 40, Laws of 1886 as last amended by section 133, chapter 202, Laws of 1987 and by section 808, chapter 442, Laws of 1987 and RCW 6.25.080 are each reenacted to read as follows:

(1) Except as provided in subsection (2) of this section, before the writ of attachment shall issue, the plaintiff, or someone in the plaintiff's behalf, shall execute and file with the clerk a surety bond or undertaking in the sum in no case less than three thousand dollars, in the superior court, nor less than five hundred dollars in the district court, and double the amount for which plaintiff demands judgment, or such other amount as the court shall fix, conditional that the plaintiff will prosecute the action without delay and will pay all costs that may be adjudged to the defendant, and all damages that the defendant may sustain by reason of the writ of attachment or of additional writs issued as permitted under RCW 6.25.120, not exceeding the amount specified in such bond or undertaking, as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out.

(2) If it is desired to attach real estate only, and such fact is stated in the affidavit for attachment, and the ground of attachment is that the defendant is a foreign corporation or is not a resident of the state, or conceals himself or herself or has absconded or is absent from his or her usual place of abode so that the ordinary process of law cannot be served upon him or her, the writ of attachment shall issue without bond or undertaking by or on behalf of the plaintiff.

(3) If the plaintiff sues on an assigned claim and the plaintiff's immediate or any other assignor thereof retains or has any interest in the claim, then the plaintiff and every assignor who retains or has any interest therein shall be jointly and severally liable for all costs that may be adjudged to the defendant and for all damages that the defendant may sustain by reason of the attachment, should the same be wrongfully, oppressively or maliciously sued out.

Sec. 17. Section 10, page 41, Laws of 1886 as amended by section 812, chapter 442, Laws of 1987 and RCW 6.25.120 are each amended to read as follows:

If issuance of a writ of attachment has been ~~((issued))~~ ordered by the court in a case, other writs of attachment may be issued in the same case from the court to different counties, and several may, at the option of the plaintiff, be issued at the same time, or in succession and subsequently, until sufficient property has been attached; but only those executed shall be taxed in the costs, unless otherwise ordered by the court, and if more property is attached in the aggregate than the plaintiff is entitled to have held, the surplus must be abandoned and the plaintiff pay all costs incurred in relation to such surplus. After the first writ has issued, it shall not be necessary for the plaintiff to file any further affidavit or bond unless the court otherwise directs, but the plaintiff shall be entitled to as many writs as may be necessary to secure the amount claimed.

Sec. 18. Section 901, chapter 442, Laws of 1987 and RCW 6.26.010 are each amended to read as follows:

Except as limited by RCW 6.27.040, relating to the state and other public entities, and RCW 6.27.330, relating to continuing liens on earnings, the plaintiff at the time of commencing an action, or at any time thereafter before judgment in an action, may obtain a prejudgment writ of garnishment from a superior or district court of this state before which the action is pending on the following grounds:

(1) If the writ is ~~((directed to other than an employer and))~~ issued for a purpose other than garnishing a defendant's earnings as defined in RCW 6.27.010, (a) on the ground that an attachment has been issued in accordance with chapter 6.25 RCW, (b) on the ground that the plaintiff sues on a debt that is due and owing and unpaid, or (c) on one or more of the grounds for issuance of attachment stated in RCW 6.25.030 or 6.25.040; or

(2) If the writ is directed to an employer for the purpose of garnishing earnings of a defendant, on the grounds that the defendant:

(a) Is not a resident of this state, or is about to move from this state; or

(b) Has concealed himself or herself, absconded, or absented himself or herself so that ordinary process of law cannot be served on him or her; or

(c) Has removed or is about to remove any of his or her property from this state, with intent to delay or defraud his or her creditors.

Sec. 19. Section 3, chapter 264, Laws of 1969 ex. sess. as amended by section 902, chapter 442, Laws of 1987 and RCW 6.26.020 are each amended to read as follows:

In all cases of garnishment before judgment, before the writ shall issue, the plaintiff shall pay the fee described in RCW 6.27.060 and shall execute and file with the clerk a bond with sufficient sureties, to be approved by the clerk of the court issuing the writ, payable to the defendant in the suit, in double the amount of the debt claimed therein, or such other amount as the court shall fix, conditioned that the plaintiff will prosecute the suit without delay and pay all damages and costs that may be adjudged against him or her for wrongfully suing out such garnishment.

Sec. 20. Section 906, chapter 442, Laws of 1987 and RCW 6.26.060 are each amended to read as follows:

(1) When application is made for a prejudgment writ of garnishment, the court shall issue the writ in substantially the form prescribed in RCW 6.27.070(—7:33-126;) and 6.27.100 directing that the garnishee withhold an amount as prescribed in RCW 6.27.090, but, except as provided in subsection (2) of this section, the court shall issue the writ only after prior notice to the defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the plaintiff's claim and that there is probable cause to believe that the alleged ground for garnishment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to the defendant and without an opportunity for a prior hearing only if:

(a) A ground alleged in the plaintiff's affidavit is: (i) A ground appearing in RCW 6.26.010(2)(c) if the writ is to be directed to an employer for the purpose of garnishing the defendant's earnings; or (ii) a ground appearing in RCW 6.25.030 (5) through (7) or in RCW 6.25.040(1) of the attachment chapter; or (iii) if garnishment is necessary to permit the court to acquire jurisdiction over the action, the ground alleged is one appearing in RCW 6.25.030 (1) through (4) or in RCW 6.26.010(2)(a) or (b); and

(b) The court finds on the basis of specific facts, after an ex parte hearing, that there is probable cause to believe the allegations of the plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to the defendant, after service of the writ on the garnishee, the defendant shall be entitled to prompt notice of the garnishment and a right to an early hearing, if requested, at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for garnishment exists.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice required under this section shall be served in the same manner as a summons in a civil action and shall be served together with (a) ~~(copies)~~ a copy of plaintiff's affidavit and a copy of the writ if already issued, and (b) a copy of the following "Notice of Right to a Hearing" in substantially the following form or, if defendant is an individual, a copy of the claim form and the "Notice of Garnishment and of Your Rights" prescribed by RCW 6.27.140, in which the following notice is substituted for the first paragraph of said Notice:

NOTICE OF RIGHT TO HEARING

~~((The))~~ A writ of garnishment ~~((served with this Notice))~~ has been or will be issued by a Washington court and has been or will be served on the garnishee defendant. It will require the garnishee defendant to withhold payment of money that may be due to you and to withhold other property of yours that the garnishee may hold or control until a lawsuit in which you are a defendant has been decided by the court. Service of this notice of your rights is required by law.

YOU HAVE A RIGHT TO A PROMPT HEARING. If notice of a hearing date and time is not served with this notice, you have the right to request the hearing. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else the garnishment will be released.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To, Defendant:

A writ of prejudgment garnishment has been issued in the above captioned case, directed to as Garnishee Defendant, commanding the Garnishee to withhold amounts due you or to withhold any of your property in the Garnishee's possession or control for application to any judgment that may be entered for plaintiff in the case.

YOU HAVE A RIGHT TO ASK FOR A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for garnishment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the garnishment will be released.

If the defendant is an individual, the following paragraph shall be added to the published notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE THE GARNISHMENT RELEASED if amounts or property withheld are exempt under federal or state statutes, for example, bank accounts in which benefits such as Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Social Security, United States pension, Unemployment Compensation, or Veterans' benefits have been deposited or certain personal property described in section 6.15.010 of the Revised Code of Washington.

NEW SECTION. Sec. 21. A new section is added to chapter 6.26 RCW to read as follows:

If issuance of a writ of garnishment or of a writ of attachment has been ordered by the court in a case, other writs of garnishment to different garnishees may be issued in the same

case under the circumstances and restrictions stated in RCW 6.25.120 for issuance of successive writs of attachment.

Sec. 22. Section 4, chapter 264, Laws of 1969 ex. sess. as last amended by section 133, chapter 202, Laws of 1987 and by section 1006, chapter 442, Laws of 1987 and RCW 6.27.060 are each reenacted to read as follows:

The judgment creditor as the plaintiff or someone in the judgment creditor's behalf shall apply for a writ of garnishment by affidavit, stating the following facts: (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the amount alleged to be due under that judgment; (3) the plaintiff has reason to believe, and does believe that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW 36.18.020, or to the clerk of the district court the fee of two dollars.

Sec. 23. Section 1008, chapter 442, Laws of 1987 and RCW 6.27.080 are each amended to read as follows:

(1) A writ of garnishment directed to a bank, ~~((banking association, mutual savings bank;))~~ savings and loan association, or credit union that maintains branch offices ~~((may))~~ shall identify either a particular branch of the financial institution or the financial institution as the garnishee defendant ~~((and))~~. The head office of a financial institution shall be considered a separate branch for purposes of this section. The statement required by ~~((RCW 6.27.110(2)))~~ subsection (2) of this section may be incorporated in the writ or served separately.

(2) Service shall be as required by RCW 6.27.110 (1) and (3) and shall be by certified mail, return receipt requested, directed to or by personal service, in the same manner as a summons in a civil action is served, on the manager, cashier, or assistant cashier of the financial institution, except that, if the financial institution, and not a branch, is named as garnishee defendant, service shall be either on the head office or on ~~((any other office))~~ the place designated by the financial institution for receipt of service of process. There shall be served with the writ, as part of the service, a statement in writing signed by the plaintiff or plaintiff's attorney, stating (a) the defendant's place of residence and business, occupation, trade, or profession, or (b) the defendant's federal tax identification number, or (c) the defendant's account number, if such information is not incorporated in the writ. If the statement is not served with the writ and such information is not included in the writ, the service shall be deemed incomplete and the garnishee shall not be held liable for funds owing to the defendant or property of the defendant in the possession of or under the control of the garnishee defendant that it fails to discover.

~~((if the))~~ (3) A writ naming the financial institution as the garnishee defendant shall be effective only to attach deposits of the defendant in the financial institution and compensation payable for personal services due the defendant from the financial institution. A writ naming a branch ~~((is named))~~ as garnishee defendant ~~((service shall be as required by RCW 6.27.110 and))~~ shall be effective only to attach the deposits, accounts, credits, or other personal property of the defendant ~~((excluding compensation payable for personal services))~~ in the possession or control of the particular branch to which the writ is directed and on which service is made.

A writ of garnishment is effective against property in the possession or control of a financial institution only if the writ of garnishment is directed to and names a branch as garnishee defendant.

Sec. 24. Section 9, chapter 264, Laws of 1969 ex. sess. as amended by section 1009, chapter 442, Laws of 1987 and RCW 6.27.090 are each amend to read as follows:

(1) The writ of garnishment shall set forth in the first paragraph the amount that garnishee is required to hold, which shall be an amount determined as follows: ~~((+))~~ (a) (i) If after judgment, the amount of the judgment remaining unsatisfied ~~((or if before judgment, the amount prayed for in the complaint; (2)))~~ plus interest to the date of garnishment, as provided in RCW 4.56.110 ~~((; (3) plus whichever shall be greater of (a) fifty dollars, (b) statutory costs, or (c) ten percent of (i) the amount of the judgment remaining unsatisfied or (ii) the amount prayed for in the complaint)), plus taxable costs and attorney's fees, or (ii) if before judgment, the amount prayed for in the complaint plus estimated taxable costs of suit and attorneys' fees, together with, (b) whether before or after judgment, estimated costs of garnishment as provided in subsection (2) of this section. The court may, by order, set a higher amount to be held upon a showing of good cause by plaintiff.~~

(2) Costs recoverable in garnishment proceedings, to be estimated for purposes of subsection (1) of this section, include filing fee, service and affidavit fees, postage and costs of certified mail, answer fee or fees, and a garnishment attorney fee in the amount of the greater of fifty dollars or ten percent of (a) the amount of the judgment remaining unsatisfied or (b) the amount prayed for in the complaint.

Sec. 25. Section 11, chapter 264, Laws of 1969 ex. sess. as last amended by section 1010, chapter 442, Laws of 1987 and RCW 6.27.100 are each amended to read as follows:

The writ shall be substantially in the following form: PROVIDED, That if the writ is issued under a court order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or court order for child support": AND PROVIDED FURTHER, That if the garnishment is for a continuing lien, the form shall be modified as provided in RCW 6.27.340: AND PROVIDED FURTHER, That if the writ is not directed to an employer for the purpose of garnishing a defendant's earnings, the paragraph relating to the earnings exemption may be omitted:

"IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

Plaintiff, vs. Defendant
Garnishee Defendant
THE STATE OF WASHINGTON TO: Garnishee Defendant

AND TO: Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$ consisting of:

Table with 2 columns: Description of debt and Amount. Includes items like Balance on Judgment or Amount of Claim, Interest under Judgment from, Taxable Costs and Attorneys' Fees, Estimated Garnishment Costs (Filing Fee, Service and Affidavit Fees, Postage and Costs of Certified Mail, Attorney's Fee, Answer Fee or Fees, Garnishment Attorney Fee).

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court or by this writ, not to pay any debt, whether ((wages)) earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served.

YOU ARE FURTHER COMMANDED to answer this writ by filling in the attached form according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, in the envelopes provided.

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, or other compensation for personal services or any periodic payments pursuant to a pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or ((for each week of compensation or other periodic payment due)) a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that "This garnishment is based on a judgment or court order for child support," the basic exempt amount is forty percent of disposable earnings.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and release all additional funds or property to defendant.

YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTERESTS AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT.

Witness, the Honorable Judge of the Superior Court, and the seal thereof, this day of 19.

(Seal)

.....
 Attorney for
 Plaintiff (or
 Plaintiff,
 if no attorney)

.....
 Clerk of
 Superior
 Court

.....
 Address

.....
 By
 Address

Sec. 26. Section 13, chapter 264, Laws of 1969 ex. sess. as last amended by section 1011, chapter 442, Laws of 1987 and RCW 6.27.110 are each amended to read as follows:

(1) Service of the writ of garnishment on the garnishee is invalid unless the writ is served together with: (a) Four answer forms as prescribed in RCW 6.27.190; (b) three stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if the plaintiff has no attorney), and the defendant; and (c) cash or a check made payable to the garnishee in the amount of ten dollars.

(2) Except as provided in RCW 6.27.080 for service on a bank, savings and loan association, or credit union, the writ of garnishment shall be mailed to the garnishee by certified mail, return receipt requested, addressed in the same manner as a summons in a civil action, and will be binding upon the garnishee on the day set forth on the return receipt. In the alternative, the writ shall be served by the sheriff of the county in which the garnishee lives or has its place of business or by any person qualified to serve process in the same manner as a summons in a civil action is served (~~PROVIDED, HOWEVER, That a writ directed to a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, as garnishee, shall be served by mail directed to, or by service on, the manager or other officer or cashier or assistant cashier of such bank or association at its office or branch that allegedly carries an account for defendant or allegedly holds or controls property belonging to the defendant and, in addition, there shall be served with the writ, as part of the service, a statement in writing signed by the plaintiff or plaintiff's attorney, stating (a) the defendant's place of residence and business, occupation, trade, or profession, or (b) the defendant's account number, if such information is not incorporated in the writ. If the statement is not served with the writ and such information is not included in the writ, the service shall be deemed incomplete and the garnishee shall not be held liable for funds owing to the defendant that it fails to discover~~).

(3) If a writ of garnishment is served by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the writ was accompanied by answer forms, addressed envelopes, and cash or a check as required by this section, and noting thereon fees for making the service. If service is made by any person other than a sheriff, such person shall file (~~a signed return~~) an affidavit including the same information and (~~shall also attach to the return an affidavit~~) showing qualifications to make such service. If a writ of garnishment is served by mail, the person making the mailing shall file (~~a signed return~~) an affidavit showing the time, place, and manner of mailing and that the writ was accompanied by answer forms, addressed envelopes, and cash or a check as required by this section and shall attach (~~to the return a copy of~~) the return receipt to the affidavit.

Sec. 27. Section 32, chapter 264, Laws of 1969 ex. sess. as amended by section 1013, chapter 442, Laws of 1987 and RCW 6.27.130 are each amended to read as follows:

(1) When a writ is issued under a judgment, on or before the date of service of the writ on the garnishee, the judgment creditor shall mail or cause to be mailed to the judgment debtor, by certified mail, addressed to the last known post office address of the judgment debtor, (a) a copy of the writ and a copy of the judgment or, if it is a district court judgment, a copy of the judgment creditor's affidavit submitted in application for the writ, and (b) if the judgment debtor is an individual, the notice and claim form prescribed in RCW 6.27.140. In the alternative, on or before the day of the service of the writ on the garnishee or within two days thereafter, the stated documents shall be served on the judgment debtor in the same manner as is required for personal service of summons upon a party to an action.

(2) The requirements of this section shall not be jurisdictional, but (a) no disbursement order or judgment against the garnishee defendant shall be entered unless there is on file the return or affidavit of service or mailing required by subsection (3) of this section, and (b) if the copies of the writ and judgment or affidavit, and the notice and claim form if the defendant is an individual, are not mailed or served as herein provided, or if any irregularity appears with respect to the mailing or service, the court, in its discretion, on motion of the judgment debtor promptly made and supported by affidavit showing that the judgment debtor has suffered substantial injury from the plaintiff's failure to mail or otherwise to serve such copies, may set aside the garnishment and award to the judgment debtor an amount equal to the damages suffered because of such failure.

(3) If the service on the judgment debtor is made by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of

service and that the copy of the writ was accompanied by a copy of a judgment or affidavit, and by a notice and claim form if required by this section, and shall note thereon fees for making such service. If service is made by any person other than a sheriff, such person shall file ~~((a signed return))~~ an affidavit including the same information and ~~((shall also attach to the return an affidavit))~~ showing qualifications to make such service. If service on the judgment debtor is made by mail, the person making the mailing shall file ~~((a signed return))~~ an affidavit including the same information as required for return on service and, in addition, showing the address of the mailing and attaching the return receipt or the mailing should it be returned to the sender as undeliverable.

Sec. 28. Section 1016, chapter 442, Laws of 1987 and RCW 6.27.160 are each amended to read as follows:

(1) A defendant may claim exemptions from garnishment in the manner specified by the statute that creates the exemption or by delivering to or mailing by first class mail to the clerk of the court out of which the writ was issued a declaration in substantially the following form or in the form set forth in RCW 6.27.140 and mailing a copy of the form by first class mail to the plaintiff or plaintiff's attorney at the address shown on the writ of garnishment, all not later than twenty-eight days after the date stated on the writ except that the time shall be extended to allow a declaration mailed or delivered to the clerk within twenty-one days after service of the writ on the garnishee if service on the garnishee is delayed more than seven days after the date of the writ.

(NAME OF COURT)

No.

.....
Plaintiff

.....
Defendant

CLAIM OF EXEMPTION

.....
Garnishee

I/We claim the following described property or money as exempt from execution:

.....
I/We believe the property is exempt because:

.....
Print name

.....
Print name of spouse,
if married

.....
Signature

.....
Signature

.....
Address

.....
Address

.....
Telephone number

.....
Telephone number

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be delivered or mailed to the defendant by first class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together with notice of date, time, and place of a hearing on the objection, which hearing the plaintiff must cause to be noted for a hearing date not later than fourteen days after the receipt of the claim. After a hearing on an objection to an exemption claim, the court shall award costs to the prevailing party and may also award an attorney's fee to the prevailing party if the court concludes that the exemption claim or the objection to the claim was not made in good faith.

(3) If the plaintiff elects not to object to the claim of exemption, the plaintiff shall, not later than ten days after receipt of the claim, obtain from the court and deliver to the garnishee an order directing the garnishee to release such part of the debt, property, or effects as is covered by the exemption claim. If the plaintiff fails to obtain and deliver the order as required or otherwise to effect release of the exempt funds or property, the defendant shall be entitled to recover fifty dollars from the plaintiff, in addition to actual damages suffered by the defendant from the failure to release the exempt property.

Sec. 29. Section 17, chapter 264, Laws of 1969 ex. sess. as amended by section 1018, chapter 442, Laws of 1987 and RCW 6.27.180 are each amended to read as follows:

If the defendant in the principal action causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the writ of garnishment(~~((or after the return of said writ))~~) or by the clerk of the court out of which the writ was issued, conditioned

that the defendant will perform the judgment of the court, the writ of garnishment shall, upon the filing of said bond with the clerk, be immediately discharged, and all proceedings under the writ shall be vacated: PROVIDED, That the garnishee shall not be thereby deprived from recovering any costs in said proceeding, to which the garnishee would otherwise be entitled under this chapter. The bond shall be part of the record and, if judgment is against the defendant, it shall be entered against defendant and the sureties.

Sec. 30. Section 15, chapter 264, Laws of 1969 ex. sess. as amended by section 1019, chapter 442, Laws of 1987 and RCW 6.27.190 are each amended to read as follows:

The answer of the garnishee shall be signed by the garnishee or attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the court that issued the writ, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant. The answer shall be made on a form substantially as appears in this section, served on the garnishee with the writ, with ~~((exempt))~~ minimum exemption amounts for ~~((relevant))~~ the different pay periods filled in by the plaintiff before service of the answer forms~~((: except))~~; PROVIDED, That, if the garnishment is for a continuing lien, the answer forms shall be as prescribed in RCW 6.27.340 and 6.27.350; AND PROVIDED FURTHER, That if the writ is not directed to an employer for the purpose of garnishing the defendant's wages, paragraphs relating to the earnings exemptions may be omitted.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

NO.

Plaintiff
vs.

ANSWER
TO WRIT OF
GARNISHMENT

Defendant

Garnishee Defendant

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$..... (On the reverse side of this answer form, or on an attached page, give an explanation of the dollar amount stated, or give reasons why there is uncertainty about your answer.)

If the above amount or any part of it is for personal earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a pension or retirement program); Garnishee has deducted from this amount \$..... which is the exemption to which the defendant is entitled, leaving \$..... that garnishee holds under the writ. The exempt amount is calculated as follows:

Total compensation due defendant \$.....
LESS deductions for social security and withholding taxes and any other deduction required by law ((\$.....))
(list separately and identify) \$.....
Disposable ((wages)) earnings \$.....

If the title of this writ indicates that this is a garnishment under a child support judgment, enter forty percent of disposable ((wages)) earnings: \$..... This amount is exempt and must be paid to the defendant at the regular pay time.

If this is not a garnishment for child support, enter seventy-five percent of disposable ((wages)) earnings: \$..... From the listing in the following paragraph, choose the amount for the relevant pay period and enter that amount: \$..... (If amounts for more than one pay period are due, multiply the preceding amount by the number of pay periods and/or fraction of pay period for which amounts are due and enter that amount: \$.....) The greater of the amounts entered in this paragraph is the exempt amount and must be paid to the defendant at the regular pay time.

Minimum exempt amounts for different pay periods: Weekly \$.....; Biweekly \$.....; Semimonthly \$.....; Monthly \$.....

List all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served. (Use the reverse side of this answer form or attach a schedule if necessary.)

An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

.....
Signature of
Garnishee Defendant

.....
Date

.....
Signature of person
answering for
garnishee

.....
Connection with
garnishee

.....
Address of Garnishee

Sec. 31. Section 19, chapter 264, Laws of 1969 ex. sess. as last amended by section 1020, chapter 442, Laws of 1987 and RCW 6.27.200 are each amended to read as follows:

If the garnishee fails to answer the writ within the time prescribed in the writ, after the time to answer the writ has expired and after required returns or affidavits have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, in accordance with rules relating to entry of default judgments, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the garnishee at any time (~~prior to issuance of a writ of execution~~) within seven days following service on, or mailing to, the garnishee defendant of a copy of a writ of execution or a writ of garnishment under such judgment, the judgment against the garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the nonexempt earnings subject to the lien provided for in RCW 6.27.350, or the sum of one hundred dollars, whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant plus all accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer.

Sec. 32. Section 20, chapter 264, Laws of 1969 ex. sess. as amended by section 1025, chapter 442, Laws of 1987 and RCW 6.27.250 are each amended to read as follows:

(1) If it appears from the answer of the garnishee or if it is otherwise made to appear that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment was served, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount exceeds the amount of the plaintiff's claim or judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, in which case it shall be for the amount of such claim or judgment, with said interest, costs, and fees.

(2) If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the hearing or trial on controversy or by stipulation of the parties that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in the order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee pays the sum at the time specified in the order, the payment shall operate as a discharge, otherwise judgment shall be entered against the garnishee for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in the same manner as other judgments entered against garnishees as provided in this chapter: PROVIDED, That if judgment is rendered in favor of the principal defendant, or if any judgment rendered against the principal defendant is satisfied prior to the date of payment specified in an order of payment entered under this subsection, the garnishee shall not be required to make the payment, nor shall any judgment in such case be entered against the garnishee.

Sec. 33. Section 22, chapter 264, Laws of 1969 ex. sess. as amended by section 1027, chapter 442, Laws of 1987 and RCW 6.27.270 are each amended to read as follows:

If it appears from the garnishee's answer or otherwise that the garnishee had possession or control, when the writ was served, of any personal property or effects of the defendant liable to execution, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render a decree requiring the garnishee to deliver up to the sheriff on demand, and after making arrangements with the sheriff as to time and place of delivery, such personal property or effects or so much of them as may be necessary to satisfy the plaintiff's claim. If a judgment has been rendered in favor of the plaintiff against the defendant, such

personal property or effects may be sold in the same manner as any other property is sold upon an execution issued on said judgment. If judgment has not been rendered in the principal action, the sheriff shall retain possession of the personal property or effects until the rendition of judgment therein, and, if judgment is thereafter rendered in favor of the plaintiff, said personal property or effects, or sufficient of them to satisfy such judgment, may be sold in the same manner as other property is sold on execution, by virtue of an execution issued on the judgment in the principal action. If judgment is rendered in the action against the plaintiff and in favor of the defendant, such effects and personal property shall be returned to the defendant by the sheriff: PROVIDED, HOWEVER, That if such effects or personal property are of a perishable nature, or the interests of the parties will be subserved by making a sale thereof before judgment, the court may order a sale thereof by the sheriff in the same manner as sales upon execution are made, and the proceeds of such sale shall be paid to the clerk of the court that issued the writ, and the same disposition shall be made of the proceeds at the termination of the action as would have been made of the personal property or effects under the provisions of this section in case the sale had not been made.

Sec. 34. Section 6, chapter 61, Laws of 1970 ex. sess. as amended by section 1033, chapter 442, Laws of 1987 and RCW 6.27.340 are each amended to read as follows:

(1) Service of a writ for a continuing lien shall comply fully with RCW 6.27.110.

(2) The caption of the writ shall be marked "CONTINUING LIEN ON EARNINGS" and the following additional paragraph shall be included in the writ form prescribed in RCW 6.27.100:

"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT."

(3) The answer forms served on an employer with the writ shall include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS," and the following paragraph shall be added as the first paragraph of the answer form prescribed in RCW 6.27.190:

"If you are withholding the defendant's nonexempt (~~wages~~) earnings under a previously served writ for a continuing lien, answer only this portion of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on that will terminate not later than, 19...

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer the following portion of this form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings."

(4) In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien.

Sec. 35. Section 7, chapter 61, Laws of 1970 ex. sess. as amended by section 1034, chapter 442, Laws of 1987 and RCW 6.27.350 are each amended to read as follows:

(1) Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment shall become a lien on earnings due at the time of the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of the employer's payroll period ending on or before sixty days after the effective date of the writ, whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The "effective date" of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee cash or a check made payable to the garnishee in the amount of ten dollars, three additional stamped envelopes addressed as provided in RCW 6.27.110, and four additional copies of the answer form (~~conspicuously marked at the top~~) prescribed in RCW 6.27.190, (a) with a statement in substantially the following form added as the first paragraph: "ANSWER THE

SECOND PART OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF ((WAGES)) EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT((:))" and (b) with the following lines substituted for the first sentence of the form prescribed in RCW 6.27.190:

Amount due and owing stated in first answer \$.....
 Amount accrued since first answer \$.....

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, in the form as provided in subsection (2) of this section, stating the total amount held subject to the garnishment.

Sec. 36. Section 1, chapter 53, Laws of 1899 and RCW 61.12.090 are each amended to read as follows:

A decree of foreclosure of mortgage or other lien may be enforced by execution as an ordinary judgment or decree for the payment of money. The execution shall contain a description of the property described in the decree. The sheriff shall endorse upon the execution the time when he receives it, and he shall thereupon forthwith proceed to sell such property, or so much thereof as may be necessary to satisfy the judgment, interest and costs upon giving the notice prescribed in RCW ((6.21.029)) 6.21.030.

NEW SECTION. Sec. 37. The following acts or parts of acts are each repealed:

(1) Section 1, page 377, Laws of 1854, section 1, page 328, Laws of 1860, section 331, page 84, Laws of 1869, section 339, page 70, Laws of 1877, section 335, Code of 1881, section 27, chapter 81, Laws of 1971 and RCW 6.08.010;

(2) Section 2, page 378, Laws of 1854, section 332, page 85, Laws of 1869, section 340, page 71, Laws of 1877, section 336, Code of 1881 and RCW 6.08.020;

(3) Section 4, page 378, Laws of 1854, section 334, page 85, Laws of 1869, section 342, page 71, Laws of 1877, section 338, Code of 1881, section 4, chapter 8, Laws of 1957 and RCW 6.08.030;

(4) Section 5, page 378, Laws of 1854, section 335, page 85, Laws of 1869, section 343, page 71, Laws of 1877, section 339, Code of 1881 and RCW 6.08.040;

(5) Section 6, page 378, Laws of 1854, section 336, page 85, Laws of 1869, section 334, page 71, Laws of 1877, section 340, Code of 1881 and RCW 6.08.050;

(6) Section 3, page 378, Laws of 1854, section 33, page 85, Laws of 1869, section 341, page 71, Laws of 1877, section 337, Code of 1881, section 6, chapter 9, Laws of 1957 and RCW 6.08.060. and

(7) Section 821, chapter 442, Laws of 1987 and RCW 6.25.210.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

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

On page 1, line 1 of the title, after "judgments;" strike the remainder of the title and insert "amending RCW 6.13.080, 6.13.090, 6.15.010, 6.15.060, 6.17.100, 6.17.110, 6.17.130, 6.17.140, 6.17.160, 6.17.190, 6.21.020, 6.25.070, 6.25.120, 6.26.010, 6.26.020, 6.26.060, 6.27.080, 6.27.090, 6.27.100, 6.27.110, 6.27.130, 6.27.160, 6.27.180, 6.27.190, 6.27.200, 6.27.250, 6.27.270, 6.27.340, 6.27.350, and 6.12.090; reenacting and amending RCW 6.15.020; reenacting RCW 6.25.080 and 6.27.060; adding new sections to chapter 6.01 RCW; adding a new section to chapter 6.26 RCW; repealing RCW 6.08.010, 6.08.020, 6.08.030, 6.08.040, 6.08.050, 6.08.060, and 6.25.210; and declaring an emergency."

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1368, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1368, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1368, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smith,

Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1368, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1284, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives J. King, Fisher, Crane, Meyers, Pruitt, Todd, Leonard, Belcher, Winsley, Hine, Nelson, Unsoeld and Bristow)

Revising provisions governing campaign financing.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

No member of the state senate or state house of representatives may accept campaign contributions during a legislative session. This prohibition does not apply to (1) extraordinary legislative sessions held after the close of the filing period for legislative office and before the general election, (2) caucuses of major political parties of the state senate or state house of representatives, or (3) a legislator whose recall is demanded.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

(1) At the time of filing for office, candidates for governor, state executive office other than the office of governor, state senate, or state house of representatives shall file with the secretary of state, on a form provided by the secretary of state, a statement of willingness or unwillingness to enter into an agreement to adhere to the campaign expenditure limitations set forth in subsection (2) of this section. The secretary of state shall certify whether or not all candidates for a single office have indicated a willingness to enter into the expenditure limitation agreement. If all candidates for a single office have indicated a willingness to enter into the agreement, each of those candidates shall sign and file with the secretary of state such an agreement within ten days of the secretary's certification. Candidates so agreeing shall also agree (a) to accept no campaign contributions that, in the aggregate, exceed the applicable expenditure limits and (b) to spend no more than thirty percent of the agreed-upon expenditure limit in the twenty-one day period before the general election.

(2) Candidates entering into campaign expenditure limitation agreements pursuant to subsection (1) of this section shall agree to adhere to the following campaign expenditure limitations: (a) Two million dollars for the office of governor, (b) six hundred thousand dollars for state-wide offices other than governor, (c) eighty thousand dollars for the state senate, and (d) fifty thousand dollars for the state house of representatives or twenty-five thousand dollars if the representative district consists of half of a senate district.

(3) Using information contained in candidates' reports made under RCW 42.17.080 and 42.17.090, the commission shall monitor candidates' compliance with the terms of campaign expenditure limitation agreements filed pursuant to subsection (1) of this section. The commission shall immediately notify the secretary of state of a candidate's noncompliance. Within twenty-four hours of receiving a notice of noncompliance, the secretary of state shall notify opposing candidates of the noncompliance and shall publish notice of the noncompliance in a newspaper of general circulation in the counties where each of the candidates for the relevant office resides. The published notice shall be reasonably calculated to inform voters of the candidate's noncompliance. Notice of the noncompliance shall also be posted in a conspicuous place at each polling place where the noncomplying candidate's name appears on the ballot.

Sec. 3. Section 5, chapter 59, Laws of 1969 as last amended by section 1, chapter 271, Laws of 1985 and RCW 41.04.230 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Voluntary deductions for political committees duly registered with the public disclosure commission and/or the federal election commission (~~PROVIDED, That~~) if twenty-five or more officers or employees of a single agency or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same political committee. A state employee must, on an annual basis, affirmatively approve voluntary payroll deductions for political committees. Political committees receiving payroll deductions must provide each contributor with an annual report indicating the candidates and the party affiliations of the candidates to whom the political committee has made contributions in the preceding year. The annual report must also indicate the percentage of contributions spent on the political committee's administrative expenses during the preceding year.

(8) Insurance contributions to the trustee of contracts for payment of premiums under contracts authorized by the state employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state employees' insurance board.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

Sec. 4, Section 25, chapter 1, Laws of 1961 as amended by section 1, chapter 136, Laws of 1974 ex. sess. and RCW 41.06.250 are each amended to read as follows:

(1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited (~~PROVIDED, HOWEVER, That~~). However, officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations if they notify the employee of the political purposes of the solicitation, as well as of the employee's right to refuse to contribute without retribution. Otherwise, no person (shall) may solicit on state property or property of a political subdivision of this state any contribution to be used for partisan, political purposes.

(2) Employees of the state or any political subdivision thereof (~~shall~~) have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section (~~shall~~) prohibits an employee of the state or any political subdivision thereof from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) A classified civil service employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment.

(4) For persons employed in state agencies or agencies of any political subdivision of the state the operation of which is financed in total or primarily by federal grant-in-aid funds, political activity (~~will be~~) is regulated by the rules and regulations of the United States civil service commission.

(5) The provisions of this section (~~shall~~) supersede all statutes, charter provisions, ordinances, resolutions, regulations, and requirements promulgated by the state or any subdivision thereof, including any provision of any county charter, insofar as they may be in conflict with the provisions of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 49.52 RCW to read as follows:

An employer may, upon written request of an employee, deduct from the salaries or wages of the employee, an amount for contributions to political committees or to a separate segregated fund administered by the employee's union for political activities. The employee must affirmatively approve the deductions on at least an annual basis. No officer or member of the union or political committee may solicit contributions for the political committee or the union's political fund at the employer's place of business. A person soliciting any employee on behalf of the political committee or union must inform the employee of the political purposes of the solicitation and of the employee's right to refuse to contribute without reprisal. In order to accept payroll deduction contributions, the political committee or the union must provide each contributor with a report indicating the candidates and party affiliations of the candidates to whom the political committee or union has made contributions during the preceding year. The report must also indicate what percentage of contributions have been spent on administrative expenses incurred by the political committee or union during the preceding year. Any person who violates this section is guilty of a gross misdemeanor, and shall also return to the contributor any amount contributed or received in violation of this section.

Sec. 6, Section 2, chapter 1, Laws of 1973 as last amended by section 5, chapter 34, Laws of 1984 and RCW 42.17.020 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of (~~"part-time"~~) personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of twenty-five dollars personally paid for by the worker. (~~"Part-time"~~) Volunteer services, for the purposes of this chapter, means services ((in addition to regular full-time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends)) or labor for which the individual is not compensated by any person and performed outside of the person's normal employment hours, if any. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables

furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported, or payment of service charges against a political committee's campaign account.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(17) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(18) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(19) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(20) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(21) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(22) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(23) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(24) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(25) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(27) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(28) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters,

words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 7. Section 1, chapter 176, Laws of 1983 as last amended by section 2, chapter 228, Laws of 1986 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution or expenditure which:

- (a) Exceeds five hundred dollars;
- (b) If a contribution, is from a single person or entity;
- (c) Is received or made before a primary or general election; and
- (d) Is received or made: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received or the expenditure is made by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

- (5) The special report shall include at least:
 - (a) The amount of the contribution or expenditure;
 - (b) The date of receipt or expenditure;
 - (c) If a contribution, the name and address of the donor;
 - (d) The name and address of the recipient; and
 - (e) Any other information the commission may by rule require.

(6) Contributions and expenditures reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding ~~((fifty))~~ thirty thousand dollars for any campaign for state-wide office or exceeding ~~((five))~~ three thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major political party as defined in RCW 29.01.090."

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, did I read this amendment right? You're going to limit the Governor to two million?"

Senator Pullen: "Let's see, what page and line?"

Senator Rasmussen: "He spent three and a half million last time. You certainly wouldn't want to put some of these consultants out on poverty street. But, I guess--"

Senator Pullen: "Senator Rasmussen, it's fair for me to indicate to you, I think, that I've long been an advocate of not restricting freedom and I have felt that some of these bills that in the name of campaign reform, actually restrict freedom and are not necessarily good steps forward. I believe that disclosure is very appropriate and lets the people decide what's right and what's wrong and so I'm not exactly the best friend of either the House version or the Senate version of this bill. You may want to address your question to a more partisan member of this body who might be willing to respond in a little more partisan way than I would."

Senator Rasmussen: "I think I understand you, but does this also prohibit champagne breakfasts at the country club and crab feeds out at the ranch during the session?"

Senator Pullen: "If you could identify the page and line of the--"

Senator Rasmussen: "I'm looking at the one that says that nobody can accept campaign funds during the session."

Senator Pullen: "O.K., that would be in Section 1. The language in Section 1 says that, 'No member of the State Senate or State House of Representatives may accept campaign contributions during a legislative session. This prohibition does not apply to (1) extraordinary legislative sessions, held after the close of the filing period for legislative office and before the general election, (2) caucuses of major political parties of the State Senate or State House of Representatives, or (3) a legislator whose recall is demanded.'"

Senator Rasmussen: "Then, we would spend our time here doing work rather than out collecting funds? It has merit. Thank you, Senator Pullen."

Senator Pullen: "You're very welcome. I always appreciate your questions. They are always very incisive and very—"

Senator Rasmussen: "One last question. We're not going to put any of the public—the taxpayer's dollars into this?"

Senator Pullen: "Not in the amendment that is before us."

Senator Rasmussen: "The amendment takes the taxpayer's dollar out of the campaign?"

Senator Pullen: "That was one of the intents of the Senate committee amendment."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment to Engrossed Second Substitute House Bill No. 1284.

The motion by Senator Pullen carried and the committee amendment was adopted.

MOTION

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

On line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 41.04.230, 41.06.250, 42.17.020, and 42.17.105; adding new sections to chapter 42.17 RCW; adding a new section to chapter 49.52 RCW; and prescribing penalties."

On motion of Senator Pullen, the rules were suspended, Engrossed Second Substitute House Bill No. 1284, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1284, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1284, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalif, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Benitz, Hansen, Pullen, Rasmussen, Williams - 6.

Absent: Senators Decchio, Vogt - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1284, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1515, by Representatives H. Sommers, B. Williams, Silver, Holland, Brekke, Fuhrman, J. Williams and May (by request of Legislative Budget Committee)

Modifying the termination dates of various state agencies.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 2, after line 20, strike all of the material down to and including the period on line 28

Renumber the remaining parts and sections accordingly.

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 7, after line 18, strike all material down to and including the period on line 23

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Pullen be adopted:

On page 1, after line 6, insert the following:

"PART I

RISK MANAGEMENT LIABILITY ACCOUNT

NEW SECTION. Sec. 101. In recent years the state of Washington has experienced significant increases in liability claims and costs. The legislature finds that there have not been adequate funding mechanisms available for the state to manage these claims and losses. Therefore, it is beneficial for the state to establish an actuarially sound funding source that can provide funds for the payment of these claims and losses.

The legislature also finds that it can reduce the amount and severity of the claims and losses by restructuring its risk management program to provide for the handling of claims by a central office and by implementing a prudent safety and loss control program to reduce tort claim losses.

Sec. 102. Section 6, chapter 217, Laws of 1985 and RCW 4.92.005 are each amended to read as follows:

For the purposes of ~~((RCW 4.92.060, 4.92.070, 4.92.130, 4.92.140, and 4.92.150))~~ this chapter, volunteer is defined in RCW 51.12.035.

Sec. 103. Section 4, chapter 159, Laws of 1963 as last amended by section 8, chapter 126, Laws of 1986 and RCW 4.92.110 are each amended to read as follows:

No action shall be commenced against the state for damages arising out of tortious conduct until ~~((α))~~ six months have elapsed after the claim ((has first been)) is presented to and filed with the risk management office. The ((requirements of this section shall not affect the)) applicable period of limitations within which an action must be commenced ((-but such period shall begin and shall continue to run as if no claim were required)) shall be tolled during the six-month period.

Sec. 104. Section 7, chapter 159, Laws of 1963 as last amended by section 3, chapter 217, Laws of 1985 and RCW 4.92.130 are each amended to read as follows:

~~(1) A ((tort claims revolving)) liability account in the risk management fund in the custody of the treasurer is hereby created to be used solely and exclusively for the ((payment of claims against the state arising out of tortious conduct and against its officers, employees, and volunteers for whom the defense of the claim was authorized under RCW 4.92.070. No money shall be paid from the tort claims revolving fund unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:~~

~~(1) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or~~

~~(2) The claim has been approved for payment in accordance with RCW 4.92.140 as herein or hereafter amended)) payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 or for the tortious conduct of its officers, employees, and volunteers.~~

~~(2) Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.~~

~~(3) Reserves shall be established for recognizing financial liabilities and monitoring effectiveness. The valuation of specific claims against the state shall be privileged and confidential.~~

NEW SECTION. Sec. 105. A new section is added to chapter 4.92 RCW to read as follows:

(1) A liability management and insurance account in the risk management fund is hereby created to be appropriated exclusively for the:

(a) Payment for the costs relating to the administration of the risk management program and all other investigative, settlement, administrative, and legal costs relating to liability settlements and judgments against the state; and

(b) Purchase of liability insurance, including catastrophic insurance, subject to conditions and limitations determined by the risk manager and the risk management advisory committee.

(2) Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.

NEW SECTION. Sec. 106. A new section is added to chapter 4.92 RCW to read as follows:

(1) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles. Premiums shall be assessed to state agencies on an annual basis consistent with their loss history and liability exposure and shall be for liability coverage in excess of budgeted retention levels.

(2) Premium levels shall be determined by the risk manager, with the advice of the risk management advisory committee. An actuarial study shall be developed by or for the risk manager to assist in determining the appropriate level of funding for the account.

(3) Disbursements from the liability account shall be made by the risk manager, upon written request to the state treasurer. No appropriation is required for disbursements from the account.

(4) The director of financial management may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

NEW SECTION. Sec. 107. A new section is added to chapter 4.92 RCW to read as follows:

(1) All liability claims arising out of tortious conduct or under or pursuant to 42 U.S.C. Sec. 1981 for which the state of Washington or any of its officers, employees, or volunteers would be liable shall be filed with the risk manager.

(2) The risk manager shall complete the initial investigation of a claim to determine its value. If the claim is ten thousand dollars or less, the risk manager shall negotiate, compromise, and settle the claim on behalf of and with the assistance of the state agency, and conduct any activities related to property loss, vehicle claims, salvage and subrogation. Upon request, the attorney general's office shall provide necessary legal assistance.

(3) If a claim is in excess of ten thousand dollars, the risk manager shall forward the claim to the attorney general's office, together with all supporting investigative reports and recommendations for handling the claims. The risk manager shall establish procedures to monitor claims sent to the attorney general's office. The attorney general's office, with the approval of the risk manager, may compromise, negotiate, or settle the claim on behalf of the state agency, and conduct any related activities to the claim.

(4) The risk manager shall establish procedures for handling and settling claims, which shall include the use of claims adjusters.

(5) The costs of negotiating, compromising, and settling claims shall be considered a part of the administrative cost of the liability account and shall be reflected in the premiums paid by state agencies.

(6) The risk manager may delegate or contract for the administration and settlement of claims.

(7) A centralized claims tracking system shall be established to provide agencies with accurate and timely feedback on the status of liability claims.

Sec. 108. Section 10, chapter 159, Laws of 1963 as last amended by section 9, chapter 126, Laws of 1986 and RCW 4.92.160 are each amended to read as follows:

Payment of ~~((claims and judgments))~~ liability settlements arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the risk management office, and that office shall authorize and direct the payment of moneys only from the ~~((tort claims revolving))~~ liability account in the risk management fund ~~((whenever))~~:

~~((1))~~ ~~The head or governing body of any agency or department of state or the designee of any such agency certifies to the risk management office that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or~~

~~((2))~~ ~~Payment for judgments may be made when the clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.~~

NEW SECTION. Sec. 109. A new section is added to chapter 4.92 RCW to read as follows:

(1) The risk manager shall establish a coordinated safety and loss control program to reduce liability exposure, safeguard state assets, and reduce costs associated with state liability claims.

(2) State agencies shall place a priority emphasis on preventive safety measures and provide education and training in safety and loss control programs.

(3) The risk manager shall systematically identify state-wide risk exposure and assist state agencies in establishing appropriate management controls to eliminate, reduce, assume, or transfer the risk.

(4) The risk manager shall develop and maintain centralized loss history information for the purpose of identifying and managing risk exposure. Loss history information shall be privileged.

(5) The risk manager shall provide direct assistance to smaller state agencies in technical aspects of proper safety and loss control procedures.

(6) The risk manager shall conduct periodic audits of state agencies as appropriate to ensure compliance with safety policies and procedures.

NEW SECTION. Sec. 110. A new section is added to chapter 4.92 RCW to read as follows:

The risk management office may authorize agencies to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state, whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold the officer or employee harmless from any expenses connected with the defense, settlement, or monetary judgment from such actions.

NEW SECTION. Sec. 111. A new section is added to chapter 4.92 RCW to read as follows:

On or before December 31 of each year, the risk manager shall submit a report to the legislature on the financial status of the liability account in the risk management fund.

The report shall include information on all payments made therefrom and all premium assessments and other reimbursements made thereto, the identity of agencies and departments of state government whose operations and activities give rise to liability, and the amount of the outstanding liabilities of the account and an estimate of future payments.

NEW SECTION. Sec. 112. A new section is added to chapter 4.92 RCW to read as follows:

(1) The director of general administration shall establish a risk management advisory committee. The committee shall include representatives from the following agencies: Department of transportation, department of social and health services, office of financial management, department of labor and industries, office of the attorney general, and insurance commissioner's office and one representative of the state's institutions of higher education. The appointee from the department of general administration shall serve as chairman. The committee shall meet upon call of the chairman and shall adopt rules for the conduct of its business.

(2) The risk management advisory committee shall advise and give assistance to the director of general administration and the risk manager regarding the implementation of the risk management program, including:

(a) Establishing premium and allocation formulas to administer the risk management liability and property accounts in the risk management fund;

(b) Determining appropriate programs and coverages for self-insurance versus insurance; and

(c) Developing premium and allocation formulas to fund insurance which covers multiple agencies.

Sec. 113. Section 1, chapter 144, Laws of 1975 1st ex. sess. and RCW 10.01.150 are each amended to read as follows:

Whenever a state officer or employee is charged with a criminal offense arising out of the performance of an official act which was fully in conformity with established written rules, policies, and guidelines of the state or state agency, the employing agency may request the attorney general to defend the officer or employee. If the agency finds, and the attorney general concurs, that the officer's or employee's conduct was fully in accordance with established written rules, policies, and guidelines of the state or a state agency and the act performed was within the scope of employment, then the request shall be granted and the costs of defense shall be paid by the requesting agency: PROVIDED, HOWEVER, if the agency head is the person charged, then approval must be obtained from both the attorney general and the state auditor. If the court finds that the officer or employee was performing an official act, or was within the scope of employment, and that his actions were in conformity with the established rules, regulations, policies, and guidelines of the state and the state agency, the cost of any monetary fine assessed shall be paid from the ~~((tort claims revolving))~~ liability account in the risk management fund.

Sec. 114. Section 2, chapter 23, Laws of 1972 ex. sess. as amended by section 4, chapter 40, Laws of 1975 and RCW 28B.10.842 are each amended to read as follows:

Whenever any action, claim, or proceeding is instituted against any regent, trustee, officer, employee, or agent of an institution of higher education or member of the governing body, officer, employee, or agent of an educational board arising out of the performance or failure of performance of duties for, or employment with such institution or educational board, the board of regents or board of trustees of the institution or governing body of the educational board may grant a request by such person that the attorney general be authorized to defend said claim, suit, or proceeding, and the costs of defense of such action shall be paid from the appropriation made for the support of the institution or educational board to which said person is attached. If a majority of the members of a board of regents or trustees or educational board is or would be personally affected by such findings and determination, or is otherwise unable to reach any decision on the matter, the attorney general is authorized to grant a request. When a request for defense has been authorized, then any obligation for payment arising from such action, claim, or proceedings shall be paid from the ~~((tort claims revolving))~~ liability account in the risk management fund, notwithstanding the nature of the claim, pursuant to the provisions of ((RCW 4.92.130 through 4.92.170, as now or hereafter amended)) chapter 4.92

RCW: PROVIDED, That this section shall not apply unless the authorizing body has made a finding and determination by resolution that such regent, trustee, member of the educational board, officer, employee, or agent was acting in good faith.

NEW SECTION, Sec. 115. A new section is added to chapter 4.92 RCW to read as follows:

The risk manager shall develop a standard indemnification agreement for state agencies to use whenever the agency agrees to indemnify, or be indemnified by, any person or party. The risk manager shall also develop guidelines for the use of indemnification agreements by state agencies. On request of the risk manager, an agency shall forward to the risk management office for review and approval any contract or agreement containing an indemnification agreement.

Sec. 116. Section 2, chapter 270, Laws of 1977 ex. sess. as last amended by section 25, chapter 505, Laws of 1987 and RCW 43.19.19362 are each amended to read as follows:

There is hereby created a risk management office within the department of general administration. The director of general administration shall implement the risk management policy in RCW 43.19.19361 through the risk management office. The director of general administration shall appoint a risk manager to supervise the risk management office. The risk management office shall make recommendations when appropriate to state agencies on the application of prudent safety, security, loss prevention, and loss minimization methods so as to reduce or avoid risk or loss. The director of general administration shall submit a risk management report biennially to the governor, with copies to the chairs of the standing committees having jurisdiction on judiciary and insurance and the ways and means and state governmental operations committees in the senate and the house of representatives, including one copy to the staff of each of the committees. The management report shall describe the plans, policies, and operation of the risk management office and shall at least include the following:

- (1) Success in implementing stated goals and objectives for the risk management office;
- (2) Improving loss control and prevention practices;
- (3) Self-insuring risks of loss to state-owned property except where bond indentures or other special considerations require the purchase of insurance;
- (4) Consolidating insurance coverages for properties requiring insurance by bond indenture;
- (5) Establishing an emergency fund to provide assistance to state agencies in the event of serious property loss;
- (6) Self-insuring liability risks to public and professional third parties;
- (7) Funding of the ~~((tort claims revolving))~~ liability account in the risk management fund on an actuarial basis;
- (8) A program of excess liability coverage above a selected self-insurance limit;
- (9) Identification of cost savings and cost avoidances achieved during the preceding two years; and
- (10) Appropriate recommendations for new or amended legislation.

Sec. 117. Section 3, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.19363 are each amended to read as follows:

As used in RCW 43.19.19361 and 43.19.19362:

(1) "State agency" includes any state office, agency, commission, department, or institution, including colleges, universities, and community colleges, financed in whole or part from funds appropriated by the legislature; and

(2) "Risk management" means the total effort and continuous step by step process of risk identification, measurement, minimization, assumption, transfer, and loss adjustment which is aimed at protecting assets and revenues against accidental loss and claims for tortious conduct.

Sec. 118. Section 1, chapter 112, Laws of 1981 as amended by section 4, chapter 188, Laws of 1985 and RCW 43.19.19366 are each amended to read as follows:

The risk management office shall cease to exist on June 30, ~~((1989))~~ 1995, unless extended by law for an additional fixed period of time.

Sec. 119. Section 51, chapter 57, Laws of 1985 and RCW 43.84.092 are each amended to read as follows:

Except as provided in RCW 43.84.090, all earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

On or before July 20 of each year, the state treasurer shall distribute all earnings credited to the treasury income account as of June 30 to the funds for the fiscal year in which it was earned. Except as otherwise provided by statute, the state treasurer shall credit the various accounts and funds in the state treasury their proportionate share of earnings based upon each fund's average daily balance for the period: PROVIDED, That earnings on the balances of the forest reserve fund, the federal forest revolving fund, the liquor excise tax fund, the treasury income account, the suspense account, the undistributed receipts account, the state payroll revolving account, the agency vendor payment revolving fund, the local leasehold excise tax account, and the local sales and use tax account shall be credited to the state treasurer's service fund: PROVIDED FURTHER, That earnings on the balances of the ~~((tort claims revolving))~~

~~fund; the~~) agency payroll revolving fund, the special fund salary and insurance contribution increase revolving fund and special fund semimonthly payroll revolving fund shall be credited to the state general fund.

NEW SECTION, Sec. 120. Moneys in the tort claims revolving fund on the effective date of this act shall be deposited in the liability account in the risk management fund.

NEW SECTION, Sec. 121. The risk manager, with the assistance of the office of financial management and the department of labor and industries, shall conduct a study and make recommendations to control and reduce the cost to state agencies for industrial insurance coverage for state employees. The study may include an analysis of the fiscal and administrative impact of allowing state agencies to self-insure and incentives for greater participation by state agencies in the retrospective rating program. The recommendations of the risk manager, together with legislative proposals, shall be submitted to the chairmen of the legislative budget committee and the ways and means committees of the senate and house of representatives by December 1, 1988.

NEW SECTION, Sec. 122. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 159, Laws of 1963, section 4, chapter 126, Laws of 1975 1st ex. sess., section 1, chapter 144, Laws of 1979 ex. sess., section 8, chapter 188, Laws of 1985, section 4, chapter 217, Laws of 1985 and RCW 4.92.140; and

(2) Section 11, chapter 159, Laws of 1963, section 3, chapter 140, Laws of 1969, section 7, chapter 126, Laws of 1975 1st ex. sess., section 3, chapter 75, Laws of 1977, section 2, chapter 228, Laws of 1977 ex. sess., section 6, chapter 151, Laws of 1979, section 10, chapter 126, Laws of 1986 and RCW 4.92.170.

PART II

RISK MANAGEMENT PROPERTY ACCOUNT

NEW SECTION, Sec. 201. In recent years the state of Washington has experienced significant damage to some of its buildings and other physical properties. The legislature finds that an adequate funding mechanism is not available to enable the state to respond in a timely and effective manner to major property losses, and to place these properties back in an operational status that will minimize interruption of vital public services and avoid further mitigative losses.

The legislature also finds that it is in the best interest of the state to self-insure its buildings and personal properties and to purchase primary or excess insurance only in those circumstances where frequency is low and the maximum probable loss is very high.

NEW SECTION, Sec. 202. (1) A property account in the risk management fund is hereby created in the custody of the treasurer to be used solely and exclusively for:

(a) Payment to state agencies for loss or damage to real and personal property; and

(b) Payment to state agencies for loss of income to revenue-producing facilities or increased costs associated with providing continued services during the interruption.

(2) Earnings accrued to the property account shall be credited to the account, notwithstanding RCW 43.84.090.

(3) Disbursements from the property account shall be made by the risk manager, upon written request to the state treasurer. No appropriation is required for disbursements from the account.

NEW SECTION, Sec. 203. (1) A property management and insurance account in the risk management fund is hereby created to be appropriated exclusively for:

(a) Purchase of property insurance, including excess or catastrophic insurance, subject to conditions and limitations determined by the risk manager and risk management advisory committee, and associated risk management costs when appropriate;

(b) Loss control and risk management services as required by the risk manager; and

(c) Payment for the costs of the administration of the property insurance program and all other investigative, settlement, administrative, and legal costs relating to the property account and the property insurance program.

(2) Earnings accrued to the account shall be credited to the account, notwithstanding RCW 43.84.090.

NEW SECTION, Sec. 204. (1) The property account shall be financed through a combination of direct appropriations and insurance premiums assessed to state agencies, based on the relative loss experience and risk exposure of state assets under their jurisdiction.

(2) Premium levels shall be determined by the risk manager, with the advice of the risk management advisory committee. Each agency shall remit the amount of the premium assessment to the account.

(3) All moneys received from premiums, assessments, and charges under this section shall be deposited in the property account.

(4) The director of financial management may direct agencies to transfer moneys from other funds and accounts to the property account, in the event that premiums are delinquent.

NEW SECTION, Sec. 205. (1) All claims for property loss shall be submitted for payment to the risk manager. The risk manager shall determine the value of the loss and remit the appropriate amount to the state agency, as determined by rule adopted by the risk manager with the advice of the risk management advisory committee. No payment under this subsection

may be made in excess of five hundred thousand dollars without prior notification to the ways and means committees of the senate and house of representatives.

(2) State agencies are responsible for properly inventorying properties, both real and personal, under their jurisdiction to determine the appropriate value of any losses or damages.

(3) Qualified claims adjusters and other specialized personnel shall be used for the purpose of investigating, evaluating, and valuing property claims, when appropriate.

(4) The risk manager shall adopt rules governing the administration of the property self-insurance account.

(5) Reserves shall be established for recognizing financial liabilities.

(6) A centralized tracking system shall be established to provide agencies with accurate and timely information on the status of property claims and premium assessments.

NEW SECTION, Sec. 206. The risk manager may delegate to a state agency the authority to carry out any powers or duties of the risk manager under this chapter or chapter 4.92 RCW.

NEW SECTION, Sec. 207. On or before December 31 of each year, the risk manager shall submit a report to the legislature on the financial status of the property account in the risk management fund.

The report shall include information on all payments made therefrom and all premium assessments and other reimbursements made thereto, the identity of agencies and departments of state government whose operations and activities give rise to liability, and the amount of the outstanding liabilities of the account and an estimate of future payments.

NEW SECTION, Sec. 208. Sections 202 through 207 of this act are each added to chapter 43.19 RCW.

NEW SECTION, Sec. 209. Sections 101 through 208 of this act shall take effect July 1, 1989.

NEW SECTION, Sec. 210. The department of general administration shall conduct a study to determine the amount of money needed to adequately fund the property account in the risk management fund. The recommendation of the department shall be reported to the legislature by January 1, 1989."

Renumber the parts and sections consecutively.

POINT OF ORDER

Senator Nelson: "I rise to a point of order, Mr. President. Reluctantly, I have to raise scope and object on this amendment dealing with the risk management bill. I happen to be a co-sponsor with Senator Talmadge, so I have a lot of concern about it, but it does extend well beyond the intent of House Bill No. 1515, which simply changes the termination date on eight state boards, commissions and programs and removes the termination date entirely for two state agencies—a very simple bill. I can address the fact that the risk management bill is not that simple and it goes into establishing a brand new claims procedure and taking care of a tort revolving fund and doing a lot of claims investigation, so that we have an extensive measure. As much as I like the measure and would like to see it pass, it does not really fit the scope and object of this bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Nelson, the President finds that House Bill No. 1515 is a measure postponing the termination dates of various state agencies.

"The amendment proposed by Senators Talmadge and Pullen establishes a new risk management program for the state.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Talmadge and Pullen to House Bill No. 1515 was ruled out of order.

MOTION

Senator Halsan moved that the following amendment by Senators Halsan and Talmadge be adopted:

On page 7, after line 23, insert the following:

NEW SECTION, Sec. 19. LEGISLATIVE INTENT. The legislature intends, by enacting this 1988 Administrative Procedure Act, to clarify the existing law of administrative procedure, to achieve greater consistency with other states and the federal government in administrative procedure, and to provide greater public and legislative access to administrative decision making. The legislature intends that to the greatest extent possible and unless this chapter clearly requires otherwise, current agency practices and court decisions interpreting the Administrative Procedure Act in effect before the effective date of this act shall remain in effect.

The legislature also intends that the courts should interpret provisions of this chapter consistently with decisions of other courts interpreting similar provisions of other states, the federal government, and model acts.

PART XI.
GENERAL PROVISIONS

Sec. 101. DEFINITIONS. Section 5, chapter 10, Laws of 1982 and RCW 34.04.010 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Adjudicative proceedings" means a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the issuance of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law.

(2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to ((~~adjudicate contested cases~~)) conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law.

(3) "Agency action" means the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the issuance, denial, or suspension of a license, the imposition of sanctions, or the granting or withholding of benefits.

Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by eminent domain of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision of the department of natural resources in the management of public lands, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency.

(4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

(5) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective.

(6) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head.

(7) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions."

(8) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order.

(9)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency.

(b) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license.

(10) (a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons.

(b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule.

(11) "Party to agency proceedings," or "party" in a context so indicating, means:

(a) A person to whom the agency action is specifically directed; or

(b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

(12) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means:

(a) A person who files a petition for a judicial review or civil enforcement proceeding; or

(b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding.

(13) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency.

(14) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach.

((2)) (15) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to ((RCW 34.04.080, as now or hereafter amended)) section 203 of this act, ((or)) (iii) traffic restrictions for motor vehicles, bicycles, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes.

((3)) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before such agency is required by law or constitutional right prior or subsequent to the determination by the agency of the legal rights, duties, or privileges of specific parties. Contested cases shall also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law or agency rules.

(4) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes.

(5) "Licensing" includes the agency process respecting the or modification of a license.

(6)) (16) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to ((RCW 34.04.210)) section 601 of this act for the purpose of selectively reviewing existing and proposed rules of state agencies.

(17) "Rule making" means the process for formulation and adoption of a rule.

Sec. 102. SAVINGS—AUTHORITY OF AGENCIES TO COMPLY WITH CHAPTER—EFFECT OF SUBSEQUENT LEGISLATION. Section 24, chapter 237, Laws of 1967 and RCW 34.04.940 are each amended to read as follows:

Nothing in ((the Administrative Procedure Act shall)) this chapter may be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. Every agency is granted all authority necessary to comply with the requirements of ((the Administrative Procedure Act)) this chapter through the issuance of rules or otherwise. No subsequent legislation shall be held to supersede or modify the provisions of ((the Administrative Procedure Act)) this chapter or its applicability to any agency except to the extent that such legislation shall do so expressly.

Sec. 103. EXCLUSIONS FROM CHAPTER OR PARTS OF CHAPTER. Section 15, chapter 234, Laws of 1959 as last amended by section 8, chapter 141, Laws of 1984 and RCW 34.04.150 are each amended to read as follows:

((Except as provided under RCW 34.04.290;)) (1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of ((prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020)) clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of ((RCW 34.04.090 through 34.04.130)) sections 401 through 522 of this act shall not apply ((to));

(a) To adjudicative proceedings of the board of industrial insurance appeals ((or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The

provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply);

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing (~~to the extent they are inconsistent with RCW 80.50.140, the provisions of RCW 34.04.130, 34.04.133, and 34.04.140 shall not apply to review of decisions made under RCW 80.50.100~~);

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the state personnel board, the higher education personnel board, or the personnel appeals board; or

(e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW (~~to the provisions of this chapter shall not apply to such provisions~~).

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, sections 401 through 429 of this act do not apply to a review hearing conducted by the board of tax appeals.

(4) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

Sec. 104. OPERATION OF CHAPTER IF IN CONFLICT WITH FEDERAL LAW. Section 19, chapter 234, Laws of 1959 and RCW 34.04.930 are each amended to read as follows:

If any part of this chapter (~~shall be~~) is found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, (~~such~~) the conflicting part of this chapter is (~~hereby declared to be~~) inoperative solely to the extent of (~~such~~) the conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned.

NEW SECTION. Sec. 105. WAIVER. Except to the extent precluded by another provision of law, a person may waive any right conferred upon that person by this chapter.

NEW SECTION. Sec. 106. INFORMAL SETTLEMENTS. Except to the extent precluded by another provision of law and subject to approval by agency order, informal settlement of matters that may make unnecessary more elaborate proceedings under this chapter is strongly encouraged. Agencies may establish by rule specific procedures for attempting and executing informal settlement of matters. This section does not require any party or other person to settle a matter.

NEW SECTION. Sec. 107. CONVERSION OF PROCEEDINGS. (1) If it becomes apparent during the course of an adjudicative or rule-making proceeding undertaken pursuant to this chapter that another form of proceeding under this chapter is necessary, is in the public interest, or is more appropriate to resolve issues affecting the participants, on his or her own motion or on the motion of any party, the presiding officer or other official responsible for the original proceeding shall advise the parties of necessary steps for conversion and, if within the official's power, commence the new proceeding. If the agency refuses to convert to another proceeding, that decision is not subject to judicial review. Commencement of the new proceeding shall be accomplished pursuant to the procedural rules of the new proceeding, except that elements already performed need not be repeated.

(2) If appropriate, a new proceeding may be commenced independently of the original proceeding or may replace the original proceeding.

(3) Conversion to a replacement proceeding shall not be undertaken if the rights of any party will be substantially prejudiced.

(4) To the extent feasible the record of the original proceeding shall be included in the record of a replacement proceeding.

(5) The time of commencement of a replacement proceeding shall be considered to be the time of commencement of the original proceeding.

NEW SECTION. Sec. 108. VARIATION FROM TIME LIMITS. (1) An agency may modify time limits established in this chapter only as set forth in this section.

(2) The time limits set forth in this chapter may be modified by rule of the agency or by rule of the chief administrative law judge if:

(a) The agency has an agency head composed of a body of individuals serving part time who do not regularly meet on a schedule that would allow compliance with the time limits of this chapter in the normal course of agency affairs;

(b) The agency does not have a permanent staff to comply with the time limits set forth in this chapter without substantial loss of efficiency and economy; and

(c) The rights of persons dealing with the agency are not substantially impaired.

(3) The time limits set forth in this chapter may be modified by rule if the agency determines that the change is necessary to the performance of its statutory duties. Agency rule may provide for emergency variation when required in a specific case.

(4) Time limits may be changed pursuant to section 104 of this act.

(5) Time limits may be waived pursuant to section 105 of this act.

(6) Any modification in the time limits set forth in this chapter shall be to new time limits that are reasonable under the specific circumstances.

(7) In any rule-making or adjudicative proceeding, any agency whose time limits vary from those set forth in this chapter shall provide reasonable and adequate notice of the pertinent time limits to persons affected. In an adjudicative proceeding, such notice may be given by the presiding or reviewing officer involved in the proceeding. In a rule-making proceeding, the notice may be given in the notice of proposed rule-making.

(8) Two years after the effective date of this section, the chief administrative law judge shall cause a survey to be made of variations by agencies from the time limits set forth in this chapter, and shall submit a written report of the results of the survey to the office of the governor.

PART XII.

PUBLIC ACCESS TO AGENCY RULES

Sec. 201. PUBLICATION OF CODE AND REGISTER—REMOVAL OF UNCONSTITUTIONAL RULES—DISTRIBUTION OF REGISTERS AND CODES—COUNTY LAW LIBRARIES—JUDICIAL NOTICE OF RULES. Section 5, chapter 234, Laws of 1959 as last amended by section 7, chapter 32, Laws of 1982 1st ex. sess. and RCW 34.04.050 are each amended to read as follows:

(1) The code reviser shall ~~(as soon as practicable after March 23, 1960, compile and index)~~ cause the Washington Administrative Code to be compiled, indexed by subject, and published. All current, permanently effective rules ~~((adopted by each agency and remaining in effect))~~ of each agency shall be published in the Washington Administrative Code. Compilations shall be supplemented or revised as often as necessary and at least ~~((once every two years))~~ annually in a form compatible with the main compilation.

(2) Subject to the provisions of this chapter, the code reviser shall prescribe a uniform numbering system, form, and style for all proposed and adopted rules.

(3) The code reviser shall publish a register ~~((in which he shall set))~~ setting forth the text of all rules filed during the appropriate register publication period.

~~((3))~~ (4) The code reviser may ~~((in his discretion,))~~ omit from the register or the compilation, rules ~~((the publication of which))~~ that would be unduly cumbersome, expensive, or otherwise inexpedient to publish, if such rules are made available in printed or processed form on application to the adopting agency, and if ~~((such))~~ the register or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

~~((4))~~ (5) The code reviser may edit and revise rules for publication, codification, and compilation, without changing the meaning of any such rule ~~((in accordance with the provisions of RCW 34.04.052)).~~

~~((5))~~ (6) When a rule, in whole or in part, is declared invalid and unconstitutional by a court of final appeal, the adopting agency shall give notice to that effect in the register. With the consent of the attorney general, the code reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when:

(a) The rules are declared unconstitutional by a court of final appeal; or

(b) The adopting agency ceases to exist and the rules are not transferred by statute to a successor agency.

~~((6))~~ (7) Registers and compilations shall be made available, in written form to (a) state elected officials whose offices are created by Article II or III of the state Constitution or by RCW 48.02.010, upon request, (b) to the secretary of the senate and the chief clerk of the house for committee use, as required, but not to exceed the number of standing committees in each body, (c) to county boards of law library trustees and to the Olympia representatives of the Associated Press and the United Press International without request, free of charge, and (d) to other persons at a price fixed by the code reviser.

~~((7))~~ (8) The board of law library trustees of each county shall keep and maintain a complete and current set of registers and compilations for use and inspection as provided in RCW 27.24.060.

~~((8))~~ (9) Judicial notice shall be taken of rules filed and published as provided in ~~((RCW 34.04.046))~~ section 315 of this act and this section.

Sec. 202. RULES FOR AGENCY PROCEDURE—INDEXES OF OPINIONS AND STATEMENTS. Section 2, chapter 234, Laws of 1959 as last amended by section 13, chapter 67, Laws of 1981 and RCW 34.04.020 are each amended to read as follows:

(1) In addition to other rule-making requirements imposed by law:

~~((1))~~ (a) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions ~~((PROVIDED, That))~~. Rules for the conduct of ~~((contested cases))~~ adjudicative proceedings shall be those which are ~~((promulgated))~~ adopted by the chief administrative law judge ~~((pursuant to RCW 34.04.022, as now or hereafter amended))~~ under section 205 of this act.

~~((2))~~ (b) To assist interested persons dealing with it, each agency shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests. No

person may be required to comply with agency procedure not adopted as a rule as herein required.

((3)) (2) To the extent not prohibited by federal law or regulation, nor prohibited for reasons of confidentiality by state law, each agency shall keep on file for public inspection all final orders, decisions, and opinions in ~~((contested cases))~~ adjudicative proceedings, interpretive statements, policy statements, and any digest or index to those orders, decisions, ~~((or))~~ opinions, or statements prepared by or for the agency ~~((for its own use))~~.

(3) No agency order, decision, or opinion is valid or effective against any person, nor may it be invoked by the agency for any purpose, unless it is available for public inspection ~~((as herein required))~~. A written final order issued after the effective date of this section, may not be relied on as precedent by an agency to the detriment of any person until it has been indexed as required by RCW 42.17.260. This ~~((provision))~~ subsection is not applicable in favor of any person who has actual knowledge ~~((thereof))~~ of the order, decision, or opinion. The agency has the burden of proving that knowledge, but may meet that burden by proving that the person has been properly served with a copy of the order.

(4) Each agency that is authorized by law to exercise discretion in deciding individual cases is encouraged to formalize the general principles that may evolve from these decisions by adopting the principles as rules that the agency will follow until they are amended or repealed.

NEW SECTION. Sec. 203. INTERPRETIVE AND POLICY STATEMENTS. (1) If the adoption of rules is not feasible and practicable, an agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. An agency is encouraged to convert long-standing interpretive and policy statements into rules.

(2) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service.

Sec. 204. DECLARATORY ORDER BY AGENCY—PETITION—COURT REVIEW. Section 8, chapter 234, Laws of 1959 and RCW 34.04.080 are each amended to read as follows:

~~((On petition of any interested)) (1) Any person~~(;)~~ may petition an agency ~~((may issue))~~ for a declaratory ~~((ruling))~~ order with respect to the applicability to ~~((any person, property, or state of facts of any))~~ specified circumstances of a rule, order, or statute enforceable by ~~((it—A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the superior court of Thurston county in the manner hereinafter provided for the review of decisions in contested cases. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition))~~ the agency. The petition shall set forth facts and reasons on which the petitioner relies to show:~~

(a) That uncertainty necessitating resolution exists;

(b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion;

(c) That the uncertainty adversely affects the petitioner;

(d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested; and

(e) That the petition complies with any additional requirements established by the agency under subsection (2) of this section.

(2) Each agency may adopt rules that provide for: (a) The form, contents, and filing of petitions for a declaratory order; (b) the procedural rights of persons in relation thereto; and (c) the disposition of those petitions. These rules may include a description of the classes of circumstances in which the agency will not enter a declaratory order and shall be consistent with the public interest and with the general policy of this chapter to facilitate and encourage agencies to provide reliable advice.

(3) Within fifteen days after receipt of a petition for a declaratory order, the agency shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person it deems desirable.

(4) Sections 401 through 429 of this act apply to agency proceedings for declaratory orders only to the extent an agency so provides by rule or order.

(5) Within thirty days after receipt of a petition for a declaratory order an agency, in writing, shall do one of the following:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;

(b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition;

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its action.

(6) The time limits of subsection (5)(b) and (c) of this section may be extended by the agency for good cause.

(7) An agency may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

(8) A declaratory order has the same status as any other order entered in an agency adjudicative proceeding. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.

NEW SECTION, Sec. 205. MODEL RULES OF PROCEDURE. The chief administrative law judge shall adopt model rules of procedure appropriate for use by as many agencies as possible. The model rules shall deal with all general functions and duties performed in common by the various agencies. Each agency shall adopt as much of the model rules as is reasonable under its circumstances. Any agency adopting a rule of procedure that differs from the model rules shall include in the order of adoption a finding stating the reasons for variance.

PART XIII.

RULE-MAKING PROCEDURES

NEW SECTION, Sec. 301. SOLICITATION OF COMMENTS BEFORE NOTICE PUBLICATION—RULES COORDINATOR. (1) In addition to seeking information by other methods, an agency may, before publication of a notice of a proposed rule adoption under section 303 of this act, solicit comments from the public on a subject of possible rule making under active consideration within the agency, by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) Each agency may appoint committees to comment, before publication of a notice of proposed rule adoption under section 303 of this act, on the subject of a possible rule-making action under active consideration within the agency.

(3) Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible or proposed rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation. The rules coordinator may be an employee of another agency.

NEW SECTION, Sec. 302. RULE-MAKING DOCKET. (1) Each agency shall maintain a current public rule-making docket. The rule-making docket shall contain a listing of the subject of each rule currently being prepared by the agency for proposal under section 303 of this act, the name and address of agency personnel responsible for the proposal, and an indication of the present status of the proposal.

(2) The rule-making docket shall contain a listing of each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced by publication of a notice of proposed rule adoption under section 303 of this act until it is terminated under section 306(3) of this act.

(3) For each rule-making proceeding, the docket shall indicate all of the following:

(a) The subject of the proposed rule;

(b) A citation to all notices relating to the proceeding that have been published in the state register under section 303 of this act;

(c) The place where written submissions about the proposed rule may be inspected;

(d) The time during which written submissions will be accepted;

(e) The current timetable established for the agency proceeding, including the time and place of any rule-making hearing, the date of the rule's adoption, filing, indexing, publication, and its effective date.

Sec. 303. NOTICE OF PROPOSED RULE—CONTENTS—DISTRIBUTION BY AGENCY—INSTITUTIONS OF HIGHER EDUCATION. Section 1, chapter 84, Laws of 1977 ex. sess. as last amended by section 2, chapter 221, Laws of 1982 and RCW 34.04.045 are each amended to read as follows:

(1) ((For the purpose of legislative review of agency rules filed pursuant to this chapter, any proposed new or amendatory rule shall be accompanied by a statement prepared by the adopting agency which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall be on the agency's stationery or a form bearing the agency's name and shall contain, but is not limited to:)) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, ((containing)) a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; and

(k) A copy of the small business economic impact statement, ~~((where))~~ if applicable.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the statement on file and available for public inspection and shall forward three copies of the notice and the statement to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person who has made a timely request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing individual mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

NEW SECTION. Sec. 304. PUBLIC PARTICIPATION IN RULE MAKING. (1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to section 303 of this act accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(4) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record under publication of further notice under section 303 of this act.

Sec. 305. PETITION FOR ADOPTION, AMENDMENT, REPEAL OF RULE—AGENCY ACTION. Section 6, chapter 234, Laws of 1959 as amended by section 5, chapter 237, Laws of 1967 and RCW 34.04.060 are each amended to read as follows:

Any ~~((interested))~~ person may petition an agency requesting the ~~((promulgation))~~ adoption, amendment, or repeal of any rule. Each agency ~~((shall))~~ may prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition. Within ~~((thirty))~~ sixty days after submission of a petition, ~~((or at the next meeting of the agency if it does not meet within thirty days.))~~ the agency shall ~~((formally consider the petition and shall within thirty days thereafter))~~ (1) either deny the petition in writing ((0)), stating its reasons for the denial((0)), or (2) initiate rule-making proceedings in accordance with ~~((RCW 34.04.025))~~ this chapter.

Sec. 306. WITHDRAWAL OF PROPOSAL—TIME AND MANNER OF ADOPTION. Section 11, chapter 186, Laws of 1980 and RCW 34.04.048 are each amended to read as follows:

(1) A proposed rule may be withdrawn by the proposing agency at any time before adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance with ~~((RCW 34.04.025 as now or hereafter amended))~~ section 303 of this act.

(2) Before adopting a rule, an agency shall consider the written and oral submissions, or any memorandum summarizing oral submissions.

(3) Rules not adopted within one ((year)) hundred eighty days after publication of the text as last proposed in the register shall be regarded as withdrawn. An agency may not thereafter

adopt the text of the rules without filing the text in accordance with ~~((RCW 34.04.025 as now or hereafter amended))~~ section 303 of this act. The code reviser shall give notice of the withdrawal in the register.

(4) An agency may not adopt a rule before the time established in the published notice, or such later time established on the record or by publication in the state register.

NEW SECTION. Sec. 307. VARIANCE BETWEEN PROPOSED AND FINAL RULE. (1) Unless it complies with subsection (3) of this section, an agency may not adopt a rule that is substantially different from the rule proposed in the published notice of proposed rule adoption or a supplemental notice in the proceeding. If an agency contemplates making a substantial variance from a proposed rule described in a published notice, it may file a supplemental notice with the code reviser meeting the requirements of section 303 of this act and reopen the proceedings for public comment on the proposed variance, or the agency may reject the proposed rule and commence a new rule-making proceeding to adopt a substantially different rule. If a new rule-making proceeding is commenced, relevant public comment received regarding the initial proposed rule shall be considered in the new proceeding.

(2) The following factors shall be considered in determining whether an adopted rule is substantially different from the proposed rule on which it is based:

(a) The extent to which a reasonable person affected by the adopted rule would have understood that the published proposed rule would affect his or her interests;

(b) The extent to which the subject of the adopted rule or the issues determined in it are substantially different from the subject or issues involved in the published proposed rule; and

(c) The extent to which the effects of the adopted rule differ from the effects of the published proposed rule.

(3) If the agency, without filing a supplemental notice under subsection (1) of this section, adopts a rule that varies in content from the proposed rule, the general subject matter of the adopted rule must remain the same as the proposed rule. The agency shall briefly describe any changes, other than editing changes, and the principal reasons for adopting the changes. The brief description shall be filed with the code reviser together with the order of adoption for publication in the state register. Within sixty days of publication of the adopted rule in the state register, any interested person may petition the agency to amend any portion of the adopted rule that is substantially different from the proposed rule. The petition shall briefly demonstrate how the adopted rule is substantially different from the proposed rule and shall contain the text of the petitioner's proposed amendment. For purposes of the petition, an adopted rule is substantially different if the issues determined in the adopted rule differ from the issues determined in the proposed rule or the anticipated effects of the adopted rule differ from those of the proposed rule. If the petition meets the requirements of this subsection and section 305 of this act, the agency shall initiate rule-making proceedings upon the proposed amendments within the time provided in section 305 of this act.

Sec. 308. FAILURE TO GIVE TWENTY DAYS NOTICE OF INTENDED ACTION—EFFECT. Section 4, chapter 237, Laws of 1967 and RCW 34.04.027 are each amended to read as follows:

Except for emergency rules adopted under section 309 of this act, when twenty days notice of intended action to adopt, amend, or repeal a rule has not been ~~((filed with the code reviser, as required in RCW 34.04.025))~~ published in the state register, as required by section 303 of this act, the code reviser shall not publish such rule and such rule shall not be effective for any purpose.

Sec. 309. EMERGENCY RULES AND AMENDMENTS. Section 3, chapter 234, Laws of 1959 as last amended by section 4, chapter 324, Laws of 1981 and RCW 34.04.030 are each amended to read as follows:

(1) If ~~((the))~~ an agency for good cause finds:

(a) That immediate adoption ~~((or)),~~ amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that ~~((observance of))~~ observing the time requirements of notice and opportunity to ~~((present views on the proposed action))~~ comment upon adoption of a permanent rule would be contrary to the public interest~~((:));~~ or

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule,

the agency may dispense with ~~((such))~~ those requirements and adopt, amend, or repeal the rule ~~((or amendment as))~~ on an emergency ~~((rule or amendment))~~ basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment ~~((as))~~ filed with the office of the code reviser under ~~((RCW 34.04.040))~~ section 315 of this act and with the rules review committee.

(2) An emergency rule ~~((or amendment))~~ adopted under this section takes effect upon filing with the code reviser and may not remain in effect for longer than ~~((ninety))~~ one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has published notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance

with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

NEW SECTION, Sec. 310. CONCISE EXPLANATORY STATEMENT. (1) At the time it files an adopted rule with the code reviser or within thirty days thereafter, an agency shall place into the rule-making file maintained under section 313 of this act a concise explanatory statement about the rule, identifying (a) the agency's reasons for adopting the rule, and (b) a description of any difference between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for change.

(2) Upon the request of any interested person within thirty days after adoption of a rule, the agency shall issue a concise statement of the principal reasons for overruling the considerations urged against its adoption.

NEW SECTION, Sec. 311. ORDER ADOPTING RULE, CONTENTS. The order of adoption by which each rule is adopted by an agency shall contain all of the following:

- (1) The date the agency adopted the rule;
- (2) A concise statement of the purpose of the rule;
- (3) A reference to all rules repealed, amended, or suspended by the rule;
- (4) A reference to the specific statutory or other authority authorizing adoption of the rule;
- (5) Any findings required by any provision of law as a precondition to adoption or effectiveness of the rule; and

(6) The effective date of the rule if other than that specified in section 315(2) of this act.

NEW SECTION, Sec. 312. INCORPORATION BY REFERENCE. An agency may incorporate by reference and without publishing the incorporated matter in full, all or any part of a code, standard, rule, or regulation that has been adopted by an agency of the United States, of this state, or of another state, by a political subdivision of this state, or by a generally recognized organization or association if incorporation of the full text in the agency rules would be unduly cumbersome, expensive, or otherwise inexpedient. The reference in agency rules shall fully identify the incorporated matter. An agency may incorporate by reference such matter in its rules only if the agency, organization, or association originally issuing that matter makes copies readily available to the public. The incorporating agency shall have, maintain, and make available for public inspection a copy of the incorporated matter. The rule must state where copies of the incorporated matter are available.

NEW SECTION, Sec. 313. RULE-MAKING FILE. (1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

(e) The concise explanatory statement required by section 310 of this act;

(f) All petitions for exceptions to, amendment of, or repeal or suspension of, the rule; and

(g) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

NEW SECTION, Sec. 314. SUBSTANTIAL COMPLIANCE WITH PROCEDURES. No rule proposed after the effective date of this section, is valid unless it is adopted in substantial compliance with sections 301 through 318 of this act. Inadvertent failure to mail notice of a proposed rule adoption to any person as required by section 303(3) of this act does not invalidate a rule. No action based upon this section may be maintained to contest the validity of any rule unless it is commenced within two years after the effective date of the rule.

Sec. 315. RULES FILED WITH CODE REVISER—REGISTER—EFFECTIVE DATES. Section 4, chapter 234, Laws of 1959 as last amended by section 17, chapter 505, Laws of 1987 and RCW 34.04.040 are each amended to read as follows:

(1) Each agency shall file ~~((forthwith))~~ in the office of the code reviser a certified copy of all rules ~~((now in effect and hereafter adopted))~~ it adopts, except ~~((the))~~ for rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall place upon each rule a notation of the time and date of filing and shall keep a permanent register of ~~((such))~~ filed rules open to public inspection. In filing a rule, each agency shall use the standard form prescribed for this purpose by the code reviser.

(2) Emergency rules adopted under ~~((RCW 34.04.030 shall))~~ section 309 of this act become effective upon filing. All other rules ~~((hereafter adopted shall))~~ become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

(3) A rule may become effective immediately upon its filing with the code reviser or on any subsequent date earlier than that established by subsection (2) of this section, if the agency establishes that effective date in the adopting order and finds that:

(a) Such action is required by the state or federal Constitution, a statute, or court order;

(b) The rule only delays the effective date of another rule that is not yet effective; or

(c) The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

The finding and a brief statement of the reasons therefor required by this subsection shall be made a part of the order adopting the rule.

(4) With respect to a rule made effective pursuant to subsection (3) of this section, each agency shall make reasonable efforts to make the effective date known to persons who may be affected by it.

Sec. 316. RULES FOR FILING AND FORM OF RULES AND NOTICES. Section 13, chapter 237, Laws of 1967 and RCW 34.04.055 are each amended to read as follows:

The code reviser may ~~((prescribe regulations))~~ adopt rules for carrying out the provisions of this chapter relating to the filing and publication of rules and notices of intention to adopt rules, including the form and style to be employed by the various agencies in the drafting of such rules and notices.

Sec. 317. STYLE, FORMAT, AND NUMBERING OF RULES—AGENCY COMPLIANCE. Section 14, chapter 237, Laws of 1967 and RCW 34.04.057 are each amended to read as follows:

After the rules of an agency have been published by the code reviser:

(1) All agency orders amending or rescinding such rules, or creating new rules, shall be formulated in accordance with the style, format, and numbering system of the Washington Administrative Code~~((and))~~;

(2) Any subsequent printing or reprinting of such rules shall be printed in the style and format (including the numbering system) of such code; and

(3) Amendments of previously adopted rules shall incorporate any editorial corrections made by the code reviser.

Sec. 318. FORMAT AND STYLE OF RULES AMENDING EXISTING SECTIONS. ADDING NEW SECTIONS—EFFECT OF FAILURE TO COMPLY. Section 1, chapter 19, Laws of 1977 as amended by section 14, chapter 186, Laws of 1980 and RCW 34.04.058 are each amended to read as follows:

(1) Rules ~~((promulgated))~~ proposed or adopted by an agency pursuant to ~~((RCW 34.04.025 or 34.04.030, as now or hereafter amended, which))~~ this chapter that amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. ~~((in the case of))~~ A new section~~((such))~~ shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule may be forwarded by any agency to the code reviser, nor may the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the register published pursuant to ~~((RCW 34.04.050(2)))~~ section 201(3) of this act, include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the agency in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended thereto by the code reviser in accordance with ~~((RCW 34.04.050, as now or hereafter amended, and RCW 34.04.052))~~ section 201 of this act.

PART XIV.

ADJUDICATIVE PROCEEDINGS

NEW SECTION. Sec. 401. APPLICATION OF PART IV. (1) Adjudicative proceedings are governed by sections 402 through 423 of this act, except as otherwise provided:

(a) By a rule that adopts the procedures for brief adjudicative proceedings in accordance with the standards provided in section 425 of this act for those proceedings;

(b) By section 424 of this act pertaining to emergency adjudicative proceedings; or

(c) By section 204 of this act pertaining to declaratory proceedings.

(2) Sections 401 through 429 of this act do not apply to rule-making proceedings unless another statute expressly so requires.

NEW SECTION. Sec. 402. COMMENCEMENT—WHEN REQUIRED. (1) Within the scope of its authority, an agency may commence an adjudicative proceeding at any time with respect to a matter within the agency's jurisdiction.

(2) When required by law or constitutional right, and upon the timely application of any person, an agency shall commence an adjudicative proceeding.

(3) An agency may require by rule that an application for an adjudicative proceeding be in writing and that it be filed at a specific address and in a specified manner.

(4) If an agency is required to hold an adjudicative proceeding, an application for an agency to enter an order includes an application for the agency to conduct appropriate adjudicative proceedings, whether or not the applicant expressly requests those proceedings.

(5) An adjudicative proceeding commences when the agency or a presiding officer notifies a party that a prehearing conference, hearing, or other stage of an adjudicative proceeding will be conducted.

NEW SECTION. Sec. 403. DECISION NOT TO CONDUCT AN ADJUDICATION. If an agency decides not to conduct an adjudicative proceeding in response to an application, the agency shall furnish the applicant a copy of its decision in writing, with a brief statement of the agency's reasons and of any administrative review available to the applicant.

NEW SECTION. Sec. 404. AGENCY ACTION ON APPLICATIONS FOR ADJUDICATION. After receipt of an application for an adjudicative proceeding, other than a declaratory order, an agency shall proceed as follows:

(1) Except in situations governed by subsection (2) or (3) of this section, within ninety days after receipt of the application or of the response to a timely request made by the agency under subsection (2) of this section, the agency shall do one of the following:

(a) Approve or deny the application, in whole or in part, on the basis of brief or emergency adjudicative proceedings, if those proceedings are available under this chapter for disposition of the matter;

(b) Commence an adjudicative proceeding in accordance with this chapter; or

(c) Dispose of the application in accordance with section 403 of this act;

(2) Within thirty days after receipt of the application, the agency shall examine the application, notify the applicant of any obvious errors or omissions, request any additional information the agency wishes to obtain and is permitted by law to require, and notify the applicant of the name, mailing address, and telephone number of an office that may be contacted regarding the application;

(3) If the application seeks relief that is not available when the application is filed but may be available in the future, the agency may proceed to make a determination of eligibility within the time limits provided in subsection (1) of this section. If the agency determines that the applicant is eligible, the agency shall maintain the application on the agency's list of eligible applicants as provided by law and, upon request, shall notify the applicant of the status of the application.

Sec. 405. RATE CHANGES, LICENSES. Section 8, chapter 237, Laws of 1967 as amended by section 1, chapter 33, Laws of 1980 and RCW 34.04.170 are each amended to read as follows:

(1) Unless otherwise provided by law: (a) Applications for rate changes and uncontested applications for licenses may, in the agency's discretion, be conducted as adjudicative proceedings; (b) applications for licenses that are contested and review of denials of applications for licenses or rate changes shall be conducted as adjudicative proceedings; and (c) an agency may not revoke, suspend, modify, annul, withdraw, or amend a license unless the agency gives notice of an opportunity for an appropriate adjudicative proceeding in accordance with this chapter or other statute.

(2) An agency with authority to grant or deny a professional or occupational license shall notify an applicant for a new or renewal license not later than twenty days prior to the date of the examination required for that license of any grounds for denial of the license which are based on specific information disclosed in the application submitted to the agency. The agency shall notify the applicant either that the license is denied or that the decision to grant or deny the license will be made at a future date. If the agency fails to give the notification prior to the examination and the applicant is denied licensure, the examination fee shall be refunded to the applicant. If the applicant takes the examination, the agency shall notify the applicant of the result.

(3) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, an existing full, temporary, or provisional license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

~~((2))~~ (4) If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of

a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

NEW SECTION. Sec. 406. PRESIDING OFFICERS—DISQUALIFICATION, SUBSTITUTION. (1) Except as provided in subsection (2) of this section, in the discretion of the agency head, the presiding officer in an administrative hearing shall be:

- (a) The agency head or one or more members of the agency head;
- (b) If the agency has statutory authority to do so, a person other than the agency head or an administrative law judge designated by the agency head to make the final decision and enter the final order; or
- (c) One or more administrative law judges assigned by the office of administrative hearings in accordance with chapter 34.12 RCW.

(2) An agency expressly exempted under RCW 34.12.020(4) or other statute from the provisions of chapter 34.12 RCW or an institution of higher education shall designate a presiding officer as provided by rules adopted by the agency.

(3) Any individual serving or designated to serve alone or with others as presiding officer is subject to disqualification for bias, prejudice, interest, or any other cause provided in this chapter or for which a judge is disqualified.

(4) Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification.

(5) The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.

(6) If a substitute is required for an individual who becomes unavailable as a result of disqualification or any other reason, the substitute must be appointed by the appropriate appointing authority.

(7) Any action taken by a duly appointed substitute for an unavailable individual is as effective as if taken by the unavailable individual.

NEW SECTION. Sec. 407. REPRESENTATION. (1) A party to an adjudicatory proceeding may participate personally or, if the party is a corporation or other artificial person, by a duly authorized representative.

(2) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel or, if permitted by provision of law, other representative.

NEW SECTION. Sec. 408. CONFERENCE—PROCEDURE AND PARTICIPATION. (1) Agencies may hold prehearing or other conferences for the settlement or simplification of issues. Every agency shall by rule describe the conditions under which and the manner in which conferences are to be held.

(2) In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, all or part of the conference may be conducted by telephone, television, or other electronic means. Each participant in the conference must have an opportunity to participate effectively in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

Sec. 409. NOTICE OF HEARING. Section 9, chapter 234, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1980 and RCW 34.04.090 are each amended to read as follows:

(1) ~~((in any contested case all parties shall be afforded an opportunity for hearing after not less than twenty days' notice; but no hearing shall be required until the hearing is demanded unless other statutory provisions or agency rules provide otherwise.))~~ The agency or the office of administrative hearings shall set the time and place of the hearing and give not less than seven days advance written notice to all parties and to all persons who have filed written petitions to intervene in the matter.

(2) The notice shall include:

(a) Unless otherwise ordered by the presiding officer, the names and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their representatives;

(b) If the agency intends to appear, the mailing address and telephone number of the office designated to represent the agency in the proceeding;

(c) The official file or other reference number and the name of the proceeding;

(d) The name, official title, mailing address, and telephone number of the presiding officer, if known;

(e) A statement of the time, place and nature of the proceeding;

~~((b))~~ (f) A statement of the legal authority and jurisdiction under which the hearing is to be held;

~~((c))~~ (g) A reference to the particular sections of the statutes and rules involved;

~~((d))~~ (h) A short and plain statement of the matters asserted by the agency; and

(i) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in default in accordance with this chapter. ~~((If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.~~

(2) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(3) An agency may provide by rule for entry of summary orders in part or in whole after notice and hearing to all parties. The motion shall be granted if the pleadings, dispositions and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to the order as a matter of law.

(4) Unless precluded by law, informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default.

(5) The record in a contested case shall include:

(a) All pleadings, motions, intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and ruling thereon;

(e) Proposed findings and exceptions;

(f) Any decision, opinion, or report by the officer presiding at the hearing.

(6) Oral proceedings shall be transcribed for the purposes of agency decision pursuant to RCW 34.04.110, as now or hereafter amended, rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof.

(7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(8) Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

(9) Agencies, or their authorized agents, may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law;

(b) Issue subpoenas as provided in RCW 34.04.105;

(c) Rule upon offers of proof and receive relevant evidence;

(d) Take or cause depositions to be taken pursuant to rules promulgated by the agency, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding;

(e) Regulate the course of the hearing;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(g) Dispose of procedural requests or similar matters;

(h) Issue summary orders;

(i) Make decisions or proposals for decisions pursuant to RCW 34.04.110;

(j) Take any other action authorized by agency rule consistent with this chapter.)

(3) If the agency is unable to state the matters required by subsection (2)(h) of this section at the time the notice is served, the initial notice may be limited to a statement of the issues involved. If the proceeding is initiated by a person other than the agency, the initial notice may be limited to the inclusion of a copy of the initiating document. Thereafter, upon request, a more definite and detailed statement shall be furnished.

(4) The notice may include any other matters considered desirable by the agency.

NEW SECTION, Sec. 410. PLEADINGS, BRIEFS, MOTIONS, SERVICE. (1) The presiding officer, at appropriate stages of the proceedings, shall give all parties full opportunity to submit and respond to pleadings, motions, objections, and offers of settlement.

(2) At appropriate stages of the proceedings, the presiding officer may give all parties full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders.

(3) A party that files a pleading, brief, or other paper with the agency or presiding officer shall serve copies on all other parties, unless a different procedure is specified by agency rule.

NEW SECTION, Sec. 411. DEFAULT. (1) An agency may provide forms for and, by rule, may provide procedures for and impose time limits upon, submission of requests for hearing. Failure of a party to request a hearing within the time limit or limits established by the agency rule constitutes a waiver of that party's right to hearing, and the agency may proceed to resolve the case without further notice to, or hearing for the benefit of, that party. There shall be a minimum of twenty days from notice of an opportunity to request a hearing before a party is deemed to have waived his or her right to a hearing under this subsection.

(2) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order.

(3) Within seven days after service of a default order under subsection (2) of this section, or such longer period as provided by agency rule, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that

party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings.

NEW SECTION. Sec. 412. INTERVENTION. (1) The presiding officer may grant a petition for intervention at any time, upon determining that the petitioner qualifies as an intervenor under any provision of law and that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.

(2) If a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition; and

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(3) The presiding officer shall timely grant or deny each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The presiding officer may modify the order at any time, stating the reasons for the modification. The presiding officer shall promptly give notice of the decision granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

Sec. 413. SUBPOENAS, DISCOVERY, AND PROTECTIVE ORDERS. Section 10, chapter 237, Laws of 1967 and RCW 34.04.105 are each amended to read as follows:

~~(1) (In order to determine the necessity or desirability of adopting, amending, repealing, or otherwise revising a rule or proposed rule, agencies may hold public hearings, subpoena witnesses, administer oaths, take the testimony of any person under oath, and in connection therewith, require the production for examination of any books or papers relating to the subject matter of contemplated regulation. Each agency may make rules as to the issuance of subpoenas by the agency or its authorized agents. This subsection shall not preclude the exercise of subpoena powers for investigative purposes granted agencies by other statutory provisions.~~

~~(2) In any contested case after service of notice as required in RCW 34.04.090(1), as now or hereafter amended, agencies, their authorized agents, and hearing examiners hearing the case:~~

~~(a) Shall issue a subpoena upon the request of any party and, to the extent required by agency rule, upon a statement showing general relevance and reasonable scope of the evidence sought; PROVIDED, HOWEVER, That such subpoena may be issued with like effect by the attorney of record of the party to the contested case in whose behalf the witness is required to appear, and the form of such subpoena in each case may be the same as when issued by the agency except that it shall only be subscribed by the signature of such attorney;~~

~~(b) May issue a subpoena upon their own motion.~~

~~(3) The presiding officer may issue subpoenas and may enter protective orders. A subpoena may be issued with like effect by the agency or the attorney of record in whose behalf the witness is required to appear.~~

~~(2) An agency may by rule determine whether or not discovery is to be available in adjudicative proceedings and, if so, which forms of discovery may be used.~~

~~(3) Except as otherwise provided by agency rules, the presiding officer may decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules. The presiding officer may condition use of discovery on a showing of necessity and unavailability by other means. In exercising such discretion, the presiding officer shall consider: (a) Whether all parties are represented by counsel; (b) whether undue expense or delay in bringing the case to hearing will result; (c) whether the discovery will promote the orderly and prompt conduct of the proceeding; and (d) whether the interests of justice will be promoted.~~

~~(4) Subpoenas issued and discovery orders and protective orders entered under this section may be enforced under the provisions of this chapter on civil enforcement of agency action.~~

~~(5) The subpoena powers created by this section shall be state-wide in effect.~~

~~((4)) (6) Witnesses in an ((agency hearing or contested case)) adjudicatory proceeding shall be paid the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010. ((as now or hereafter amended; PROVIDED;)) except that the agency shall have the power to fix the allowance for meals and lodging in like manner as is provided in RCW 5.56.010((-as now or hereafter amended;)) as to courts. ((Such)) The person initiating an adjudicative proceeding or the party requesting issuance of a subpoena shall pay the fees and allowances(;) and the cost of producing records required to be produced by ((agency)) subpoena((- shall be paid by the agency or, in a contested case, by the party requesting the issuance of the subpoena.~~

(5) If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the agency or attorney issuing the subpoena may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, and in the case of a rule-making hearing that the requested appearance and testimony are necessary to secure information the expected nature of which would reasonably tend to cause the agency to exercise its rule-making authority, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court).

NEW SECTION, Sec. 414. PROCEDURE AT HEARING. (1) The presiding officer shall regulate the course of the proceedings, in conformity with the prehearing order, if any.

(2) To the extent necessary for full disclosure of all relevant facts and issues, the presiding officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the prehearing order.

(3) In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, all or part of the hearing may be conducted by telephone, television, or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

(4) The presiding officer shall cause the hearing to be recorded by a method chosen by the agency. The agency is not required, at its expense, to prepare a transcript, unless required to do so by a provision of law. Any party, at the party's expense, may cause a reporter approved by the agency to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if the making of the additional recording does not cause distraction or disruption.

(5) The hearing is open to public observation, except for the parts that the presiding officer states to be closed under a provision of law expressly authorizing closure or under a protective order issued by the presiding officer pursuant to rules adopted by the chief administrative law judge. A presiding officer may order the exclusion of witnesses upon a showing of good cause. To the extent that the hearing is conducted by telephone, television, or other electronic means, and is not closed, the availability of public observation is satisfied by giving members of the public an opportunity, at reasonable times, to hear or inspect the agency's record, and to inspect any transcript obtained by the agency.

Sec. 415. RULES OF EVIDENCE—CROSS-EXAMINATION. Section 10, chapter 234, Laws of 1959 and RCW 34.04.100 are each amended to read as follows:

~~((In contested cases:))~~

~~(1) ((Agencies, or their authorized agents, may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.~~

~~(2) All evidence, including but not limited to records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case.)) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.~~

~~(2) If not inconsistent with subsection (1) of this section, the presiding officer shall refer to the Washington Rules of Evidence as guidelines for evidentiary rulings.~~

~~(3) All testimony of parties and witnesses shall be made under oath or affirmation.~~

~~(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.~~

~~((3) Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.~~

~~(4) Agencies, or their authorized agents, may take)) (5) Official notice may be taken of (a) any judicially cognizable facts ((and in addition may take notice of general)), (b) technical(:))~~

or scientific facts within ((their)) the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. ((Agencies, or their authorized agents, may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.)) A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

NEW SECTION, Sec. 416. EX PARTE COMMUNICATIONS. (1) A presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding other than communications necessary to procedural aspects of maintaining an orderly process, with any person employed by the agency without notice and opportunity for all parties to participate, except as provided in this subsection:

(a) Where the ultimate legal authority of an agency is vested in a multimember body, and where that body presides at an adjudication, members of the body may communicate with one another regarding the proceeding;

(b) Any presiding officer may receive aid from legal counsel, or from staff assistants who are subject to the presiding officer's supervision; and

(c) Presiding officers may communicate with other employees or consultants of the agency who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

(d) This subsection does not apply to communications required for the disposition of ex parte matters specifically authorized by statute.

(2) Unless required for the disposition of ex parte matters specifically authorized by statute or unless necessary to procedural aspects of maintaining an orderly process, a presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding, with any person not employed by the agency who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

(3) Unless necessary to procedural aspects of maintaining an orderly process, persons to whom a presiding officer may not communicate under subsections (1) and (2) of this section may not communicate with presiding officers without notice and opportunity for all parties to participate.

(4) If, before serving as presiding officer in an adjudicative proceeding, a person receives an ex parte communication of a type that could not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5) of this section.

(5) A presiding officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record. Portions of the record pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the matter unless a party moves the admission of any portion of the record for purposes of establishing a fact at issue and that portion is admitted pursuant to section 415 of this act.

(6) If necessary to eliminate the effect of an ex parte communication received in violation of this section, a presiding officer who receives the communication may be disqualified, and the portions of the record pertaining to the communication may be sealed by protective order.

(7) The agency shall, and any party may, report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law. In addition, each agency by rule may provide for appropriate sanctions, including default, for any violations of this section.

NEW SECTION, Sec. 417. SEPARATION OF FUNCTIONS. (1) A person who has served as investigator, prosecutor, or advocate in an adjudicative proceeding or in its preadjudicative stage, or one who is subject to the authority, direction, or discretion of such a person, may not serve as a presiding officer in the same proceeding.

(2) A person, including an agency head, who has participated in a determination of probable cause or other equivalent preliminary determination in an adjudicative proceeding may serve as presiding officer or assist or advise a presiding officer in the same proceeding unless a party demonstrates grounds for disqualification in accordance with section 406 of this act.

(3) A person may serve as presiding officer at successive stages of the same adjudicative proceeding unless a party demonstrates grounds for disqualification in accordance with section 406 of this act.

NEW SECTION, Sec. 418. ENTRY OF ORDERS. (1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in section 406 of this act. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8) Initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(9) The presiding officer shall cause copies of initial and final orders to be delivered to each party and to the agency head.

NEW SECTION, Sec. 419. REVIEW OF INITIAL ORDERS. (1) As authorized by law, an agency may by rule provide that initial orders in specified classes of cases may become final without further agency action unless, within a specified period, (a) the agency head upon its own motion determines that the initial order should be reviewed, or (b) a party to the proceedings files exceptions to the initial order. Upon occurrence of either event, notice shall be given to all parties to the proceeding.

(2) As provided by law, an agency head may appoint a person to review initial orders and to prepare and enter final agency orders.

(3) Sections 406 and 416 of this act apply to any person reviewing an initial order on behalf of an agency as part of the decision process, and to persons communicating with them, to the same extent that it is applicable to presiding officers.

(4) The officer reviewing the initial order (including the agency head reviewing an initial order) is, for the purposes of this chapter, termed the reviewing officer. The reviewing officer shall exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer upon notice to all the parties. In reviewing findings of fact by presiding officers, the reviewing officers shall give due regard to the presiding officer's opportunity to observe the witnesses.

(5) The reviewing officer shall personally consider the whole record or such portions of it as may be cited by the parties.

(6) The reviewing officer shall afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument.

(7) The reviewing officer shall enter a final order disposing of the proceeding or remand the matter for further proceedings, with instructions to the presiding officer who entered the initial order. Upon remanding a matter, the reviewing officer shall order such temporary relief as is authorized and appropriate.

(8) A final order shall include, or incorporate by reference to the initial order, all matters required by section 418(3) of this act.

(9) The reviewing officer shall cause copies of the final order or order remanding the matter for further proceedings to be served upon each party.

NEW SECTION, Sec. 420. STAY. A party may submit to the presiding or reviewing officer, as is appropriate to the stage of the proceeding, a petition for stay of effectiveness of a final order within ten days of its service unless otherwise provided by statute or stated in the final order. Disposition of the petition for stay shall be made by the presiding officer, reviewing officer, or agency head as provided by agency rule. Disposition may be made either before or after the effective date of the final order. Disposition denying a stay is not subject to judicial review.

NEW SECTION, Sec. 421. RECONSIDERATION. (1) Within ten days of the service of a final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested. The place of filing shall be specified by agency rule.

(2) The petition shall be disposed of by the same person or persons who entered the order, if reasonably available. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further hearing. The petition shall be deemed to have been denied if not disposed of within twenty days.

(3) No petition for reconsideration may stay the effectiveness of an order.

(4) The agency head may extend the time limits in this section for good cause, with due consideration that the rights of the parties will not be prejudiced by the extension and that extension will be in the public interest.

(5) The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. An order denying reconsideration, or an extension of time limits pursuant to subsection (4) of this section is not subject to judicial review.

NEW SECTION, Sec. 422. EFFECTIVENESS OF ORDERS. (1) Unless a later date is stated in an order or a stay is granted, an order is effective when signed, but:

(a) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the final order;

(b) A nonparty may not be required to comply with a final order unless the agency has made the final order available for public inspection and copying or the nonparty has actual knowledge of the final order;

(c) For purposes of determining time limits for further administrative procedure or for judicial review, the determinative date is the date of service of the order.

(2) Unless a later date is stated in the initial order or a stay is granted, the time when an initial order becomes a final order in accordance with section 418 of this act is determined as follows:

(a) When the initial order is entered, if administrative review is unavailable; or

(b) When the agency head with such authority enters an order stating, after a petition for administrative review has been filed, that review will not be exercised.

(3) This section does not preclude an agency from taking immediate action to protect the public interest in accordance with section 424 of this act.

NEW SECTION, Sec. 423. AGENCY RECORD. (1) An agency shall maintain an official record of each adjudicative proceeding under this chapter.

(2) The agency record shall include:

(a) Notices of all proceedings;

(b) Any prehearing order;

(c) Any motions, pleadings, briefs, petitions, requests, and intermediate rulings;

(d) Evidence received or considered;

(e) A statement of matters officially noticed;

(f) Proffers of proof and objections and rulings thereon;

(g) Proposed findings, requested orders, and exceptions;

(h) The recording prepared for the presiding officer at the hearing, together with any transcript of all or part of the hearing considered before final disposition of the proceeding;

(i) Any final order, initial order, or order on reconsideration;

(j) Staff memoranda or data submitted to the presiding officer, unless prepared and submitted by personal assistants and not inconsistent with section 416 of this act; and

(k) Matters placed on the record after an ex parte communication.

(3) Except to the extent that this chapter or another statute provides otherwise, the agency record constitutes the exclusive basis for agency action in adjudicative proceedings under this chapter and for judicial review of adjudicative proceedings.

NEW SECTION, Sec. 424. EMERGENCY ADJUDICATIVE PROCEEDINGS. (1) Unless otherwise provided by law, an agency may use emergency adjudicative proceedings in a situation

involving an immediate danger to the public health, safety, or welfare requiring immediate agency action.

(2) The agency may take only such action as is necessary to prevent or avoid the immediate danger to the public health, safety, or welfare that justifies use of emergency adjudication.

(3) The agency shall enter an order, including a brief statement of findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the agency's discretion, to justify the determination of an immediate danger and the agency's decision to take the specific action.

(4) The agency shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when entered.

(5) After entering an order under this section, the agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

(6) The agency record consists of any documents regarding the matter that were considered or prepared by the agency. The agency shall maintain these documents as its official record.

(7) Unless otherwise required by a provision of law, the agency record need not constitute the exclusive basis for agency action in emergency adjudicative proceedings or for judicial review thereof.

(8) This section shall not apply to agency action taken pursuant to a provision of law that expressly authorizes the agency to issue a cease and desist order. The agency may proceed, alternatively, under that independent authority.

NEW SECTION, Sec. 425. BRIEF ADJUDICATIVE PROCEEDINGS—APPLICABILITY. An agency may use brief adjudicative proceedings if:

(1) The use of those proceedings in the circumstances does not violate any provision of law;

(2) The protection of the public interest does not require the agency to give notice and an opportunity to participate to persons other than the parties;

(3) The matter is entirely within one or more categories for which the agency by rule has adopted this section and sections 426 through 429 of this act; and

(4) The issue and interests involved in the controversy do not warrant use of the procedures of sections 402 through 424 of this act.

NEW SECTION, Sec. 426. BRIEF ADJUDICATIVE PROCEEDINGS—PROCEDURE. (1) If not specifically prohibited by law, the following persons may be designated as the presiding officer of a brief adjudicative proceeding:

(a) The agency head;

(b) One or more members of the agency head;

(c) One or more administrative law judges; or

(d) One or more other persons designated by the agency head.

(2) Before taking action, the presiding officer shall give each party an opportunity to be informed of the agency's view of the matter and to explain the party's view of the matter.

(3) At the time any unfavorable action is taken the presiding officer shall give each party a brief statement of the reasons for the decision. Within ten days, the presiding officer shall give the parties a brief written statement of the reasons for the decision and information about any internal administrative review available.

(4) The brief written statement is a proposed order. If no review is taken of the proposed order as authorized by sections 427 and 428 of this act, the proposed order shall be the final order.

NEW SECTION, Sec. 427. BRIEF PROCEEDINGS—ADMINISTRATIVE REVIEW—APPLICABILITY. Unless prohibited by any provision of law, an agency, on its own motion, may conduct administrative review of an order resulting from brief adjudicative proceedings. An agency shall conduct this review upon the written or oral request of a party if the agency receives the request within twenty-one days after furnishing the written statement required by section 426(3) of this act.

NEW SECTION, Sec. 428. BRIEF PROCEEDINGS—ADMINISTRATIVE REVIEW—PROCEDURES. Unless otherwise provided by statute:

(1) If the parties have not requested review, the agency may review an order resulting from a brief adjudicative proceeding on its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(2) The reviewing officer may be any person who could have presided at the brief proceeding, but the reviewing officer must be one who is authorized to grant appropriate relief upon review.

(3) The reviewing officer shall give each party an opportunity to explain the party's view of the matter and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative hearing.

(4) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(5) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within twenty days after the request is submitted.

NEW SECTION. Sec. 429. AGENCY RECORD IN BRIEF PROCEEDINGS. (1) The agency record consists of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. The agency shall maintain these documents as its official record.

(2) Unless otherwise required by a provision of law, the agency record need not constitute the exclusive basis for agency action in brief adjudicative proceedings or for the judicial review of brief adjudicative proceedings.

PART XV.

JUDICIAL REVIEW AND CIVIL ENFORCEMENT

NEW SECTION. Sec. 501. RELATIONSHIP BETWEEN THIS CHAPTER AND OTHER JUDICIAL REVIEW AUTHORITY. This chapter establishes the exclusive means of judicial review of agency action, except:

(1) The provisions of this chapter for judicial review do not apply to litigation in which the sole issue is a claim for money damages or compensation and the agency whose action is at issue does not have statutory authority to determine the claim.

(2) Ancillary procedural matters before the reviewing court, including intervention, class actions, consolidation, joinder, severance, transfer, protective orders, and other relief from disclosure of privileged or confidential material, are governed, to the extent not inconsistent with this chapter, by court rule.

(3) To the extent that de novo review or jury trial review of agency action is expressly authorized by provision of law.

NEW SECTION. Sec. 502. PETITION FOR REVIEW—WHERE FILED. (1) Except as provided in subsection (2) of this section and section 508 of this act, proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

Sec. 503. DIRECT REVIEW BY COURT OF APPEALS. Section 1, chapter 76, Laws of 1980 and RCW 34.04.133 are each amended to read as follows:

The final decision of an administrative agency in ~~((a-contested case))~~ an adjudicative proceeding under this chapter ~~((34.04 RCW))~~ may be directly reviewed by the court of appeals upon certification by the superior court pursuant to this section. An application for ~~((such))~~ direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(1) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(2) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(3) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(4) The appellate court's determination in the proceeding would have significant prece-dential value.

Sec. 504. REFUSAL OF REVIEW BY COURT OF APPEALS. Section 2, chapter 76, Laws of 1980 and RCW 34.04.135 are each amended to read as follows:

The court of appeals may refuse to accept review of a case certified pursuant to ~~((RCW 34.04.133))~~ section 503 of this act. The refusal to accept such review is not subject to further appellate review, notwithstanding anything in Rule 13.3 of the Rules of Appellate Procedure to the contrary.

Sec. 505. APPEAL TO SUPREME COURT OR COURT OF APPEALS. Section 14, chapter 234, Laws of 1959 as amended by section 87, chapter 81, Laws of 1971 and RCW 34.04.140 are each amended to read as follows:

An aggrieved party may secure a review of any final judgment of the superior court under this chapter by appeal to the supreme court or the court of appeals. ~~((Such))~~ The appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

NEW SECTION. Sec. 506. STANDING. A person has standing to obtain judicial review of agency action if that person is aggrieved or adversely affected by the agency action. A person is aggrieved or adversely affected within the meaning of this section only when all three of the following conditions are present:

- (1) The agency action has prejudiced or is likely to prejudice that person;
- (2) That person's asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged; and
- (3) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the agency action.

NEW SECTION. Sec. 507. EXHAUSTION OF ADMINISTRATIVE REMEDIES. A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except:

- (1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, or have petitioned for its amendment or repeal;
- (2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or
- (3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that:
 - (a) The remedies would be patently inadequate;
 - (b) The exhaustion of remedies would be futile; or
 - (c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

Sec. 508. DECLARATORY JUDGMENT ON VALIDITY OF RULE. Section 7, chapter 234, Laws of 1959 as amended by section 8, chapter 6, Laws of 1982 and RCW 34.04.070 are each amended to read as follows:

~~((1))~~ The validity of any rule may be determined upon petition for a declaratory judgment ~~((thereon))~~ addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair, the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment order may be ~~((rendered))~~ entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

~~((2))~~ In a proceeding under subsection (1) of this section the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures.

~~(3) A petition for a declaratory judgment pursuant to this section may not be solely based on the contents of the small business economic impact statement. However, in the case of a petition for a declaratory judgment as to the validity of any rule which is adopted after June 10, 1982, and which is based on grounds other than the contents of the small business economic impact statement, the compliance or noncompliance by the agency with the provisions of this chapter and where applicable the small business economic impact statement shall constitute part of the whole record of the agency's action in connection with the petition.)~~

NEW SECTION. Sec. 509. TIME FOR FILING PETITION FOR REVIEW. Subject to other requirements of this chapter or of another statute:

(1) A petition for judicial review of a rule may be filed at any time, except as limited by section 314 of this act.

(2) A petition for judicial review of an order shall be filed with the court and served on the agency, the office of the attorney general, and all parties of record within thirty days after service of the final order.

(3) A petition for judicial review of agency action other than the adoption of a rule or the entry of an order is not timely unless filed with the court and served on the agency, the office of the attorney general, and all other parties of record within thirty days after the agency action, but the time is extended during any period that the petitioner did not know and was under no duty to discover or could not reasonably have discovered that the agency had taken the action or that the agency action had a sufficient effect to confer standing upon the petitioner to obtain judicial review under this chapter.

(4) Service of the petition on the agency shall be by delivery of a copy of the petition to the office of the director, or other chief administrative officer or chairperson of the agency, at the principal office of the agency. Service of a copy by mail upon the other parties of record and the office of the attorney general shall be deemed complete upon deposit in the United States mail, as evidenced by the postmark.

(5) Failure to timely serve a petition on the office of the attorney general is not grounds for dismissal of the petition.

NEW SECTION. Sec. 510. PETITION FOR REVIEW—CONTENTS. A petition for review must set forth:

- (1) The name and mailing address of the petitioner;

- (2) The name and mailing address of the petitioner's attorney, if any;
- (3) The name and mailing address of the agency whose action is at issue;
- (4) Identification of the agency action at issue, together with a duplicate copy, summary, or brief description of the agency action;
- (5) Identification of persons who were parties in any adjudicative proceedings that led to the agency action;
- (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
- (7) The petitioner's reasons for believing that relief should be granted; and
- (8) A request for relief, specifying the type and extent of relief requested.

NEW SECTION. Sec. 511. STAY AND OTHER TEMPORARY REMEDIES. (1) Unless precluded by law, the agency may grant a stay, in whole or in part, or other temporary remedy during the pendency of judicial review.

(2) After a petition for review has been filed, a party may file a motion in the reviewing court seeking a stay or other temporary remedy.

(3) If judicial relief is sought for a stay or other temporary remedy from agency action based on public health, safety, or welfare grounds the court shall not grant such relief unless the court finds that:

- (a) The applicant is likely to prevail when the court finally disposes of the matter;
- (b) Without relief the applicant will suffer irreparable injury;
- (c) The grant of relief to the applicant will not substantially harm other parties to the proceedings; and

(4) The threat to the public health, safety, or welfare is not sufficiently serious to justify the agency action in the circumstances.

(4) If the court determines that relief should be granted from the agency's action granting a stay or other temporary remedies, the court may remand the matter or may enter an order denying a stay or granting a stay on appropriate terms.

NEW SECTION. Sec. 512. LIMITATION ON NEW ISSUES. (1) Issues not raised before the agency may not be raised on appeal, except to the extent that:

- (a) The person did not know and was under no duty to discover or could not have reasonably discovered facts giving rise to the issue;
- (b) The agency action subject to judicial review is a rule and the person has not been a party in adjudicative proceedings that provided an adequate opportunity to raise the issue;
- (c) The agency action subject to judicial review is an order and the person was not notified of the adjudicative proceeding in substantial compliance with this chapter; or
- (d) The interests of justice would be served by resolution of an issue arising from:
 - (i) A change in controlling law occurring after the agency action; or
 - (ii) Agency action occurring after the person exhausted the last feasible opportunity for seeking relief from the agency.

(2) The court shall remand to the agency for determination any issue that is properly raised pursuant to subsection (1) of this section.

NEW SECTION. Sec. 513. JUDICIAL REVIEW OF FACTS CONFINED TO RECORD. Judicial review of disputed issues of fact shall be conducted by the court without a jury and must be confined to the agency record for judicial review as defined by this chapter, supplemented by additional evidence taken pursuant to this chapter.

NEW SECTION. Sec. 514. NEW EVIDENCE TAKEN BY COURT OR AGENCY. (1) The court may receive evidence in addition to that contained in the agency record for judicial review, only if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues regarding:

- (a) Improper constitution as a decision-making body or grounds for disqualification of those taking the agency action;
- (b) Unlawfulness of procedure or of decision-making process; or
- (c) Material facts in rule making, brief adjudications, or other proceedings not required to be determined on the agency record.

(2) The court may remand a matter to the agency, before final disposition of a petition for review, with directions that the agency conduct fact-finding and other proceedings the court considers necessary and that the agency take such further action on the basis thereof as the court directs, if:

- (a) The agency was required by this chapter or any other provision of law to base its action exclusively on a record of a type reasonably suitable for judicial review, but the agency failed to prepare or preserve an adequate record;
- (b) The court finds that (i) new evidence has become available that relates to the validity of the agency action at the time it was taken, that one or more of the parties did not know and was under no duty to discover or could not have reasonably been discovered until after the agency action, and (ii) the interests of justice would be served by remand to the agency;
- (c) The agency improperly excluded or omitted evidence from the record; or
- (d) A relevant provision of law changed after the agency action and the court determines that the new provision may control the outcome.

NEW SECTION. Sec. 515. AGENCY RECORD FOR REVIEW—COSTS. (1) Within thirty days after service of the petition, or within further time allowed by the court or by other provision of law, the agency shall transmit to the court the original or a certified copy of the agency record for judicial review of the agency action. The record shall consist of any agency documents expressing the agency action, other documents identified by the agency as having been considered by it before its action and used as a basis for its action, and any other material described in this chapter as the agency record for the type of agency action at issue, subject to the provisions of this section.

(2) If part of the record has been preserved without a transcript, the agency shall prepare a transcript for inclusion in the record transmitted to the court, except for portions that the parties stipulate to omit in accordance with subsection (4) of this section.

(3) The agency may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay any of this cost to the agency relieves the agency from the responsibility for preparation of the record and transmittal to the court.

(4) The record may be shortened, summarized, or organized temporarily or, by stipulation of all parties, permanently.

(5) The court may tax the cost of preparing transcripts and copies for the record:

(a) Against a party who unreasonably refuses to stipulate to shorten, summarize, or organize the record;

(b) As provided by section 516 of this act; or

(c) In accordance with any other provision of law.

(6) Additions to the record pursuant to section 514 of this act must be made as ordered by the court.

(7) The court may require or permit subsequent corrections or additions to the record.

Sec. 516. JUDICIAL REVIEW. Section 13, chapter 234, Laws of 1959 as last amended by section 1, chapter 52, Laws of 1977 ex. sess. and RCW 34.04.130 are each amended to read as follows:

(1) ~~(Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof only under the provisions of this 1967 amendatory act, and such person may not use any other procedure to obtain judicial review of a final decision, even though another procedure is provided elsewhere by a special statute or a statute of general application. Where the agency's rules provide a procedure for rehearing or reconsideration, and that procedure has been invoked, the agency decision shall not be final until the agency shall have acted thereon.~~

~~(2) Proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located. The petition shall be served and filed within thirty days after the service of the final decision of the agency. Copies of the petition shall be served upon the agency and all parties of record. If a timely petition is filed any party of record not filing or joining in the first petition who wants relief from the decision must join in the petition or serve and file a cross-petition within twenty days after service of the first petition or thirty days after service of the final decision of the agency, whichever period of time is longer. The court, in its discretion, may permit other interested persons to intervene.~~

~~(3) The filing of the petition shall not stay enforcement of the agency decision. Where other statutes provide for stay or supersedeas of an agency decision, it may be stayed by the agency or the reviewing court only as provided therein; otherwise the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.~~

~~(4) Within thirty days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.~~

~~(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.~~

~~(6) The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are) Generally, except to the extent that this chapter or another statute provides otherwise:~~

~~(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;~~

~~(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;~~

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to section 508 of this act or by review of other agency action.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a declaratory judgment proceeding, the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures.

(3) Review of agency orders. The court shall grant relief from an agency order only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied; ((or))

(b) ((in excess of)) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law; ((or))

(c) ((made upon)) The agency has engaged in unlawful procedure or decision making process, or has failed to follow a prescribed procedure; ((or))

(d) ((affected by other error of)) The agency has erroneously interpreted or applied the law; ((or))

(e) ((clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order)) The order, other than a rule, is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter; ((or))

(f) The agency has not decided all issues requiring resolution by the agency;

(g) The persons entering the order were subject to disqualification;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to section 502 of this act, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to section 514 of this act, on material issues of fact raised by the petition.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.

NEW SECTION. Sec. 517. TYPE OF RELIEF. (1) The court may order an agency to take action required by law, order an agency to exercise discretion required by law, affirm or set aside agency action, enjoin or stay the agency action, remand the matter for further proceedings, or enter a declaratory judgment order. In reviewing matters within agency discretion, the court shall limit its function to assuring that the agency has exercised its discretion in accordance with law, and shall not itself undertake to exercise the discretion that the legislature has placed in the agency. The court shall remand to the agency for modification of agency action, unless remand is impracticable or would cause unnecessary delay.

(2) The sole remedy available to a person who is wrongfully denied licensure based upon a failure to pass an examination administered by a state agency, or under its auspices, is the right to retake the examination free of the defect or defects the court may have found in the examination or the examination procedure.

(3) The court may award damages, compensation, or ancillary relief only to the extent expressly authorized by another provision of law.

(4) If the court sets aside or modifies agency action or remands the matter to the agency for further proceedings, the court may make any interlocutory order it finds necessary to preserve the interests of the parties and the public, pending further proceedings or agency action.

NEW SECTION, Sec. 518. PETITION BY AGENCY FOR ENFORCEMENT. (1) In addition to other remedies provided by law, an agency may seek enforcement of its rule or order by filing a petition for civil enforcement in the superior court.

(2) The petition must name as respondent each alleged person against whom the agency seeks to obtain civil enforcement.

(3) Venue is determined as in other civil cases.

(4) A petition for civil enforcement filed by an agency may request, and the court may grant, declaratory relief, temporary or permanent injunctive relief, any other civil remedy provided by law, or any combination of the foregoing.

NEW SECTION, Sec. 519. PETITION BY OTHERS FOR ENFORCEMENT. (1) Any person who would qualify under this chapter as having standing to obtain judicial review of an agency's failure to enforce an order directed to another person may file a petition for civil enforcement of that order, but the action may not be commenced:

(a) Until at least sixty days after the petitioner has given notice of the alleged violation and of the petitioner's intent to seek civil enforcement to the head of the agency concerned, to the attorney general, and to each person against whom the petitioner seeks civil enforcement;

(b) If the agency has filed and is diligently prosecuting a petition for civil enforcement of the same order against the same person; or

(c) If a petition for review of the same order has been filed and a stay is in effect.

(2) The petition shall name, as respondents, the agency whose order is sought to be enforced and each person against whom the petitioner seeks civil enforcement.

(3) The agency whose order is sought to be enforced may move to dismiss the petition on the grounds that it fails to qualify under this section or that the enforcement would be contrary to the policy of the agency. The court shall grant the motion to dismiss the petition unless the petitioner demonstrates that (a) the petition qualifies under this section and (b) the agency's failure to enforce its order is based on an exercise of discretion that is arbitrary or capricious.

(4) Except to the extent expressly authorized by law, a petition for civil enforcement may not request, and the court may not grant, any monetary payment apart from taxable costs.

NEW SECTION, Sec. 520. DEFENSES—LIMITATION ON NEW ISSUES. (1) In a proceeding for civil enforcement a respondent may only assert as a defense:

(a) That the rule or order is invalid under section 516(3) (a) or (b) of this act. The court may only consider issues and receive evidence within the limitations provided by sections 512, 513, and 514 of this act;

(b) That the rule or order does not apply to the party or that the party has not violated the rule or order; and

(c) A defense specifically authorized by statute.

(2) The court, to the extent necessary for the determination of the matter, may consider new issues or take new evidence.

NEW SECTION, Sec. 521. INCORPORATION OF OTHER JUDICIAL REVIEW PROVISIONS. Proceedings for civil enforcement are governed by the following provisions of this chapter on judicial review, as modified where necessary to adapt them to those proceedings:

(1) Section 501(2) of this act (ancillary procedural matters); and

(2) Section 515 of this act (agency record for judicial review).

NEW SECTION, Sec. 522. REVIEW BY HIGHER COURT. Decisions on petitions for civil enforcement are reviewable as in other civil cases.

PART XVI.

LEGISLATIVE REVIEW AND MISCELLANEOUS PROVISIONS

Sec. 601. JOINT ADMINISTRATIVE RULES REVIEW COMMITTEE—MEMBERS—APPOINTMENT—TERMS—VACANCIES. Section 5, chapter 324, Laws of 1981 as amended by section 1, chapter 53, Laws of 1983 and RCW 34.04.210 are each amended to read as follows:

(1) There is hereby created a joint administrative rules review committee which shall be a bipartisan committee consisting of four senators and four representatives from the state legislature. The senate members of the committee shall be appointed by the president of the senate, and the house members of the committee shall be appointed by the speaker of the house. Not more than two members from each house may be from the same political party. All appointments to the committee are subject to approval by the caucuses to which the appointed members belong.

(2) ~~((The initial members of the committee shall be appointed as soon as possible after July 26, 1981, and shall serve until the next regular session of the legislature convenes in an odd-numbered year. Thereafter))~~ Members shall be appointed as soon as possible after the legislature convenes in regular session in an odd-numbered year, and their terms shall extend until their successors are appointed and qualified at the next regular session of the legislature in an odd-numbered year or until such members no longer serve in the legislature, whichever occurs first. Members may be reappointed to a committee.

(3) The president of the senate shall appoint the chairperson in even-numbered years and the vice chairperson in odd-numbered years from among committee membership. The speaker of the house shall appoint the chairperson in odd-numbered years and the vice chairperson in even-numbered years from among committee membership. Such appointments shall be made in January of each year as soon as possible after a legislative session convenes.

(4) A vacancy on the committee shall be filled by appointment of a legislator from the same political party as the original appointment. The appropriate appointing authority shall make the appointment within thirty days of the vacancy occurring.

Sec. 602. REVIEW OF PROPOSED RULES—NOTICE. Section 6, chapter 324, Laws of 1981 as amended by section 1, chapter 451, Laws of 1987 and RCW 34.04.220 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the committee shall give the affected agency written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to ~~((RCW 34.04.025(1)(a)(iii)))~~ section 303 of this act. The notice shall include a statement of the review committee's findings and the reasons therefor. When the agency holds a hearing on the proposed rule, the agency shall consider the review committee's decision.

Sec. 603. REVIEW OF EXISTING RULES—POLICY STATEMENTS, GUIDELINES, ISSUANCES—NOTICE—HEARING. Section 7, chapter 324, Laws of 1981 as amended by section 2, chapter 451, Laws of 1987 and RCW 34.04.230 are each amended to read as follows:

(1) All rules required to be filed pursuant to ~~((RCW 34.04.040))~~ section 315 of this act, and emergency rules adopted pursuant to ~~((RCW 34.04.030))~~ section 309 of this act, are subject to selective review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule ~~((as defined in RCW 34.04.010(2))).~~

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, or (c) that an agency is using a policy statement, guideline, or issuance in place of a rule, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in ~~((RCW 34.04.025, as now or hereafter amended))~~ section 303 of this act. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(4) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, or (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule.

Sec. 604. COMMITTEE OBJECTIONS TO AGENCY ACTION OR FAILURE TO ADOPT RULE—STATEMENT IN REGISTER AND WAC—SUSPENSION OF RULE. Section 8, chapter 324, Laws of 1981 as amended by section 3, chapter 451, Laws of 1987 and RCW 34.04.240 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to ~~((RCW 34.04.220 or 34.04.230))~~ section 602 or 603 of this act, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a committee finding of the agency's failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members: (a) That the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, or (b) that the agency is using a policy statement, guideline, or issuance in place of a rule, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a two-thirds vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the governor, the code reviser, and the agency written notice of its objection and recommended suspension and

the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session.

(4) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (1), (2), or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

(5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

Sec. 605. RECOMMENDATIONS BY COMMITTEE TO LEGISLATURE. Section 9, chapter 324, Laws of 1981 as amended by section 4, chapter 451, Laws of 1987 and RCW 34.04.250 are each amended to read as follows:

The rules review committee may recommend to the legislature that the original enabling legislation serving as authority for the ((~~promulgation~~)) adoption of any rule reviewed by the committee be amended or repealed in such manner as the committee deems advisable.

Sec. 606. REVIEW AND OBJECTION PROCEDURES—NO PRESUMPTION ESTABLISHED. Section 10, chapter 324, Laws of 1981 and RCW 34.04.260 are each amended to read as follows:

It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by ((~~RCW 34.04.230(2) and 34.04.240(2)~~)) sections 603(2) and 604(2) of this act in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

NEW SECTION. Sec. 607. The provisions of RCW 4.84.185 relating to civil actions that are frivolous and advanced without reasonable cause apply to petitions for judicial review under this chapter.

PART XVII. TECHNICAL PROVISIONS

NEW SECTION. Sec. 701. REPEALER. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.010;
- (2) Section 2, chapter 57, Laws of 1971 ex. sess., section 42, chapter 169, Laws of 1977 ex. sess., section 11, chapter 324, Laws of 1981 and RCW 28B.19.020;
- (3) Section 3, chapter 57, Laws of 1971 ex. sess., section 10, chapter 240, Laws of 1977 ex. sess., section 12, chapter 324, Laws of 1981, section 7, chapter 221, Laws of 1982 and RCW 28B.19.030;
- (4) Section 23, chapter 186, Laws of 1980, section 8, chapter 221, Laws of 1982 and RCW 28B.19.033;
- (5) Section 24, chapter 186, Laws of 1980 and RCW 28B.19.037;
- (6) Section 4, chapter 57, Laws of 1971 ex. sess., section 4, chapter 46, Laws of 1973 1st ex. sess., section 11, chapter 240, Laws of 1977 ex. sess., section 13, chapter 324, Laws of 1981 and RCW 28B.19.040;
- (7) Section 5, chapter 57, Laws of 1971 ex. sess., section 9, chapter 87, Laws of 1980, section 12, chapter 505, Laws of 1987 and RCW 28B.19.050;
- (8) Section 6, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.060;
- (9) Section 7, chapter 57, Laws of 1971 ex. sess., section 25, chapter 186, Laws of 1980 and RCW 28B.19.070;
- (10) Section 26, chapter 186, Laws of 1980 and RCW 28B.19.073;
- (11) Section 27, chapter 186, Laws of 1980 and RCW 28B.19.077;
- (12) Section 8, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.080;
- (13) Section 9, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.090;
- (14) Section 10, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.100;
- (15) Section 11, chapter 57, Laws of 1971 ex. sess., section 5, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.19.110;
- (16) Section 12, chapter 57, Laws of 1971 ex. sess., section 6, chapter 46, Laws of 1973 1st ex. sess., section 26, chapter 67, Laws of 1981 and RCW 28B.19.120;
- (17) Section 13, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.130;
- (18) Section 14, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.140;
- (19) Section 15, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.150;
- (20) Section 14, chapter 324, Laws of 1981 and RCW 28B.19.160;
- (21) Section 15, chapter 324, Laws of 1981 and RCW 28B.19.163;
- (22) Section 16, chapter 324, Laws of 1981 and RCW 28B.19.165;
- (23) Section 17, chapter 324, Laws of 1981 and RCW 28B.19.168;
- (24) Section 16, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.200;

- (25) Section 20, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.210;
- (26) Section 19, chapter 57, Laws of 1971 ex. sess. (uncodified);
- (27) Section 22, chapter 57, Laws of 1971 ex. sess. (uncodified);
- (28) Section 12, chapter 237, Laws of 1967, section 14, chapter 67, Laws of 1981 and RCW 34.04.022;
- (29) Section 3, chapter 237, Laws of 1967, section 17, chapter 250, Laws of 1971 ex. sess., section 7, chapter 240, Laws of 1977 ex. sess., section 3, chapter 324, Laws of 1981, section 1, chapter 221, Laws of 1982 and RCW 34.04.025;
- (30) Section 2, chapter 19, Laws of 1977 and RCW 34.04.026;
- (31) Section 13, chapter 186, Laws of 1980 and RCW 34.04.052;
- (32) Section 9, chapter 234, Laws of 1959, section 9, chapter 237, Laws of 1967, section 1, chapter 31, Laws of 1980 and RCW 34.04.090;
- (33) Section 11, chapter 234, Laws of 1959 and RCW 34.04.110;
- (34) Section 12, chapter 234, Laws of 1959, section 1, chapter 12, Laws of 1975 and RCW 34.04.120;
- (35) Section 3, chapter 221, Laws of 1982 and RCW 34.04.270;
- (36) Section 4, chapter 221, Laws of 1982, section 18, chapter 505, Laws of 1987 and RCW 34.04.280;
- (37) Section 5, chapter 221, Laws of 1982 and RCW 34.04.290;
- (38) Section 16, chapter 234, Laws of 1959 and RCW 34.04.900;
- (39) Section 27, chapter 237, Laws of 1967 and RCW 34.04.901;
- (40) Section 17, chapter 234, Laws of 1959, section 25, chapter 237, Laws of 1967 and RCW 34.04.910;
- (41) Section 18, chapter 234, Laws of 1959 and RCW 34.04.920;
- (42) Section 29, chapter 237, Laws of 1967 and RCW 34.04.921; and
- (43) Section 26, chapter 237, Laws of 1967 and RCW 34.04.931.

Sec. 702. DOCUMENTS AND INDEXES TO BE MADE PUBLIC. Section 26, chapter 1, Laws of 1973 as last amended by section 3, chapter 403, Laws of 1987 and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (5) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after ~~(January 1, 1973)~~ the effective date of this section:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency under section 203 of this act;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index for records issued, adopted, or promulgated before the effective date of this section or for records described in (c) through (f) of subsection (2) of this section, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) (a) Except as provided in (b) of this subsection, this chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested

for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law (~~(PROVIDED, HOWEVER, That)~~).

(b) Lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor (~~(PROVIDED FURTHER, That)~~). Such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter ~~((34.04))~~ . . . RCW (sections 101 through 607 of this act).

NEW SECTION, Sec. 703. CAPTIONS AND HEADINGS. Section captions and subchapter headings used in this act do not constitute any part of the law.

NEW SECTION, Sec. 704. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 705. EFFECTIVE DATE—APPLICATION. This act shall take effect on July 1, 1989, and shall apply to all rule-making actions and agency proceedings begun on or after that date. Rule-making actions or other agency proceedings begun before July 1, 1989, shall be completed under the applicable provisions of chapter 28B.19 or 34.04 RCW existing immediately before that date in the same manner as if they were not amended by this act or repealed by section 701 of this act.

NEW SECTION, Sec. 706. Parts XI through XVI of this act shall constitute a new chapter in Title 34 RCW, and the sections amended or set forth in this act shall be recodified in the order they appear in this act. The code reviser shall correct all statutory references to these sections and to the repealed chapters 28B.19 and 34.04 RCW to reflect this recodification and repeal."

POINT OF ORDER

Senator Nelson: "A point of order, Mr. President. Again, I have to raise scope and object on the amendment, reluctantly. I'm also sponsor on this bill which I'm very proud of and would like very much to have it pass, but unfortunately, the measure we passed from the Senate did not find its way through the House as we had expected this year. As I had pointed out earlier, the original basis for this Legislative Budget Committee endorsed bill—No. 1515—is simply to change termination dates on sunset reviews and does not have a broad enough scope and object to handle the very good Administrative Procedures Act that the Senate has been working on for the last two and a half years."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Nelson, the President finds that House Bill No. 1515 is a measure postponing the termination dates of various state agencies.

"The amendment proposed by Senators Halsan and Talmadge enacts the 1988 Administrative Procedure Act.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Halsan and Talmadge to House Bill No. 1515 was ruled out of order.

MOTION

On motion of Senator McCaslin, the following title amendment was adopted:
On line 5 of the title, after "43.117.910" strike the remainder of the title

Debate ensued.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1515, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1515, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1515, as amended by the Senate, and the bill passed the Senate by the following vote:
Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1515, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:39 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Saturday, March 5, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 5, 1988

The Senate was called to order at 8:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Craswell, Fleming, Lee, McDonald, Moore, Owen, Patterson, Smith, Smitherman and von Reichbauer.

The Sergeant at Arms Color Guard, consisting of Pages Kara Penrose and Adam Galbraith, presented the Colors. Reverend Tom Reynolds, associate pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6290,

SENATE BILL NO. 6412,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6433,

SUBSTITUTE SENATE BILL NO. 6631, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9166, Sharon Mast, as an alternate member of the Commission on Judicial Conduct, was confirmed.

APPOINTMENT OF SHARON MAST

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 11.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Bender, Craswell, Fleming, Lee, McDonald, Moore, Owen, Patterson, Smith, Smitherman, von Reichbauer - 11.

STATEMENT FOR THE JOURNAL

Gordon Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Gordon:

It has come to my attention that I was listed as absent on March 5, 1988, for Gubernatorial Appointment No. 9166 and House Bill No. 1819 and Engrossed Substitute Senate Bill No. 5229 on March 7, when in fact, I do recall voting for these, and I believe a review of the recordings will indicate that I voted for these.

With best wishes,

PETER von REICHBAUER, Senator, 30th District

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

MOTION

On motion of Senator Benitz, the following resolution was adopted:

SENATE RESOLUTION 1988-8734

by Senators Benitz and Hayner

WHEREAS, Mahbub Majumdar of Richland, Washington, has earned national recognition by winning the National Bicentennial Writing Competition; and

WHEREAS, The competition called for a 1,500 word essay on 'The Constitution: How Does the Separation of Powers Help Make It Work,' drew 13,000 entries from across this great nation, and was sponsored by the Commission on the Bicentennial of the United States Constitution, the American Bar Association, and the USA Today newspaper in observance of the 200th anniversary of the signing of the United States Constitution; and

WHEREAS, President Reagan honored Mahbub as one of two contest winners in a White House ceremony held September 10, 1987; and

WHEREAS, Mahbub has also demonstrated his academic talent by receiving top honors at the state level in the Academic Decathlon, and placing sixth in the nation in an analytical geometry competition among high school and junior college students; and

WHEREAS, Mahbub is now serving as a Page for the Washington State Senate during the week of February 29-March 4, 1988; and

WHEREAS, Mahbub has, through his many accomplishments, given the state of Washington pride in its students; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate wishes to recognize and honor Mahbub for his outstanding academic achievements, and to wish him the very best in his future endeavors.

Senator Hayner spoke to Senate Resolution 1988-8734.

With permission of the Senate, business was suspended to permit Mahbub Majumdar, a Senate Page, to address the Senate.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1796, by Representatives Padden, Winsley, Brough and D. Sommers

Requiring specific access service for "976" information-access telephone services.

The bill was read the second time.

MOTION

On motion of Senator Benitz, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that throughout the state there is widespread use of information delivery services, which are also known as information-access telephone services and commonly provided on a designated telephone number prefix. These services operate on a charge-per-call basis, providing revenue for both the information provider and the local exchange company. The marketing practices for these telephone services have at times been misleading to consumers and at other times specifically directed toward minors. The result has been placement of calls by individuals, particularly by children, who are uninformed about the charges that might apply. In addition, children may have secured access to obscene, indecent, and salacious material through these services. The legislature finds that these services can be blocked by certain local exchange companies at switching locations, and that devices exist which allow for blocking within a residence. Therefore, the legislature finds that residential telephone users in the state are entitled to the option of having their phones blocked from access to information delivery services.

(2) It is the intent of the legislature that the utilities and transportation commission and local exchange companies, to the extent feasible, distinguish between information delivery services that are misleading to consumers, directed at minors, or otherwise objectionable and adopt policies and rules that accomplish the purposes of this act with the least adverse effect on

information delivery services that are not misleading to consumers, directed at minors, or otherwise objectionable.

NEW SECTION. Sec. 2. A new section is added to chapter 80.36 RCW to read as follows:

(1) As used in this section:

(a) "Information delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.

(b) "Information providers" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information delivery service. The information provider generally receives a portion of the revenue from the calls.

(c) "Interactive program" means a program that allows an information delivery service caller, once connected to the information provider's announcement machine, to use the caller's telephone device to access more specific information.

(2) The utilities and transportation commission shall by rule require any local exchange company that offers information delivery services to a local telephone exchange to provide each residential telephone subscriber the opportunity to block access to all information delivery services offered through the local exchange company. The rule shall take effect by October 1, 1988.

(3) All costs of complying with this section shall be borne by the information providers.

(4) The local exchange company shall inform subscribers of the availability of the blocking service through a bill insert and by publication in a local telephone directory.

NEW SECTION. Sec. 3. By October 1, 1988, the commission shall investigate and report to the committees on energy and utilities in the house of representatives and the senate on methods to protect minors from obscene, indecent, and salacious materials available through the use of information delivery services. The investigation shall include a study of personal identification numbers, credit cards, scramblers, and beep-tone devices as methods of limiting access.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

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

On line 1 of the title, after "telecommunications;" strike the remainder of the title and insert "adding a new section to chapter 80.36 RCW; and creating new sections."

On motion of Senator Benitz, the rules were suspended, Engrossed House Bill No. 1796, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1796, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1796, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Smitherman, West - 2.

Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 1796, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Smitherman was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1883, by Committee on Transportation (originally sponsored by Representatives Walk and Prince)

Adjusting the scope of vehicle dealer regulations.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 5, line 13, after "with" strike everything down through "sales" on line 16 and insert "vehicle dealers licensed under this chapter in dealer sales or leases. However, financial institutions shall not broker vehicles and cooperation is limited to organizing, promoting, and financing of such dealer sales or leases"

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1883, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1883, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1883, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Moore, Smitherman - 2.

SUBSTITUTE HOUSE BILL NO. 1883, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1626, by Representatives Braddock, Ballard, Brooks, Moyer and Kremen

Amending emergency medical service provisions.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1626.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1626 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Moore, Smitherman - 2.

ENGROSSED HOUSE BILL NO. 1626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849, by Committee on Health Care (originally sponsored by Representatives Cantwell, Brooks, Braddock, Silver, Bristow, Grant, Sryan, Day, Dellwo, Lewis, Winsley, Fuhrman, Moyer, Doty, D. Sommers, Brekke and Brough)

Revising the office of the state long-term care ombudsman.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Health Care and Correction amendments were considered simultaneously and adopted:

On page 1, line 17, add a section to read as follows:

"Sec. 2. Section 12, chapter 290, Laws of 1983 and RCW 43.190.120 are each amended to read as follows:

"It is the intent that federal requirements be complied with and the department (~~annually expend~~) of social and health services annually transfer to the department of community development at least one percent of the state's allotment of social services funds from Title III B of the Older Americans Act of 1965, as it exists as of July 24, 1983, or twenty thousand dollars, whichever is greater to establish the state long-term care ombudsman program established by this chapter if funds are appropriated by the legislature."

Renumber the remaining sections accordingly

On page 2, line 6, after "services," insert "Funds are to be made available to the ombudsman program to the extent authorized by RCW 43.190.120."

Senator Zimmerman moved that the following amendment by Senators Zimmerman, Wojahn and Deccio be adopted:

Beginning on page 1, line 11, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 2. (1) There is established an independent advisory commission to the state long-term care ombudsman program.

The independent advisory commission to the state ombudsman program shall be composed of not less than twenty-one members who shall include:

- (a) One representative from local ombudsman programs;
- (b) Two representatives from nursing home resident councils;
- (c) Two representatives from families of nursing home residents;
- (d) Three senior citizens representing community organizations;
- (e) Three health care professionals, one each with knowledge in gerontology, developmental disabilities and mental health long-term care;
- (f) Two representatives of the nursing home industry;
- (g) Two representatives of adult family homes;
- (h) Two professionals with expertise in ethical and legal issues relating to long-term care residents;
- (i) Three representatives of the general public; and
- (j) One representative from Area Agencies on Aging.

The governor shall select the members from lists submitted by professional associations and other interest groups until such time as the commission adopts a member selection process.

(2) The commission shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods of filling vacancies, and other matters necessary to the ongoing functioning of the commission. The governor shall appoint a temporary chair until the commission has adopted policies and elected a chair accordingly. Long-term care ombudsman advisory committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The commission shall develop procedures which promote the independence of the long-term care ombudsman program. The advisory commission shall report to the appropriate legislative committees by December 1, 1988, those policies it has developed to promote that independence.

(4) The advisory committee shall have authority to establish task forces or committees for addressing specific issues or conducting independent studies on long-term care policies.

NEW SECTION. Sec. 3. (1) The advisory commission to the state long-term care ombudsman shall have the following powers and duties:

- (a) Provide policy oversight and management direction to the ombudsman program;
- (b) Establish priorities for operation of the ombudsman program;
- (c) Assure the independence of the ombudsman program;
- (d) Monitor the performance of the ombudsman program;
- (e) Ensure accountability and credibility of the program; and
- (f) Identify problems in the state's long-term care program and develop recommendations for their solution.

(2) Where there is a difference of opinion as to the operation or activities of the office of the long-term care ombudsman and the department of social and health services, the commission shall, by majority vote of all members, decide the issue, and the commission's decision shall be final. The commission shall not have this duty or responsibility in relation to personnel decisions of the office of the state long-term care ombudsman.

Sec. 4. Section 3, chapter 290, Laws of 1983 and RCW 43.190.030 are each amended to read as follows:

(1) There is created (~~within the department of social and health services~~) the office of the state long-term care ombudsman. The secretary (~~shall place~~) shall provide facilities for the office in an area within the department which will enable the office to fully carry out the purposes of this chapter. The secretary shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of residents, patients, and clients of all long-term care facilities is made available to the office of the long-term care ombudsman to the extent authorized by RCW 43.190.120.

(2) The office of the state long-term care ombudsman shall have the following powers and duties:

(a) To provide services for coordinating the activities of long-term care ombudsmen throughout the state;

(b) Carry out such other activities as the (~~secretary~~) commission deems appropriate;

(c) Establish procedures consistent with RCW 43.190.110 for appropriate access by long-term care ombudsmen to long-term care facilities and patients' records, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;

(d) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the department of social and health services and to the federal department of health and human services, or its successor agency, on a regular basis; and

(e) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

(i) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or

(ii) Such disclosure is required by court order."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zimmerman, Wojahn and Deccio to Engrossed Substitute House Bill No. 1849.

The motion by Senator Zimmerman carried and the amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:
On page 1, line 2 of the title, after "43.190.030" insert "and 43.190.120"

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 1849, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1849, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1849, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kroidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518, by Committee on Education (originally sponsored by Representatives Bristow and Grant)

Revising allocations for small school district capital construction.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 3, line 29, after "adjusted valuation per" insert "full time equivalent"

Senator Vognild moved that the following amendment by Senators Vognild, Bailey, Metcalf, Anderson, McMullen, Conner, Rinehart, Zimmerman, Owen and Nelson be adopted:

On page 3, following line 24, insert a new subsection to read as follows:

"(5) In addition to the computed percent of state assistance developed in subsection (2) of this section, a school district shall be entitled to additional state assistance as provided under subsection (4) of this section if the district meets each of the following criteria:

(a) The district's annual average full time equivalent student enrollment is six hundred or fewer for the current and preceding two school years;

(b) At least forty-five percent of the lunches served by the district in the current school year are free and reduced price meals;

(c) The special levy assessed valuation per full time equivalent resident student, for special levies collectible in the current and preceding two years, does not exceed two hundred thousand dollars; and

(d) More than fifty percent of the total acreage comprising and within the boundaries of the district is exempt from school district special levy taxation."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild, Bailey, Metcalf, Anderson, McMullen, Conner, Rinehart, Zimmerman, Owen and Nelson to Engrossed Substitute House Bill No. 1518.

The motion by Senator Vognild carried and the amendment was adopted.

MOTION

On motion of Senator Bailey, the rules were suspended. Engrossed Substitute House Bill No. 1518, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1518, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1518, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Johnson - 1.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1616, by Representatives Sprenkle, Ballard, K. Wilson, Sutherland, Jones, Vekich, Miller, Haugen, Basich, O'Brien, Sayan, Spanel and Unsoeld

Authorizing purchase of certain state trust lands for parks use.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1616.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1616 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Metcalf - 1.

Excused: Senator Moore - 1.

HOUSE BILL NO. 1616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1680, by Committee on Ways and Means/Revenue (originally sponsored by Representatives Nutley, Peery, Butterfield, Cooper and Sutherland)

Revising permit requirements on sales tax exemptions for nonresidents.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, what is the charge for these cards?"

Senator Zimmerman: "Under the new system, there will not be a charge."

Senator Rasmussen: "No charge?"

Senator Zimmerman: "No, you will not have a charge."

Senator Rasmussen: "And are they renewed annually?"

Senator Zimmerman: "No, you don't have a card. Your identification on your drivers license and your other ID gives you the privilege of the--"

Senator Rasmussen: "Of permanent exemption?"

Senator Zimmerman: "Well, it's on the basis of the usage that you would make of it. A person could never use it, or he could use it occasionally, or whatever."

Senator Rasmussen: "I hope Senator McDonald is listening, because there should be a little charge for those cards."

Senator Zimmerman: "Well, no, see there is no card involved. At this point, that's the thing about it. It eliminates and saves the bureaucratic need to have printing of cards and to have to take away cards every year--to put them out of business--the printing of them, the having to worry about them. This way, you eliminate that. You've got your identification. The main thing you want to do, in

terms of that kind of thing, is to avoid people who shouldn't be getting the exemption. This will help to do that better than where say, your brother had a card, and he turned it over to your twin brother and he used it illegally. There have been abuses. I do not want to consider that there have not been some abuses. This will help to eliminate those abuses."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1680.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1680 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 41.

Voting nay: Senators Gaspard, Halsan, Newhouse, Pullen, Talmadge, Vognild, Williams - 7.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 1680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:37 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:55 a.m. by President Cherberg.

SECOND READING

ENGROSSED HOUSE BILL NO. 662, by Representatives Vekich, McMullen, Grant, P. King, Hargrove, Madsen, Haugen, Zellinsky, Baugher, Bristow, Bumgarner, Fuhrman, Holland, Chandler, Nealey, L. Smith, Ferguson, Betrozoff, Moyer, Amondson, D. Sommers, McLean, Cooper, Rasmussen, Kremen, Fisch, Meyers, Todd, Jesernig, K. Wilson, S. Wilson, Sanders, Sutherland, Doty, May, Brough, Cantwell, Padden, Winsley and Holm

Specifying the grounds for bringing a products liability action based on design defects for firearms or ammunition.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed House Bill No. 662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 662.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 662 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Zimmerman - 41.

Voting nay: Senators Fleming, Rinehart, Talmadge, Williams, Wojahn - 5.

Absent: Senators Hayner, Sellar - 2.

Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1857, by Committee on Transportation (originally sponsored by Representatives Cantwell, Walk, S. Wilson, Patrick, Fisher, Zellinsky, Jones, Sanders and Todd)

Creating a transportation improvement board.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

On page 3, line 34, after "Priority" strike "consideration"

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1857, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, could you tell me the amount of funds and where they are coming from to go into the Transportation Improvement Board?"

Senator Nelson: "I'm glad you asked that question. Senator Rasmussen, because there is a need to improve the amount of funding into the transportation system of the state of Washington. Without additional gas tax revenues—that particular motor vehicle fuel fee account—we won't have the available money to meet the over two billion dollars in requests that this state has from cities and counties, as well as the over one billion dollars that we have from the Department of Transportation.

"The reorganization effort we're placing in this statute here, I hope becomes a precedent for allowing this group to provide the necessary matching money which, right today, is frankly not there. We have run out of all the bonding money that this Legislature provided to the Urban Arterial Board, which is the predecessor to the Transportation Improvement Board, so we simply are replying on this board helping to prioritize and to—"

Senator Rasmussen: "A point of order, Mr. President. I didn't ask for a sermon. I wanted to find out the dollar amount that was going into the fund. You don't know the dollar amount? There's an allocation there into the Urban Arterial."

Senator Nelson: "Senator Rasmussen, the amount is zero until we pass an additional amount of motor vehicle fuel fund."

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, I don't want another sermon, but is there—Senator Nelson reminded me a little bit about the minister at the funeral who was saving all those there instead of sending the person on his way.

"There is money going into the Urban Arterial. Can you tell me how much and will that continue even though it might be drained at the present time?"

Senator Patterson: "No, Senator Rasmussen, there's no money going into Urban Arterial. We have used all of the bond issue money that previously was authorized by this Legislature, going into that fund. The recent gas tax proposal had set aside, in that increase, about two and a half cents of the increase, was going to go in to replenish the dollars for Urban Arterial. That would have given them—the board—some money to prioritize and work in those areas that come up with the matching money from the local communities to help fund those local projects."

Senator Rasmussen: "Thank you, and then as I understand it, the formation of the new fund is going to be a propaganda source a la Senator Nelson?"

Senator Patterson: "What was that one again?"

Senator Rasmussen: "Or it would be probably better planning?"

Senator Patterson: "I think that the new board will provide better planning and better utilization in the key areas of this state. Yes, I do."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1857, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1857, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsam, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 1857, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1617, by Committee on Judiciary (originally sponsored by Representatives Locke, Holland, Armstrong, Padden, Hine, Lewis, Belcher, Silver, H. Sommers, Appelwick, Taylor, P. King, Moyer, May and Butterfield) (by request of State Auditor and Attorney General)

Clarifying the definition of "costs" received as part of court actions.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended. Substitute House Bill No. 1617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1617.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1617 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsam, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Zimmerman - 42.

Voting nay: Senators Rasmussen, Talmadge, Williams, Wojahn - 4.

Absent: Senators McDonald, Vognild - 2.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 1617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1892, by Committee on Education (originally sponsored by Representatives Ebersole, Peery, Pruitt, P. King, Rasmussen, Cole and Spanel)

Authorizing pilot blended programs of learning assistance.

The bill was read the second time.

MOTIONS

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

On page 2, line 20, after "act" insert ". The district application shall have the approval of the local education association and the appropriate parent advocate groups"

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

On page 4, after line 16, insert the following:

"(3) This section is not designed to replace appropriately designed special education referral systems and programs."

Renumber the remaining subsections consecutively.

On motion of Senator Bauer, the following amendment by Senators Bauer and Bailey was adopted:

On page 3, line 25, after "instruction" strike "shall" and insert "may"

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Bailey was adopted:

On page 3, line 34, after "program;" insert "and"

MOTIONS

On motion of Senator Bauer, the following amendment by Senators Bauer and Bailey was adopted:

On page 3, beginning on line 33, strike everything through "program;" on line 34
Renumber the remaining subsections consecutively

On motion of Senator Rinehart, the following amendments by Senators Rinehart and Bailey were considered simultaneously and adopted:

On page 4, line 2, strike "and"

On page 4, beginning on line 3, strike everything through "services." on line 5

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Bailey was adopted:

On page 3, line 32, after "achievement" insert ": PROVIDED, That students selected shall reflect a proportional sampling of the academically deficient students who would otherwise be eligible"

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1892, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1892, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1892, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 1892, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1525, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Winsley, Lux, Chandler, P. King, Nutley, Betzozoff, Holland and May)

Changing requirements for debenture companies.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1525.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1525 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 1525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530, by Committee on Health Care (originally sponsored by Representatives Brooks, Braddock, Brough, Cantwell, Sprenkle, Spanel, Wineberry, Day and Miller)

Certifying and registering nursing assistants.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the following Committee on Health Care and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. LEGISLATIVE INTENT. The legislature takes special note of the contributions made by nursing assistants in nursing homes whose tasks are arduous and whose working conditions may be contributing to the high and often critical turnover among the principal cadre of health care workers who provide for the basic needs of long-term care patients. The legislature also recognizes the growing shortage of nurses in long-term care as the proportion of the elderly population grows and as the acuity of patients in hospitals and nursing homes becomes generally more severe.

The legislature finds and declares that occupational nursing assistants should have a formal system of educational and experiential qualifications leading to career mobility and advancement. The establishment of such a system should bring about a more stabilized work force in the nursing home setting, as well as provide a valuable resource for recruitment into licensed nursing practice.

The legislature declares that the registration of nursing assistants providing for voluntary certification of those who wish to seek higher levels of qualification is in the interest of the public health, safety, and welfare.

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

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing or the director's designee.
- (3) "Board" means the Washington state board of nursing.
- (4) "Nursing assistant--certified" means an individual certified under this chapter.
- (5) "Nursing assistant--registered" means an individual registered under this chapter.
- (6) "Committee" means the Washington state nursing assistant advisory committee.
- (7) "Certification program" means an educational program approved by the superintendent of public instruction or the state board for community college education, and offered by or under the administration of an accredited educational institution, either at a school site or a nursing home site. A program shall be offered at or near a nursing home site only if the nursing home can provide adequate classroom and clinical facilities.
- (8) "Registration program" means a nursing assistant training program as defined under chapter 18.52A RCW.
- (9) "Nursing home" means a facility licensed under chapter 18.51 RCW.

NEW SECTION, Sec. 3. SCOPE OF PRACTICE. (1) A nursing assistant--registered may assist in the care of patients under the direction and supervision of a licensed (registered) nurse or licensed practical nurse, provided that a nursing home shall not assign an assistant to provide resident care until the assistant has demonstrated skill necessary to perform assigned duties and responsibilities competently. Nothing in this chapter shall be construed as conferring on a nursing assistant the authority to administer medication or to practice as a licensed (registered) nurse or licensed practical nurse.

(2) A nursing assistant--certified may assist in the care of the ill, injured, or infirm under the direction and supervision of a licensed (registered) nurse or licensed practical nurse except

that a nursing assistant—certified may not administer medication or practice as a licensed (registered) nurse as defined in chapter 18.88 RCW or licensed practical nurse as defined in chapter 18.78 RCW.

(3) The board may further define by rule the scope of practice and minimum competencies of nursing assistants—certified in consultation with the nursing assistant advisory committee.

NEW SECTION. Sec. 4. REGISTRATION AND CERTIFICATION. (1) No person may practice or represent himself or herself as a nursing assistant—registered by use of any title or description without being registered by the department pursuant to this chapter, unless exempt under section 5 of this act.

(2) After January 1, 1990, no person may represent himself or herself as a nursing assistant—certified without applying for certification, meeting the qualifications, and being certified by the department pursuant to this chapter.

NEW SECTION. Sec. 5. EXEMPTIONS. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the director, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor.

NEW SECTION. Sec. 6. POWERS OF DIRECTOR. In addition to any other authority provided by law, the director has the authority to:

(1) Set all certification, registration, and renewal fees in accordance with RCW 43.24.086 and to collect and deposit all such fees in the health professions account established under RCW 43.24.072;

(2) Establish forms and procedures necessary to administer this chapter;

(3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;

(4) Issue a registration to any applicant who has met the requirements for registration;

(5) After January 1, 1990, issue a certificate to any applicant who has met the education, training, and conduct requirements for certification;

(6) Maintain the official record for the department of all applicants and persons with certificates;

(7) Conduct a hearing on an appeal of a denial of a certificate based on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted under chapter 34.04 RCW;

(8) Issue subpoenas, statements of charges, statements of intent to deny certification, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certification.

The uniform disciplinary act, chapter 18.130 RCW, governs unregistered or uncertified practice, issuance of certificates and registration, and the discipline of persons registered or with certificates under this chapter. The director shall be the disciplinary authority under this chapter.

NEW SECTION. Sec. 7. POWERS OF STATE BOARD OF NURSING. In addition to any other authority provided by law, the state board of nursing has the authority to:

(1) Determine minimum education requirements and approve registration programs according to chapter 18.52A RCW;

(2) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for certification;

(3) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination for certification;

(4) Determine which states have credentialing requirements equivalent to those of this state, and issue certificates to individuals credentialled in those states by endorsement without examinations;

(5) Define and approve any experience requirement for certification;

(6) Adopt rules implementing a continuing competency program.

NEW SECTION. Sec. 8. RECORD OF PROCEEDINGS. The director shall keep an official record of all proceedings. A part of the record shall consist of a register of all applicants for credentialing under this chapter and the results of each application.

NEW SECTION. Sec. 9. ADVISORY COMMITTEES. (1) The director has the authority to appoint an advisory committee to the state board of nursing and the department to further the purposes of this chapter. The committee shall be composed of nine members, two members initially appointed for a term of one year, three for a term of two years, and four for a term of three years. Subsequent appointments shall be for terms of three years. No person may serve as a member of the committee for more than two consecutive terms. The committee shall consist of:

A nursing assistant certified under this chapter, a director of nursing in a nursing home, a representative of the office of the superintendent of public instruction, a representative of the state board of community college education, a representative of the department of social and health services responsible for aging and adult services in nursing homes, a resident of a nursing home, a representative of a local long-term care ombudsman program, and one member who is a licensed (registered) nurse and one member who is a licensed practical nurse.

(2) The director may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the director shall appoint a person to serve for the remainder of the unexpired term.

(3) The advisory committee shall meet at the times and places designated by the director or the board and shall hold meetings during the year as necessary to provide advice to the director.

NEW SECTION. Sec. 10. CREDENTIALING REQUIREMENTS. (1) The director shall issue a registration to any applicant who submits, on forms provided by the director, the applicant's name, address, occupational title, name and location of business, and other information as determined by the director, including information necessary to determine whether there are grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

(2) After January 1, 1990, the director shall issue a certificate to any applicant who demonstrates to the director's satisfaction that the following requirements have been met:

(a) Completion of an educational program approved by the board or successful completion of alternate training meeting established criteria approved by the board;

(b) Successful completion of an approved examination; and

(c) Successful completion of any experience requirement established by the board.

(3) The board shall establish by rule what constitutes adequate proof of meeting the criteria.

(4) In addition, applicants shall be subject to the grounds for denial of registration or certificate under chapter 18.130 RCW.

NEW SECTION. Sec. 11. APPROVAL OF EDUCATIONAL PROGRAMS. The board, in consultation with the board of practical nursing, shall establish by rule the standards and procedures for approval of educational programs and alternative training. The director may use or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations. The board shall establish by rule the standards and procedures for revocation of approval of education programs. The standards and procedures set shall apply equally to educational programs and training in the United States and in foreign jurisdictions. The director may establish a fee for educational program evaluations.

NEW SECTION. Sec. 12. STUDY BY THE BOARD. The board, in consultation with the board of practical nursing, shall report to the legislature by January 1, 1989, with proposed standards and procedures required for in section 11 of this act as well as any additional recommendations relating to implementation of this act.

NEW SECTION. Sec. 13. EXAMINATIONS. (1) The date and location of examinations shall be established by the director. Applicants who have been found by the director to meet the requirements for certification shall be scheduled for the next examination following the filing of the application. The director shall establish by rule the examination application deadline.

(2) The board shall examine each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. Examinations shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the grading of any practical work shall be preserved for a period of not less than one year after the board has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee determined by the director under RCW 43.24.086 for each subsequent examination. Upon failing four examinations, the director may invalidate the original application and require such remedial education before the person may take future examinations.

(5) The board may approve an examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

NEW SECTION. Sec. 14. APPLICATIONS. Applications for certification shall be submitted on forms provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for credentialing provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the director under RCW 43.24.086. The fee shall accompany the application.

NEW SECTION. Sec. 15. WAIVER OF EXAMINATION FOR INITIAL APPLICATIONS. The director shall waive the examination and certify a person authorized to practice within the state of Washington if the board determines that the person meets commonly accepted standards of

education and experience for the profession. This section applies only to those individuals who file an application for waiver within one year of the establishment of the authorized practice on January 1, 1990.

NEW SECTION, Sec. 16. ENDORSEMENT. An applicant holding a credential in another state may be certified by endorsement to practice in this state without examination if the director determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION, Sec. 17. RENEWALS. The director shall establish by rule the procedural requirements and fees for renewal of a registration or certificate. Failure to renew shall invalidate the credential and all privileges granted by the credential. If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the board by taking continuing education courses, or meeting other standards determined by the board.

NEW SECTION, Sec. 18. SECTION CAPTIONS. Section captions as used in this chapter do not constitute any part of the law.

Sec. 19. Section 2, chapter 114, Laws of 1979 as amended by section 5, chapter 284, Laws of 1985 and RCW 18.52A.020 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Nursing assistant" means a person registered or certified under chapter 18.— RCW (sections 1 through 11 and 13 through 18 of this 1988 act) who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the care of patients in a facility licensed under chapter 18.51 RCW, a wing of a hospital licensed under chapter 70.41 RCW if the wing is certified to provide nursing home care under Title XVIII or Title XIX of the social security act, or any nursing care facility operated under the direction of the department of veterans affairs.

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

(3) "Nursing home" means a facility licensed under chapter 18.51 RCW, a wing of a hospital licensed under chapter 70.41 RCW if the wing is certified to provide nursing home care under Title XVIII or Title XIX of the social security act, or any nursing care facility operated under the direction of the department of veterans affairs.

(4) "Board" means the state board of nursing.

Sec. 20. Section 3, chapter 114, Laws of 1979 as last amended by section 7, chapter 476, Laws of 1987 and RCW 18.52A.030 are each amended to read as follows:

(1) Any nursing assistant employed by a nursing home, who has satisfactorily completed a nursing assistant training program under this chapter, shall, upon application, be issued a ((certificate)) verification of completion by the program provider.

(2) All nursing assistants employed by a nursing home shall be required to be registered with the department of licensing and to show evidence of satisfactory completion of a nursing assistant training program, or that they are enrolled in and are progressing satisfactorily towards completion of a training program under standards promulgated by the board, which program must be completed within six months of employment. A nursing home may employ a person not currently enrolled if the employer within twenty days enrolls the person in an approved training program: PROVIDED, That a nursing home shall not assign an assistant to provide resident care until the assistant has demonstrated skills necessary to perform assigned duties and responsibilities competently. All persons enrolled in a training program must satisfactorily complete the program within six months from the date of initial employment.

~~(3) ((All nursing assistants who, on June 7, 1979, are employed in nursing homes shall be given the opportunity to obtain a certificate of completion by passing a written and/or practical examination developed by the board and conducted by a school or nursing home, or by providing evidence of sufficient practical experience. The board shall adopt rules specifying the amount of practical experience to be required for the issuance of a certificate under this section.~~

~~(4))~~ Compliance with this section shall be a condition of licensure of nursing homes under chapter 18.51 RCW. Beginning January 1, 1986, compliance with this section shall be a condition of licensure of hospitals licensed under chapter 70.41 RCW with a wing certified to provide nursing home care under Title XVIII or Title XIX of the social security act. Any health provider of skilled nursing facility care or intermediate care facility care shall meet the requirements of this section.

Sec. 21. Section 14, chapter 412, Laws of 1987, section 16, chapter 415, Laws of 1987, section 17, chapter 447, Laws of 1987, section 21, chapter 512, Laws of 1987 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; respiratory care practitioners certified under chapter 18.89 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists certified under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; ~~(and)~~ radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.— RCW (sections 1 through 11 and 13 through 18 of this 1988 act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 22. Section 1, chapter 150, Laws of 1987, section 15, chapter 412, Laws of 1987, section 17, chapter 415, Laws of 1987, section 18, chapter 447, Laws of 1987, section 22, chapter 512, Laws of 1987 and RCW 18.130.040 are each reenacted and amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;
 (v) Massage operators and businesses licensed under chapter 18.108 RCW;
 (vi) Dental hygienists licensed under chapter 18.29 RCW;
 (vii) Acupuncturists certified under chapter 18.06 RCW;
 (viii) Radiologic technologists certified under chapter 18.84 RCW;
 (ix) Respiratory care practitioners certified under chapter 18.89 RCW; ~~((and))~~
 (x) Persons registered or certified under chapter 18.19 RCW; and
(xi) Nursing assistants registered or certified under chapter 18.— RCW (sections 1 through 11 and 13 through 18 of this 1988 act).

(b) The boards having authority under this chapter are as follows:
 (i) The podiatry board as established in chapter 18.22 RCW;
 (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;
 (iii) The dental disciplinary board as established in chapter 18.32 RCW;
 (iv) The council on hearing aids as established in chapter 18.35 RCW;
 (v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
 (vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
 (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
 (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
 (ix) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
 (x) The board of physical therapy as established in chapter 18.74 RCW;
 (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
 (xii) The board of practical nursing as established in chapter 18.78 RCW;
 (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
 (xiv) The board of nursing as established in chapter 18.88 RCW; and
 (xv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION, Sec. 23. Sections 1 through 11 and 13 through 18 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 24. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the health professions account to the department of licensing for the purposes of this act.

NEW SECTION, Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

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

On page 1, line 1 of the title, after "assistants;" strike the remainder of the title and insert "amending RCW 18.52A.020 and 18.52A.030; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and making an appropriation."

On motion of Senator Nelson, the rules were suspended. Engrossed Substitute House Bill No. 1530, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1530, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1530, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators McCaslin, Owen - 2.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1740, by Committee on Transportation (originally sponsored by Representatives Prince, Unsoeld, Silver, Hankins, Lewis, Patrick, Dellwo, Brough, Sanders, Doty, Rayburn and Ferguson)

Providing for informational highway signs and traffic fatality markers.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1740 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, I think this is a good measure and we hope it will save some lives. My question relates to the death strip between Pullman and Moscow. When they raised the drinking age limit, did that help cut down the deaths there?"

Senator Patterson: "No question about it, it has helped. You know my first session of the Legislature, I tried to exempt the Idaho laws, because of the concern of the number of students that were on that seven or eight mile stretch between Idaho and Washington. The change in the Idaho law has made a tremendous difference in the number of people and the number of accidents and the property that's been damaged between Pullman and Moscow. By the way, this is the highway between Pullman and Moscow and is included in this piece of legislation."

POINT OF INQUIRY

Senator Smitherman: Senator Patterson, maybe it's explained a little better in terms of the bill report, but I guess my question is, when it's talking about crosses that were put out by the students at WSU as markers for highway accidents, and I think that was probably a very effective and dramatic way to do things, are they talking about a marker or a sign that somebody can read or are they talking about a continuation of the practice of putting out a series of crosses? I'm not certain what they're advocating here."

Senator Patterson: "In our discussions in the committee and with the department, there's an indication that the department will work with the students in designing some attractive signs that would warn people that this is a highway that you need to drive carefully on and maintain the speed. I don't know what the end result of their effort will be, but I know they've offered to work with the students in putting up signs that would hopefully attract attention. This is a four year--kind of a pilot program--to see if warnings on highways of this nature, will bring about a lowering of the accidents on the highways."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1740.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1740 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1819, deferred March 4, 1988.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Saling moved to reconsider the vote by which the striking Committee on Ways and Means amendment, as amended, failed to be adopted.

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

The President declared the question before the Senate to be the roll call on the motion to reconsider the vote by which the striking Committee on Ways and Means amendment, as amended, to House Bill No. 1819 failed to be adopted.

ROLL CALL

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Excused: Senator Moore - 1.

The President declared the question before the Senate to be the adoption of the striking Committee on Ways and Means amendment, as amended, on reconsideration, to House Bill No. 1819.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the Committee on Ways and Means amendment, as amended, on reconsideration, to House Bill No. 1819.

ROLL CALL

The Secretary called the roll and the committee amendment, as amended, on reconsideration, was adopted by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Excused: Senator Moore - 1.

MOTIONS

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

On page 1, line 2 of the title, after "aged;" strike the remainder of the title and insert "amending RCW 84.36.040; creating a new section; and declaring an emergency."

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1819, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1819, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1819, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Vognild, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Warnke, Williams, Wojahn - 22.

Absent: Senator von Reichbauer - 1.

Excused: Senator Moore - 1.

HOUSE BILL NO. 1819, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

EDITOR'S NOTE: See Statement for the Journal earlier in the day, regarding the absence of Senator von Reichbauer for the vote on House Bill No. 1819, as amended by the Senate.

MOTION

At 12:12 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Cherberg.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1855, by Committee on Commerce and Labor (originally sponsored by Representatives Doty, Heavey, Patrick, Rasmussen, Walker, Wang, Brough, Cole, Ballard, Day, May, Leonard, Miller, Fuhrman, Hankins, Butterfield, Nealey, Silver, D. Sommers, Brooks, Moyer, Ferguson and Amondson)

Regulating employment in house-to-house sales.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 6, after "sales" insert ", unless the department grants a variance permitting specific employment under rules it shall adopt pursuant to section 5 of this 1988 act"

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1855, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1855, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1855, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 12; absent, 8; excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Benitz, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Metcalf, Newhouse, Niemi, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Williams, Wojahn - 28.

Voting nay: Senators Bluechel, Cantu, Craswell, Deccio, McCaslin, McDonald, Nelson, Patterson, Pullen, Smith, West, Zimmerman - 12.

Absent: Senators Bender, Conner, Fleming, Gaspard, Johnson, Owen, Vognild, Warnke - 8.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 1855, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1419, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Locke and P. King) (by request of Office of Financial Management)

Revising provisions relating to the collection of criminal justice information.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1419 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Conner, Johnson - 2.

SUBSTITUTE HOUSE BILL NO. 1419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1673, by Committee on Housing (originally sponsored by Representatives Todd, Barnes, Nutley, Cooper, Cantwell, Sanders, Sayan, Crane, Unsoeld, Rasmussen, Sprengle, J. Williams, Leonard, Cole, Dorn, Patrick, Pruitt and Beck)

Establishing an office of mobile home affairs.

The bill was read the second time.

MOTION

Senator Lee moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 59.22 RCW to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization, pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

(2) The department shall establish the mobile home and manufactured housing affairs advisory committee. The mobile home and manufactured housing affairs advisory committee shall be a subcommittee of the state housing advisory committee if the department creates a state housing advisory committee. The committee shall consist of five members appointed by the director of the department of community development. The committee shall be comprised of one representative of mobile home park tenants, one representative of mobile home park owners, and one representative of the public at large, each of whom shall be knowledgeable and have practical experience with the mobile home landlord tenant act, one representative of mobile home manufacturers and one representative of local governments. Only the representatives of the mobile home park tenants, mobile home park owners, and the public at large shall review and advise the office on issues relating to the mobile home landlord tenant act. The director of the department of community development shall appoint the committee chairperson. The entire committee shall advise the office in implementing the provisions of subsection (1) of this section. The members of the committee may receive compensation or reimbursement for travel expenses.

Neither the office nor advisory committee may evaluate, develop, or recommend policies or programs relating to governmental rent control or rent stabilization.

Sec. 2. Section 2, chapter 482, Laws of 1987 and RCW 59.22.020 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(2) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(3) "Department" means the department of community development.

(4) "Fund" means the mobile home park purchase fund created pursuant to RCW 59.22.030.

(5) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(6) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(7) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(8) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(9) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

(10) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(11) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(12) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(13) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indicating compliance with all applicable construction standards of the United States department of housing and urban development.

(14) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

(15) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(16) "Tenant" means a person who rents a mobile home lot for a term of one month or longer, and owns the mobile home on the lot.

NEW SECTION. Sec. 3. (1) Every landlord shall register by October 1, 1988, with the department of revenue under such rules as that department shall prescribe.

(2) Every landlord shall pay a fee of one dollar per lot per year, and in addition, shall collect from each tenant on January 1 of each year a fee of one dollar per year for each lot rented by the tenant. Both fees shall be remitted by the landlord to the department of revenue under such rules as the department shall prescribe. The fee required by this chapter, to be collected by the landlord, shall be deemed to be held in trust by the landlord until paid to the department of revenue, and any landlord who appropriates or converts the fee collected to his or her own use other than the payment to the department shall be guilty of a gross misdemeanor. The provisions of chapter 82.32 RCW shall apply to the collection and enforcement of this fee.

NEW SECTION. Sec. 4. There is created in the custody of the state treasurer a special account known as the mobile home affairs account. All fees collected pursuant to section 3 of this act shall be placed in that account.

Disbursements from this special account shall be as follows:

(1) For the two-year period beginning July 1, 1988, forty thousand dollars, or so much thereof as may be necessary for costs incurred in registering landlords and collecting fees, and thereafter five thousand dollars per year for that purpose.

(2) All remaining amounts shall be remitted to the department of community development for the purpose of implementing sections 1 and 3 of this act.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are each added to chapter 59.22 RCW."

POINT OF INQUIRY

Senator Pullen: "Senator Lee, I'm reading your striking amendment and I see the provision where each landlord will pay a fee of one dollar per lot per year and in addition, collect from each tenant a fee of one dollar per lot per year per tenant, yet I don't see anywhere in the amendment where it says what this money will be used for. I don't see any explanation in Section 3, nor in Section 4. Section 4 says, 'There is created in the custody of the state treasurer a special account known as the mobile home affairs account. All fees collected pursuant to Section 3 of this act shall be placed in that account.' I see nothing about any explanation as to where the fees will be used."

Senator Lee: "That's because of the section on which this appears in the RCW that relates to the Mobile Homes Office was actually created last session, but the Governor vetoed out considerable portions of it. What I'm saying is that the sections that proceed this relate to the Mobile Homes Office itself and then on page 7, it says, 'Disperse that money for the costs incurred first to the Department of Revenue for collecting it and then the remainder remitted to the Department of Community Development for the purposes of implementing Sections 1 and 3 of the Act.' Now, Sections 1 and 3 are not of the Act that we have before us, but of the statute itself."

Senator Pullen: "O.K., one final question. Is your striking amendment supported by both the Mobile Home Owners Association, as well as the Mobile Home Park Owners Association?"

Senator Lee: "Yes, Senator Pullen."

POINT OF INQUIRY

Senator Nelson: Senator Lee, I noticed on page 6 of your amendment defining tenant, that the tenant means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot. Would it be correct to assume then, that if in fact, the person who owns the mobile home is the landlord, and rents then to somebody else, that the landlord will have to pay both the landlord portion, namely one dollar, as well as the one dollar for the mobile home that is on the lot?"

Senator Lee: "That is correct and that is if the mobile home park owners agreed with that concept."

Senator Nelson: "If, in fact, the owner of the mobile home happens to be absent from the state of Washington, and that mobile home resides on a lot that if it is now rented to a second party, the landlord will have to track down the owner of the mobile home someplace, because it does say, 'Rents the mobile home and owns the mobile home' in the same definition?"

Senator Lee: "That's correct."

Senator Nelson: "Who becomes liable for the one dollar that should be paid under the definition of tenant, should the mobile park home owner not be able to collect?"

Senator Lee: "Presumably, the ombudsman office to whom this money is sent."

MOTION

On motion of Senator West, the following amendment by Senators West, Moore and Owen to the amendment by Senator Lee was adopted:

On page 1, after line 5 of the amendment, insert the following:

"Sec. 1. Section 4, chapter 241, Laws of 1986 and RCW 46.70.023 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law.

(2) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(3) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(4) A subagency shall comply with all requirements of an established place of business.

(5) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency.

(6) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(7) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(8) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(9) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(10) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(11) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

(12) For the purposes of obtaining a license from the department under this chapter, the owner of a mobile home park who sells mobile homes located on mobile home lots within the

park shall be eligible to be licensed as a mobile home dealer without meeting the requirements of subsections (1) and (7) of this section regarding an established place of business, furnishing a display area, compliance with applicable zoning and land use ordinances, and the prohibition against conducting the business in a dwelling house. Such an applicant for a mobile home dealer's license shall comply in all other respects with the requirements of this chapter for licensure of mobile home dealers, including the remaining provisions of subsection (1) of this section.

(13) Nothing in this chapter shall prohibit local government from enforcing the building codes and local government zoning and other land use ordinances or regulations.

(14) Any mobile home park owner who sells mobile homes located on mobile home lots within the park shall be prohibited from coercing, influencing, or interfering with the sale of any mobile home located in the park. Any owner of a mobile home in a park shall have all the rights provided to the owner by the mobile home landlord-tenant act in selling the home.

Renumber the remaining sections accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Lee, as amended, to Substitute House Bill No. 1673.

The motion by Senator Lee carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Lee, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "affairs;" strike the remainder of the title and insert "amending RCW 59.22.020; adding new sections to chapter 59.22 RCW; and prescribing penalties."

On page 7, line 30 of the amendment, after "RCW" insert "46.70.023 and"

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1673, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1673, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1673, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Benitz, Pullen, Rasmussen - 3.

Absent: Senator Conner - 1.

SUBSTITUTE HOUSE BILL NO. 1673, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1292, by Representatives Jones, Patrick and Wang (by request of Liquor Control Board)

Revising restrictions on minors employed by liquor licensees.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

On page 1, line 11, after "age" strike all material down through "supplies" on line 16 and insert ": PROVIDED, That such employees may enter such restricted areas ((for the following purposes:)) to perform work assignments including picking up liquor for service in other parts of the licensed premises, ((to)) performing clean up work, ((to)) setting up and ((arrange))

arranging tables, ((and to)) delivering supplies, delivering messages, serving food, and seating patrons"

On motion of Senator Lee, the rules were suspended, House Bill No. 1292 as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1292, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1292, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 9.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 40.

Voting nay: Senators Anderson, Barr, Cantu, Craswell, Johnson, Metcalf, Pullen, Rasmussen, Zimmerman - 9.

HOUSE BILL NO. 1292, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6757, by Senators McDonald and Vognild

Changing provisions relating to the Washington state convention and trade center and authorizing construction of the Washington coliseum in Spokane.

The bill was read the second time.

MOTION

Senator Lee moved that the following amendment by Senators Lee, Moore and Owen be adopted:

On page 17, after line 27, add the following section:

NEW SECTION, Sec. 20. A new section is added to chapter 82.04 RCW to read as follows:

A nonprofit trade or professional organization that registers or has registered with the department of revenue by July 1, 1988, shall be absolved of any liability for taxes due from the organization and unpaid under this title for taxes due prior to the date of registration or the effective date of this section, whichever is earlier, on charges made to members occupying space at trade shows or participating in other activities sponsored by the entity."

Renumber any remaining sections accordingly.

POINT OF ORDER

Senator West: "Mr. President, a point of order. I would have to challenge the scope of this amendment."

MOTION

At 1:37 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:26 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Senate Bill No. 6757 and the pending amendment by Senators Lee, Moore and Owen on page 17, after line 27, under consideration before the Senate went at ease.

MOTION

On motion of Senator Lee, and there being no objection, the amendment was withdrawn.

MOTION

Senator Talmadge moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 67.40 RCW to read as follows:

The state shall enter into an agreement with the corporation whereby, for a nominal sum, the corporation shall lease the state convention and trade center for a period of ninety-nine years. Under the agreement, the corporation shall assume all responsibility for constructing, operating, and maintaining the facility and the state shall retain all responsibility for the retirement of the bonds issued under this chapter. The state shall not be responsible for any operating costs or any other liabilities of the facility, and the corporation shall agree to hold the state harmless for any such liabilities. The agreement shall include covenants to assure public use and access to the facility.

Sec. 2. Section 2, chapter 34, Laws of 1982 as last amended by section 2, chapter 8, Laws of 1987 1st ex. sess. and RCW 67.40.020 are each amended to read as follows:

(1) The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall ~~((be an instrumentality of the state and))~~ have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint ~~((a))~~ an initial board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. ~~((After January 1, 1991, at least one position on the board shall be filled by a member representing management in the hotel or motel industry subject to taxation under RCW 67.40.090.))~~ Vacancies on the board shall be filled by appointments by the remaining members of the board. The directors may provide for the payment of their expenses. The corporation may cause a state convention and trade center with an overall size of approximately three hundred thousand square feet to be designed and constructed on a site in the city of Seattle. In acquiring, designing, and constructing the state convention and trade center, the corporation shall consider the recommendations and proposals issued on December 11, 1981, by the joint select committee on the state convention and trade center.

(2) The corporation may acquire and transfer real and personal property by lease, sublease, purchase, or sale, and further acquire property by condemnation of privately owned property or rights to and interests in such property pursuant to the procedure in chapter 8.04 RCW, or gift, accept grants, ~~((request the financing provided for in RCW 67.40.030.))~~ cause the state convention and trade center facilities to be constructed, and do whatever is necessary or appropriate to carry out those purposes. The corporation may enter into lease and sublease contracts for a term exceeding the fiscal period in which such lease and sublease contracts are made ~~((PROVIDED: That such contracts are approved by the director of financial management in consultation with the chairpersons of the ways and means committees of the house of representatives and the senate. The terms of sale or lease of properties acquired by the corporation on February 9, 1987, pursuant to the property purchase and settlement agreement entered into by the corporation on June 12, 1986, excepting the McKay parcel which the corporation is contractually obligated to sell under that agreement, shall also be subject to the approval of the director of financial management in consultation with the chairpersons of the ways and means committees of the house of representatives and the senate.))~~. In order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270. The corporation shall maintain, operate, promote, and manage the state convention and trade center.

(3) In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW and chapter 41.40 RCW.

Sec. 3. Section 4, chapter 34, Laws of 1982 as last amended by section 4, chapter 8, Laws of 1987 1st ex. sess. and RCW 67.40.040 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, earnings from the investment of the proceeds, ~~((proceeds of the tax imposed under RCW 67.40.090.))~~ and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, or renovation of the center, shall be deposited in the state convention and trade center account hereby created ~~((in the state treasury))~~ and in such subaccounts as are deemed appropriate by the directors of the corporation. The corporation may maintain such other accounts in depositories as the corporation deems appropriate.

(2) ~~((Seventy-five percent of the income from the investment of the corporation's funds deposited in the account, including interest earned thereon, before and after May 10, 1985, shall be credited against any future borrowings by the state convention and trade center corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.))~~

(3) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) ~~((After appropriation by statute:))~~

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

((#)) For acquisition, design, and construction of the state convention and trade center; and
 (((#))) (c) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center(;

(iv) To establish a subaccount of up to fifty million dollars for expansion or renovation of the center;

(v) For early retirement of the bonds issued under RCW 67.40.030; and

(vi) To reduce or eliminate the tax imposed under RCW 67.40.090.

PROVIDED: That no proceeds from the sale of bonds or earnings from the investment of the proceeds shall be used to fund subsection (4) or (8) of this section).

Sec. 4. Section 6, chapter 34, Laws of 1982 as last amended by section 5, chapter 8, Laws of 1987 1st ex. sess. and RCW 67.40.060 are each amended to read as follows:

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 67.40.030.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on that payment date. On each date on which any interest or principal and interest is due, the state treasurer shall cause an identical amount to be paid out of the ((state convention and trade center account or state convention and trade center operations)) hotel special excise tax account, from the proceeds of the special excise tax imposed under RCW 67.40.090, ((operating revenues of the state convention and trade center, and bond proceeds and earnings on the investment of bond proceeds)) for deposit in the general fund of the state treasury. Any deficiency in such transfer shall be made up as soon as special excise taxes are available for transfer and shall constitute a continuing obligation of the ((state convention and trade center)) hotel special excise tax account until all deficiencies are fully paid.

Bonds issued under RCW 67.40.030 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

Sec. 5. Section 9, chapter 34, Laws of 1982 as amended by section 6, chapter 8, Laws of 1987 1st ex. sess. and RCW 67.40.090 are each amended to read as follows:

Commencing April 1, 1982, there is imposed, and the department of revenue shall collect, in King county a special excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes rental or lease of real property and not a mere license to use or enjoy the same. The legislature on behalf of the state pledges to maintain and continue this tax until the bonds authorized by this chapter are fully redeemed, both principal and interest.

((+)) The rate of the tax imposed under this section shall be:

((a)) (1) From April 1, 1982, through December 31, 1982, inclusive, three percent in the city of Seattle and two percent in King county outside the city of Seattle; and

((b)) (2) On and after January 1, 1983, five percent in the city of Seattle and two percent in King county outside the city of Seattle. The tax levied under this subsection ((b)) shall expire on the first day of the next calendar quarter after the director of financial management certifies that ((+)) the bonds issued pursuant to RCW 67.40.030 have been fully retired ((and (ii) all borrowings by the convention center for (A) bond retirement, and (B) operating expenses of the convention center incurred through June 30, 1992, have been repaid together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed:

(2) On and after October 1, 1993, in addition to the tax specified in subsection (1) of this section, there is levied a surtax for the purpose of reimbursing moneys borrowed to pay actual net operating deficits of the convention center incurred after June 30, 1992, as provided in this subsection. On or before October 1, 1993, and on or before October 1 of each succeeding year, the director of financial management shall certify the actual net operating deficit, if any, of the convention center for the prior fiscal year and shall determine the rate of surtax which, if imposed during the succeeding twelve months, will be sufficient to reimburse moneys borrowed for the actual net operating deficit of the convention center in the prior fiscal year plus any surtax deficiencies in prior years less any surtax surpluses in prior years. As used in this

section. (a) "surtax deficiency" means any excess of (i) the convention center net operating deficit over (ii) receipts from the surtax imposed under this subsection to reimburse such deficit; and (b) "surtax surplus" means any excess of (i) receipts from a surtax imposed to reimburse a convention center net operating deficit over (ii) the convention center operating deficit which the surtax is intended to reimburse. The surtax so determined shall be effective, and shall be imposed and collected, beginning October 1 of each year for the succeeding twelve months: PROVIDED: That the surtax shall not exceed forty percent of the tax in effect under subsection (1) of this section in the city of Seattle and in King county outside the city of Seattle. The director of financial management shall determine the amount of the surtax based upon actual receipts from the tax provided for in RCW 67.40.090 during the last complete fiscal year. The surtax imposed on hotels and motels in King county outside the city of Seattle shall be forty percent of the surtax imposed on hotels and motels in the city of Seattle.

(3) The surcharge under subsection (2) of this section shall be forty percent of the tax in effect under subsection (1) of this section, effective on the day either of the following events occurs, whichever is earlier:

(a) A temporary or permanent injunction or order becomes effective which prohibits in whole or in part the collection of surtax at the rates specified in subsection (2) of this section; or
 (b) A decision of a court in this state invalidating in whole or in part subsection (2) of this section).

The proceeds of the special excise tax shall be deposited in the ((state convention and trade center)) hotel special excise tax account hereby created in the state treasury. Chapter 82.32 RCW applies to the tax imposed under this section.

Sec. 6. Section 1, chapter 8, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

(1) The director of financial management, in consultation with the chairpersons of the ways and means committees of the senate and house of representatives, may authorize temporary borrowing from the state treasury for the purpose of covering cash deficiencies in the state convention and trade center account resulting from project completion costs. Subject to the conditions and limitations provided in this section, lines of credit may be authorized at times and in amounts as the director of financial management determines are advisable to meet current and/or anticipated cash deficiencies. Each authorization shall distinctly specify the maximum amount of cash deficiency which may be incurred and the maximum time period during which the cash deficiency may continue. The total amount of borrowing outstanding at any time shall never exceed ((the lesser of:

(a) \$58,275,000; or

(b) An amount, as determined by the director of financial management from time to time, which is necessary to provide for payment of project completion costs)) \$1,000,000.

(2) ((Unless the due date under this subsection is extended by statute,)) All amounts borrowed under the authority of this section shall be repaid to the state treasury by June 30, 1989, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed. Borrowing may be authorized from any excess balances in the state treasury, except the agricultural permanent fund, the Millersylvania park permanent fund, the state university permanent fund, the normal school permanent fund, the permanent common school fund, and the scientific permanent fund.

(3) ((As used in this section, "project completion" means:

(a) All remaining development, construction, and administrative costs related to completion of the convention center; and

(b) Costs of the McKay building demolition, Eagles building rehabilitation, and construction of rentable retail space and an operable parking garage.

(4) It is the intent of the legislature that project completion costs be paid ultimately from the following sources:

(a) \$29,250,000 to be received by the corporation under an agreement and settlement with Industrial Indemnity Co.;

(b) \$1,070,000 to be received by the corporation as a contribution from the city of Seattle;

(c) \$20,000,000 to be received by the corporation under an anticipated agreement with a private developer;

(d) \$7,955,000 to be provided by a private developer for McKay building demolition, Eagles building rehabilitation, and construction of rentable retail space and an operable parking garage; and

(e) \$4,765,000 for contingencies and project reserves from additional general obligation bonds to be repaid from convention center revenue from the special excise tax under RCW 67.40.090.

(5)) The borrowing authority provided in this section is in addition to the authority to borrow from the general fund to meet the bond retirement and interest requirements set forth in RCW 67.40.060. To the extent the specific conditions and limitations provided in this section conflict with the general conditions and limitations provided for temporary cash deficiencies in RCW 43.88.260, the specific conditions and limitations in this section shall govern.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 233, Laws of 1985, section 3, chapter 8, Laws of 1987 1st ex. sess. and RCW 67.40.025;

(2) Section 3, chapter 233, Laws of 1985 and RCW 67.40.027;

(3) Section 5, chapter 34, Laws of 1982 and RCW 67.40.050; and

(4) Section 11, chapter 8, Laws of 1987 1st ex. sess. and RCW 67.40.055.

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

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Talmadge to Senate Bill No. 6757.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Garrett: "Senator Metcalf, it interested me very much about your crystal ball that you used all the way through this project. It reminded me of the speeches we had made when we authorized the Select Committee. They were going to go down there and investigate the convention center and all of the good that was going to come out of that and we'd really find out and get some recommendations. Did your crystal ball show you or did you ever dream that the select committee would come back down here and ask us to appropriate twenty-nine million dollars more for the Convention Center and fifty-seven million more in bonds—that the people putting this project together would be able to sell that kind of an idea to the select committee?"

Senator Metcalf: "I did not. I had an opportunity to be on the select committee. I wanted very much to be on it, but I knew I didn't have the time to devote to it, so I wasn't on the committee, but no, I would not have guessed that they would do that."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6757.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6757 and the bill passed the Senate by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Hayner, Johnson, Kiskaddon, Kroidler, Lee, Madson, McCaslin, McDonald, McMullen, Nelson, Owen, Rinehart, Saling, Smitherman, Stratton, Vogtild, von Reichbauer, West, Zimmerman - 31.

Voting nay: Senators Bauer, Craswell, Garrett, Halsan, Hansen, Metcalf, Moore, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Sellar, Smith, Talmadge, Warnke, Williams, Wojahn - 18.

SENATE BILL NO. 6757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. That was one of the most difficult votes I've ever made. Living in the Spokane Valley, the city of Spokane has never done a thing for the Spokane Valley, to my knowledge. We got into a wedge on this bill, because they hung the Spokane Coliseum on something I have voted against ever since I've been on this floor. I think it was a poor concept from the beginning, and it's still a poor concept. Now, I'm told by two people that

Mayor Vicki McNeill has made the statement that the coliseum will never be located in the Spokane Valley.

"Believe me, the city of Spokane has done one of the worst lobbying jobs I have ever seen in the eight years I've been here. I think it's regrettable that on the face of it and the people in Spokane—they are talking about situating the coliseum in the Spokane County and on the other hand, they are going behind our backs and telling people it will never be located in the Spokane Valley. Hopefully, with what Senator Jim West has done in this bill, we'll get a fair shake. I doubt it seriously. We haven't gotten a fair shake on the Convention Center in Seattle and I doubt if the Spokane Valley will get a fair shake on the coliseum. They finally got me between a rock and a hard place and I got crushed."

MOTION

Senator Nelson moved that the Committee on Ways and Means be relieved of further consideration of Engrossed Substitute House Bill No. 2038 and that the rules be suspended and Engrossed Substitute House Bill No. 2038 be advanced to second reading and placed on the second reading calendar.

POINT OF ORDER

Senator Vognild: "Mr. President, a point of order. I do not believe the motion is properly before us. We are on the sixth order of business considering Senate Bills on the calendar."

REPLY BY THE PRESIDENT

President Cherberg: "Your point of order is well taken."

MOTIONS

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

Senator Nelson moved that the Committee on Ways and Means be relieved of further consideration of Engrossed Substitute House Bill No. 2038 and that the rules be suspended and Engrossed Substitute House Bill No. 2038 be advanced to second reading and placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President, we have no objection to pulling this bill with the remarks from Senator Nelson that the bill would be placed on the calendar and would not be immediately run, so that we will have time to operate it. However, I would like to ask that as long as we are on the ninth order of business, are you also going to pull the Administrative Procedures Act which we have discussed on both sides of this aisle? That should be pulled and also the Risk Management which we have discussed on both sides of the aisle?"

REMARKS BY SENATOR NELSON

Senator Nelson: "Senator Vognild, we have yet to discuss those two matters with the members of our caucus, but I can assure that we have an open mind for any of the crucial subject matters that are before this Legislature and will address those, trying to fit them in as time permits. At this point, we have not had a chance to discuss either of those."

Senator Vognild: "May I finish, Mr. President? Thank you, Senator Nelson. I appreciate your answer. The only irony of it is that your leadership asked me three days ago if I would object to pulling those two bills and I said, 'no.' We still do not object to pulling the bill you are pulling."

POINT OF ORDER

Senator Fleming: "Mr. President, a point of order. Could I amend? I'd like to amend Senator Nelson's motion and I'd like to add to that motion to also relieve the Committee on Economic Development and Labor of further consideration of Engrossed Substitute House Bill No. 655."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Fleming, it's necessary for the first portion to be conducted."

The President declared the question before the Senate to be the motion by Senator Nelson that the Committee on Ways and Means be relieved of further consideration of Engrossed Substitute House Bill No. 2038 and that Engrossed Substitute House Bill No. 2038 be advanced to second reading and placed on the second reading calendar.

The motion by Senator Nelson carried and Engrossed Substitute House Bill No. 2038 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Nelson, the Senate returned to the sixth order of business.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, a point of personal privilege. I was going to make a motion at that point in time. I think that this side of the aisle went along with that side of the aisle to make their motion to relieve a committee of a bill. I think that they should have at least shown the same courtesy to this side of the aisle—to make a motion while we were at the ninth order of business. Engrossed Substitute House Bill No. 655, in my opinion, is a very important piece of legislation. The farm workers of this state need unemployment compensation; they need to be able to give health care to their families; they need to be able to have their kids go to school when they're healthy. That is a very important piece of legislation and I think that it was not in good taste on your side to not allow us to make that motion."

PERSONAL PRIVILEGE

Senator Nelson: "Mr. President, a point of personal privilege. I want each side of the aisle to know that in the course of making the arrangements to pull Engrossed Substitute House Bill No. 2083 to the floor, we coordinated our efforts with both sides of the aisle. At no time was the Republican majority advised that there was another bill—a motion that the puller wanted to make on this floor. We are more than happy to work in cooperation with any measure that is desirous to be addressed, but we would like to have the same courtesy shown if there's a request to be done in that fashion. We would like to know ahead of time, as well. The maker of the motion never let me know or anybody else that they wished to make that motion."

Further debate ensued.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1701, by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt and Baugher) (by request of Office of Financial Management)

Adopting the supplemental transportation budget.

The bill was read the second time.

MOTION

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE RAIL DEVELOPMENT COMMISSION

Rail Development Account <u>Appropriation</u>	\$	((300,000))
		663,900

The appropriation in this section is subject to the following conditions and limitations: ((# House Bill No. 1034 is not enacted by July 1, 1987, the appropriation in this section shall be from the general fund.))

(1) \$55,000 of the appropriation is the state's share for a study to determine the ridership forecast and financial feasibility of a commuter rail demonstration project in the south corridor

of the central Puget Sound region. The commission shall select the appropriate public/private agency to conduct the study and shall have oversight responsibility. State moneys shall be matched in an amount at least equal to the state's share by local jurisdictions.

(2) \$25,000 of the appropriation shall be used solely to provide matching funds for Federal Mass Transportation Administration (UMTA) discretionary grant moneys.

Sec. 2. Section 7, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation—State	\$	94,005,256
Motor Vehicle Fund—State Patrol Highway Account Appropriation—Federal	\$	2,733,175
Motor Vehicle Fund Appropriation	\$	463,045
Total Appropriation	\$	97,201,476

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section include \$~~(675,000)~~ 525,000 for the sole purpose of providing additional commercial vehicle enforcement officers.

(2) The appropriations in this section include \$498,664 for the sole purpose of providing twelve additional traffic troopers, effective January 1, 1989.

(3) The appropriations in this section include \$150,000 for the sole purpose of creating a license fraud investigation team. If House Bill No. 1860 is not enacted by June 30, 1988, the state patrol highway account appropriation—state in this section shall be reduced by \$150,000.

Sec. 3. Section 10, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$	3,352,618
Highway Safety Fund Appropriation	\$	30,866,231
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	(265,014) 610,926
Total Appropriation	\$	(34,483,863) 34,829,775

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 196 is not enacted by July 1, 1987, the highway safety fund appropriation is reduced by \$72,686.

(2) The department shall participate in the establishment of uniform rules for all commercial drivers, including special rules for training and testing of hazardous material drivers in compliance with the federal motor carrier safety act of 1986.

(3) \$286,909 is appropriated from the highway safety fund appropriation to implement section 5 of Engrossed Substitute Senate Bill No. 5850, if enacted.

(4) If House Bill No. 1660 is not enacted by June 30, 1988, the highway safety fund—motorcycle safety education account appropriation shall be reduced by \$39,300.

Sec. 4. Section 17, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

Motor Vehicle Fund Appropriation—State	\$	57,000,000
Motor Vehicle Fund Appropriation—Federal	\$	(569,000,000) 497,000,000
Motor Vehicle Fund Appropriation—Local	\$	4,000,000
Total Appropriation	\$	(570,000,000) 558,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund—state appropriation of \$57,000,000 includes \$37,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) If federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek unanticipated receipts for the federal portion.

(3) The department shall develop a design plan using federal discretionary funds made available under subsection (2) above to develop a design plan, prior to the completion of the I-90 project, that accommodates access to and from I-90 for those neighborhoods listed in the Washington State Transportation Commission Resolution No. 296; which design is consistent with the existing I-90 design and which can be constructed upon completion of the present I-90 project.

(4) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

Sec. 5. Section 18, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	((106,000,000))
		93,455,000
Motor Vehicle Fund Appropriation—Local	\$	2,000,000
Total Appropriation	\$	((108,000,000))
		95,455,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030. If Senate Bill No. 6464 is enacted, the motor vehicle fund—state appropriation shall be increased by \$13,000,000.

(1) The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of ~~\$((106,000,000))~~ 93,455,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

The transportation commission shall adjust its list of category "C" projects to include only those projects that can be accomplished within the moneys provided in this appropriation.

It is the intent of the legislature that no moneys shall be expended on projects that are not included on the transportation commission's ~~((funded))~~ priority list for the 1987-89 biennium. It is further the intent of the legislature that the category "A" and "H" programs take precedence over category "C" projects and that the category "A" and "H" programs be fully funded in the 1989-91 biennium to the exclusion of category "C" projects as required under chapter 47.05 RCW.

It is the intent of the legislature that the department's category C preliminary engineering and right of way expenditures for unfunded list 4 projects shall not exceed \$12,000,000.

It is the intent of the legislature that the maximum amount of state motor vehicle funds not required for other purposes be made available for category "C" program expenditures. If additional moneys become available, deferred funded list 4 category "C" project contracts shall not be awarded by the department without prior consultation with the legislative transportation committee.

No moneys may be expended on list 5 category "C" projects in the 1987-89 biennium.

~~((The department shall identify those amounts which may become available for category "C" expenditures due to underexpenditures of state motor vehicle fund appropriations at the close of the 1985-87 biennium, revenue projections which exceed current estimates, or cost savings due to efficiencies effected in other programs. Amounts so identified shall be included in the department's 1988 supplemental budget request for category "C" expenditures.))~~

(2) Notwithstanding subsection (1) of this section and to the extent that the motor vehicle fund—state receives additional revenues from the sale of department of transportation parcel number 32704447, \$455,000 of the motor vehicle fund appropriation—state is provided solely for the construction of a loop ramp as described under program item number 351216A in the transportation commission category "C" program file.

Sec. 6. Section 19, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D

Motor Vehicle Fund Appropriation	\$	((35,160,228))
		34,866,222

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided to fund the study required by Senate Concurrent Resolution No. 130 adopted by the 1983 legislature and provided for under RCW 46.68.110 and 46.68.120 of city, county, and state highway needs in relation to current statutory distributions of motor vehicle fuel taxes, other state and local highway revenue sources, and alternatives for financing long-term highway needs, and for other studies, including a study of the economic feasibility of constructing a bridge across the Port Orchard Passage to be conducted jointly by the legislative transportation committee and the department of transportation.

(2) The legislative transportation committee and the department of transportation shall conduct a review of the capital facilities needs study, which review shall be funded from the maintenance program appropriation. The results shall be presented to the 1988 legislature.

(3) If funds are made available to the state through the sale of the Spokane street maintenance site in the city of Seattle, the motor vehicle fund appropriation—state shall be increased by the amount of such proceeds, not to exceed \$1,500,000, to be used for the construction of a maintenance facility on property owned by the department at Corson street in the city of Seattle.

Sec. 7. Section 20, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State	\$	((2,192,863))
		<u>2,377,803</u>
General Fund—Aeronautics Account Appropriation—Federal	\$	((862,725))
		<u>902,460</u>
Total Appropriation	\$	((3,055,528))
		<u>3,280,263</u>

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. The aeronautics account—state appropriation contains \$100,000 for transfer to the motor vehicle fund as the second of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, Cause No. 239168.

Sec. 8. Section 22, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—ECONOMIC TRAFFIC OPERATION IMPROVEMENTS AND SUPPORT—PROGRAM G

Economic Development Account Appropriation	\$	((9,000,000))
		<u>3,000,000</u>

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

Sec. 9. Section 23, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—BRIDGE REPLACEMENT AND REHABILITATION—PROGRAM H

Motor Vehicle Fund Appropriation—State	\$	((23,000,000))
		<u>22,500,000</u>
Motor Vehicle Fund Appropriation—Federal	\$	((31,000,000))
		<u>27,200,000</u>
Motor Vehicle Fund Appropriation—Local	\$	<u>1,000,000</u>
Total Appropriation	\$	((55,000,000))
		<u>50,700,000</u>

The appropriations in this section are provided to preserve the structural and operating integrity of existing state highway bridges.

Sec. 10. Section 24, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation	\$	((15,239,165))
		<u>180,528,914</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may, after consultation with the legislative transportation committee, transfer motor vehicle funds budgeted for snow and ice control in this section to section 25 of this act to the extent that the plan is underrun.

(2) Appropriated in this section is an amount necessary for the legislative transportation committee and the department of transportation to conduct an independent study of the snow and ice control activity within the department.

Sec. 11. Section 25, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P

Motor Vehicle Fund Appropriation	\$	((15,875,977))
		<u>16,055,451</u>

The appropriation in this section is subject to the following conditions and limitations:

((†)) The department may, after consultation with the legislative transportation committee, transfer motor vehicle funds budgeted for highway inventories in this section to section 24 of

this act to the extent that expenditures for snow and ice control budgeted in section 24 of this act exceeds the plan.

Sec. 12. Section 26, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—COUNTY-CITY PROGRAM—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	1,450,000
Motor Vehicle Fund Appropriation—Federal	\$	((152,612,528))
		151,612,528
Motor Vehicle Fund Appropriation—Local	\$	((26,065,734))
		19,977,219
Total Appropriation	\$	((174,128,262))
		173,039,747

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations contain \$241,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island—Westport Ferry—Payments for operation and maintenance to Wahkiakum county). If Senate Bill No. 5159 is enacted, the department may request a supplemental appropriation.

(2) The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.

(3) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

(4) The appropriations contain \$91,612,528 of federal funds and \$15,227,923 of local funds for reimbursable expenditures for location, design, right-of-way, construction, and maintenance on the north metro operating base interchange, city streets, county roads, and other nonstate highways.

(5) The appropriations contain \$61,000,000 of federal funds and \$1,000,000 of local funds for location, design, right-of-way, and construction on state highways which is fully reimbursable(~~—PROVIDED, That if the 1987 legislature fails to enact a fuel tax increase, no new contracts may be awarded for department of transportation project No. 42113H prior to approval by the legislative transportation committee~~).

(6) The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria—Megler bridge pursuant to RCW 47.56.646.

(7) The appropriations contain \$3,437,811 of local funds for miscellaneous sales and services.

(8) The appropriations contain \$6,000,000 of federal funds for construction of defense access roads related to the Everett home port.

Sec. 13. Section 27, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S

General Fund—Aeronautics Account Appropriation	\$	9,371
General Fund Appropriation	\$	15,194
Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation	\$	217,442
Motor Vehicle Fund—Puget Sound Ferry Operations Account		
Appropriation	\$	459,076
Motor Vehicle Fund Appropriation	\$	((33,518,175))
		31,611,418
Ferry System Fund Appropriation	\$	1,071,178
Total Appropriation	\$	((35,290,436))
		33,383,679

The appropriations in this section include \$100,000 for the implementation of the joint financial information systems to be utilized by the office of financial management, legislative evaluation and accountability committee, department of transportation, department of information systems, the committees on ways and means of the senate and house of representatives, and the legislative transportation committee.

Sec. 14. Section 28, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

(1) For public transportation and rail programs:

General Fund Appropriation—State	\$	((576,698))
		570,284

General Fund Appropriation—Federal	\$	((3,767,602)) 3,758,745
General Fund Appropriation—Local	\$	188,000
(2) For planning and research:		
Motor Vehicle Fund Appropriation—State	\$	((6,200,453)) 6,188,743
Motor Vehicle Fund Appropriation—Federal	\$	((10,002,000)) 10,436,457
Total Public Transportation and Planning Appropriation	\$	((21,614,753)) 21,142,229

The appropriations in this section are subject to the following conditions and limitations: The department of transportation may transfer up to \$5,000,000 from the motor vehicle fund—federal appropriation to the motor vehicle fund—state appropriation if federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section. If additional federal funds become available to more than fully fund the motor vehicle fund—federal appropriation in this section, the department may transfer up to \$3,600,000 from the motor vehicle fund—state appropriation to the motor vehicle fund—federal appropriation.

Sec. 15. Section 29, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W

Motor Vehicle Fund—Puget Sound Capital Construction Account		
Reappropriation—State	\$	3,500,000
Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation—State	\$	((61,750,831)) 67,000,831
Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation—Federal	\$	8,500,000
Total Appropriation	\$	((73,750,831)) 79,000,831

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation of state funds from the Puget Sound capital construction account contains \$5,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

~~(2) ((It is the intent of the legislature that the Puget Sound capital construction account appropriation is provided to carry out only the projects presented to the house of representatives and senate transportation committees in the department's 1987-1989 biennial budget request dated February 1987. The department shall revise this list of projects to reconcile the 1985-87 actual expenditures within sixty days of the beginning of the biennium.~~

(3)) Prior to the expenditure of any funds budgeted for additional passenger-only vessels and related terminal modifications, the department of transportation shall obtain approval from the legislative transportation committee: PROVIDED, That the marine division shall make application for reimbursement from the federal urban mass transit administration.

~~((4)) (3) Expenditures for propulsion control systems shall be limited to two vessels.~~

~~((5)) (4) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of this program.~~

(5) \$5,000,000 of the Puget Sound capital construction account appropriation is provided for capacity improvements for two M.V. Issaquah class vessels through the addition of second car decks.

(6) \$250,000 of the appropriation is provided for improvements to the Anacortes parking facility.

Sec. 16. Section 30, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Motor Vehicle Fund—Puget Sound Ferry Operations Account		
Appropriation	\$	((45,896,956)) 45,155,127
Ferry System Fund Appropriation	\$	((107,892,897)) 105,361,963
Total Appropriation	\$	((152,989,853)) 150,517,090

The appropriations in this section are provided for management and support of the marine transportation division of the department of transportation and for the operation and maintenance of the state ferry system.

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are based on the budgeted expenditure of \$15,525,251 for vessel operating fuel in the 1987-89 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, it is the intent of the legislature that the department will request a supplemental appropriation.

(2) Prior to the expenditure of any funds budgeted for additional passenger-only service, the department of transportation shall obtain approval from the legislative transportation committee. If the additional passenger-only service is not approved, the funds appropriated in this section for that purpose shall not be expended for any other purpose.

(3) For the period from July 1, 1987, up to the actual implementation date of the 1987-89 biennial salary increase for employees under the jurisdiction of the state personnel board, ~~((none of the appropriations in this section may be expended to effect an))~~ no increases in the hourly wage rates of ferry employees, as ferry employee is defined in RCW 47.64.011(5), shall be included in the base hourly wage rates used for future salary increase calculations.

(4) The appropriation contained in this section provides for ~~((a))~~ the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1987-89 biennium shall not exceed \$105,210,000 ~~((and))~~ plus a dollar amount, as prescribed by the office of financial management, which is equal to any insurance benefit increase granted general government employees in excess of \$167 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 1989. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "L" (7.2.6.2). Of the \$105,210,000 provided for compensation, plus the prescribed insurance benefit increase dollar amount:

(a) A maximum of \$678,000 may be used to increase ((salary)) compensation costs, effective January 1, 1988((- for the 1987-88 fiscal year so that the June 30, 1988, hourly salary rate increase shall not exceed any average hourly salary rate increase granted during the 1987-88 fiscal year; and a maximum of \$2,145,000 may be used to increase salary costs, effective January 1, 1989, for the 1988-89 fiscal year so that));

(b) The prescribed insurance benefit increase dollar amount may be used to increase compensation costs, effective July 1, 1988;

(c) A maximum of \$2,145,000 shall be used to maintain any 1987-88 compensation increase and may be used to increase compensation costs, effective January 1, 1989.

In no event may the June 30, 1988, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1987-88 fiscal year.

In no event may the June 30, 1989, hourly salary rate increase ((shall not)) exceed any ((average hourly)) salary rate increase granted during the 1988-89 fiscal year.

(5) To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 biennium, employees will not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during the 1987-89 biennium. If the differential increases or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of this program.

Sec. 17. Section 39, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 18. A new section is added to chapter 10, Laws of 1987 1st ex. sess. to read as follows:

The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that

the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 19. A new section is added to chapter 10, Laws of 1987 1st ex. sess. to read as follows:

With respect to the department of transportation appropriations for highway construction in programs A, B, C, and H, it is recognized that expenditures for transit benefit projects are approximately \$150,000,000 of state and federal funds, of which significant portions pertain to construction on I-90. Transit benefit projects are those which construct or improve high-occupancy vehicle lanes, surveillance control and driver information systems, park-and-ride lots, flyer stops, and park-and-pool lots.

NEW SECTION. Sec. 20. A new section is added to chapter 10, Laws of 1987 1st ex. sess. to read as follows:

FOR THE WASHINGTON STATE PATROL

Dormitory facility at Washington State Patrol Training Academy (90-2-010)

	Reappropriation	Appropriation
Public Safety and Education Acct		673,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		673,000

NEW SECTION. Sec. 21. A new section is added to chapter 10, Laws of 1987 1st ex. sess. to read as follows:

FOR THE WASHINGTON STATE PATROL

Emergency vehicle operation course: Phase II (91-3-011)

	Reappropriation	Appropriation
Public Safety and Education Acct		1,107,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,107,000

NEW SECTION. Sec. 22. A new section is added to chapter 10, Laws of 1987 1st ex. sess. to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Public Safety and Education Account Appropriation	\$	75,000
General Fund—State Appropriation	\$	15,000
Public Safety and Education Account Transfer: For transfer to the trauma care system trust account	\$	250,000
General Fund—Aeronautics Account Appropriation—State	\$	5,000
Total Appropriation	\$	345,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If House Bill No. 1713 is enacted, \$250,000 shall be transferred from the public safety and education account appropriation to the trauma care system trust account and is appropriated to implement the provisions of that bill. If House Bill No. 1713 is not enacted by June 30, 1988, the total appropriation shall be reduced by \$250,000.

(2) \$15,000 of the general fund—state appropriation and \$5,000 of the aeronautics account appropriation is provided for a joint office of financial management/legislative transportation committee study of transportation vehicle and aircraft replacement programs.

(3) \$75,000 of the public safety and education account appropriation is provided to study the feasibility of and planning for the possible relocation of the criminal justice training center to the Washington State Patrol Academy at Shelton. The office of financial management shall report its findings and recommendations to the house and senate standing committees on transportation and ways and means on or before December 1, 1988.

NEW SECTION. Sec. 23. A new section is added to chapter 10, Laws of 1987 1st ex. sess. to read as follows:

No moneys from the motor vehicle fund or highway safety fund may be expended under chapter 10, Laws of 1987 1st ex. sess. as amended by this 1988 act for major relocation of the Washington state patrol or the department of licensing.

NEW SECTION. Sec. 24. The department of transportation and the county road administration board shall, by December 31, 1988, jointly provide the legislative transportation committee a report describing the current financial status of county-operated ferry systems. The report shall include recommendations regarding the appropriate level of state support for these transportation services and whether there is sufficient justification to consider transferring responsibilities for operating these systems to the Washington state department of transportation.

NEW SECTION. Sec. 25. The legislative transportation committee shall conduct a study of the impact of transportation tax exemptions on revenue.

NEW SECTION. Sec. 26. A joint committee is created to study the state motor vehicle excise tax. The study shall include an historical review of the distribution of the tax revenues, the current distribution of the tax revenues, and an evaluation of the current and historical purposes of the tax revenue distributions. The joint committee shall report its findings, including any recommended changes to the motor vehicle excise tax, to the house and senate standing committees on transportation and ways and means by November 1, 1988.

The chairpersons of the house transportation committee, the senate transportation committee, the senate ways and means committee, and the house ways and means committee shall each appoint three of its members to serve on the joint committee. The directors of the office of financial management and the department of licensing and the secretary of transportation shall each appoint one employee of their respective departments to serve on the joint committee. The members of the joint committee shall elect a chairperson from the membership of the committee.

NEW SECTION. Sec. 27. Section 55, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 28. Section 56, chapter 10, Laws of 1987 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

MOTIONS

On motion of Senator Nelson, the following amendments to the Committee on Transportation amendment were considered simultaneously and adopted:

On page 2, line 24 of the amendment, strike "\$30,866,231" and insert "(\$30,866,231) \$30,942,064"

On page 2, line 29 of the amendment, strike 34,829,775" and insert "34,905,608"

On motion of Senator Nelson, the following amendment to the Committee on Transportation amendment was adopted:

On page 3, after line 8 of the amendment, insert the following:

"(5) If Engrossed Substitute Senate Bill No. 6410 is not enacted by June 30, 1988, the Highway Safety Fund Appropriation shall be reduced by \$38,135.

(6) If House Bill No. 1482 is not enacted by June 30, 1988, the Highway Safety Fund Appropriation shall be reduced by \$37,698."

MOTION

Senator Zimmerman moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 6, line 17 of the amendment, following "Passage" insert "and a study of the economic feasibility of constructing a bridge across the Columbia River to Oregon, both studies"

POINT OF INQUIRY

Senator Bender: "Senator Zimmerman, do you have any idea what the cost of this study would be?"

Senator Zimmerman: "Because there's been an interest on the Oregon side as well, and because there is a metropolitan group that is interested in looking at all the bridges down there, I think that we'll be able to reduce the cost from what might otherwise be. I'm certainly not looking---something probably in the range of ten thousand dollars, I would say."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zimmerman on page 6, line 17, to the Committee on Transportation amendment.

The motion by Senator Zimmerman carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation amendment, as amended.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, I didn't think that the federal funds that are received through tax on tires, gas and oil--they're still growing?"

Senator Patterson: "That's a federal trust fund. They have withheld, as I recall, it's something in the neighborhood of about sixty million dollars--dollars that would normally come in our allocation--would normally come to the state of Washington. That has been held in a budget balancing act on the part of Congress."

Senator Rasmussen: "Well, that's clearly illegal."

Senator Patterson: "Pardon?"

Senator Rasmussen: "I say, that's illegal."

Senator Patterson: "Well, it may be, but Congress seems to do a lot of things that we question from time to time."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Transportation amendment, as amended.

The motion by Senator Patterson carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending section 3, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 7, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 10, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 17, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 18, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 19, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 20, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 22, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 23, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 24, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 25, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 26, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 27, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 28, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 29, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 30, chapter 10, Laws of 1987 1st ex. sess. (uncodified); amending section 39, chapter 10, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 10, Laws of 1987 1st ex. sess. (uncodified); repealing section 55, chapter 10, Laws of 1987 1st ex. sess. (uncodified); repealing section 56, chapter 10, Laws of 1987 1st ex. sess. (uncodified); creating new sections; making appropriations and authorizing expenditures; and declaring an emergency."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1701, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1701, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1701, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vogniid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Niemi, Talmadge - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1701, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1295, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Walker and Cole) (by request of Liquor Control Board)

Revising the fees for liquor licenses.

The bill was read the second time.

MOTION

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 217, Laws of 1987 and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind may be issued to:

(a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension (~~with a memorandum of the suspension written or stamped upon the face thereof in red ink~~). The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) (a) At the time of the original issuance of a class H license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required. (b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.04 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time. All conditions and restrictions imposed by the board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the county legislative authority, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license class A, B, D, or E or wine retailer license class C or F or class H license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school or public institution of the notice as provided in this subsection, the board receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies. It is the intent under this subsection that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

(11) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or wholesaler license to a transferee of a retail or wholesaler license to continue the operation of the retail or wholesaler premises during the period a transfer application for the license from person to person at the same premises is pending and when the following conditions exist:

(a) The licensed premises has been operated under a retail or wholesaler license within ninety days of the date of filing the application for a temporary license;

(b) The retail or wholesaler license for the premises has been surrendered pursuant to issuance of a temporary operating license;

(c) The applicant for the temporary license has filed with the board an application for transfer of the retail or wholesaler license at such premises to himself or herself; and

(d) The application for a temporary license is accompanied by a temporary license fee established by the board by rule.

A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for an

additional sixty-day period upon payment of an additional fee and upon compliance with all conditions required in this section.

Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08-.130 and chapter 34.04 RCW shall apply to temporary licenses.

Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full.

Sec. 2. Section 23-S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 43, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.380 are each amended to read as follows:

There shall be a beer retailer's license to be designated as class G; a special license to a society or organization to sell beer at picnics or other special occasions at a specified date and place; fee ~~((twenty))~~ thirty-five dollars per day. Sale, service, and consumption of beer is to be confined to specified premises or designated areas only.

Sec. 3. Section 6, chapter 85, Laws of 1982 and RCW 66.24.500 are each amended to read as follows:

There shall be a wine retailer's license to be designated as class J; a special license to a society or organization to sell wine at special occasions at a specified date and place; fee ~~((twenty))~~ thirty-five dollars per day. Sale, service, and consumption of wine is to be confined to specified premises or designated areas only: PROVIDED, That a holder of a class J license shall be permitted to sell at no more than two licensed events each year to members and guests in attendance at the special occasion limited quantities of wine in unopened bottles and original packages, not to be consumed on the premises where sold, by paying an additional fee of ten dollars per day. The board shall adopt appropriate regulations pursuant to chapter 34.04 RCW for the purpose of carrying out the provisions of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 66.24 RCW to read as follows:

An application for a new annual retail license under this title shall be accompanied by payment of a nonrefundable seventy-five dollar fee to cover expenses incurred in processing the application. If the application is approved, the application fee shall be applied toward the fee charged for the license."

MOTIONS

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

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.24.010, 66.24.380, and 66.24.500; and adding a new section to chapter 66.24 RCW."

On motion of Senator Lee, the rules were suspended, Engrossed Substitute House Bill No. 1295, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1295, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1295, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Sellar, Smitherman, Talmadge, Vognild, Warnke, West, Wojahn - 34.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Craswell, Johnson, McCaslin, Metcalf, Pullen, Saling, Smith, Stratton, von Reichbauer, Williams, Zimmerman - 15.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1295, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1319, by Committee on Commerce and Labor (originally sponsored by Representatives Walker, Wang, Patrick, Brough, Winsley, Miller, Prince, Holland, R. King, Belcher, Fisher and Locke) (by request of Select Committee on Employment and the Family)

Establishing minimum standards for leave for family care.

The bill was read the second time.

MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature recognizes the changing nature of the work force brought about by increasing numbers of working mothers, single parent households, and dual career families. The legislature finds that the needs of families must be balanced with the demands of the workplace to promote family stability and economic security. The legislature further finds that it is in the public interest for employers to accommodate employees by providing reasonable leaves from work for family reasons. In order to promote family stability, economic security, and the public interest, the legislature hereby establishes a minimum standard for family care. Nothing contained in this act shall prohibit any employer from establishing family care standards more generous than the minimum standards set forth in this act.

NEW SECTION. Sec. 2. The department shall develop and furnish to each employer a poster which describes an employer's obligations and an employee's rights under this 1988 act. The poster must include notice about any federal or state law, rule, or regulation governing maternity disability leave and indicate that local ordinances, laws, rules, or regulations may also apply. The poster must also include a telephone number and an address of the department to enable employees to obtain more information regarding this 1988 act. Each employer must display this poster in a conspicuous place. Every employer shall also post its leave policies, if any, in a conspicuous place. Nothing in this section shall be construed to create a right to continued employment.

NEW SECTION. Sec. 3. An employer shall allow an employee to use the employee's accrued sick leave to care for a child of the employee under the age of eighteen with a health condition that requires treatment or supervision. Use of leave other than accrued sick leave to care for a child under the circumstances described in this section shall be governed by the terms of the appropriate collective bargaining agreement or employer policy, as applicable.

NEW SECTION. Sec. 4. The department shall administer and investigate violations of sections 2 and 3 of this act.

NEW SECTION. Sec. 5. The department may issue a notice of infraction if the department reasonably believes that an employer has failed to comply with section 2 or 3 of this act. The form of the notice of infraction shall be adopted by rule pursuant to chapter 34.04 RCW. An employer who is found to have committed an infraction under section 2 or 3 of this act may be assessed a monetary penalty not to exceed two hundred dollars for each violation. An employer who repeatedly violates section 2 or 3 of this act may be assessed a monetary penalty not to exceed one thousand dollars for each violation. For purposes of this section, the failure to comply with section 2 of this act as to an employee or the failure to comply with section 3 of this act as to a period of leave sought by an employee shall each constitute separate violations. An employer has twenty days to appeal the notice of infraction. Any appeal of a violation determined to be an infraction shall be heard and determined by an administrative law judge. Monetary penalties collected under this section shall be deposited into the general fund.

NEW SECTION. Sec. 6. Nothing in this act shall be construed to reduce any provision in a collective bargaining agreement.

NEW SECTION. Sec. 7. The department shall notify all employers of the provisions of sections 1 through 6 of this act.

Sec. 8. Section 1, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.005 are each amended to read as follows:

For the purposes of this chapter:

(1) The term "department" means the department of labor and industries.
 (2) The term "director" means the director of the department of labor and industries, or his designated representative.

(3) The term "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees and for the purposes of sections 1 through 7 of this 1988 act also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(4) The term "employee" means an employee who is employed in the business of his employer whether by way of manual labor or otherwise.

(5) The term "conditions of labor" shall mean and include the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.

(6) For the purpose of this 1973 amendatory act a minor is defined to be a person of either sex under the age of eighteen years.

(7) The term "committee" shall mean the industrial welfare committee.

NEW SECTION, Sec. 9. Sections 1 through 7 of this act are each added to chapter 49.12 RCW.

NEW SECTION, Sec. 10. Prior to the effective date of this act, the department of labor and industries may take such steps as are necessary to ensure that sections 1 through 8 of this act are implemented on their effective date.

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 12. This act shall take effect on September 1, 1988."

MOTION

On motion of Senator Lee, the following amendments to the Committee on Economic Development and Labor amendment were considered simultaneously and adopted:

On page 2, line 4, after "any" strike "federal or"

On page 2, line 7, after "that" insert "federal or"

The President declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor amendment, as amended.

The motion by Senator Lee carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Nelson, further consideration of Substitute House Bill No. 1319 was deferred.

SECOND READING

HOUSE BILL NO. 1559, by Representatives Sayan and Grimm (by request of Department of Retirement Systems)

Providing for termination of membership in the teachers' retirement system.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1559.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1559 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Taimadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1851, by Representatives Srayan, Zellinsky, Leonard, Ballard, Scott, Patrick, Braddock, S. Wilson, Cole, Grimm, Locke, Brooks, D. Sommers, Moyer, Grant, K. Wilson, Sprenkle, Rust, Dorn, Cooper, Rasmussen, Jones, Meyers, Sutherland, Nutley, Spanel, Appelwick, Lux, Fuhrman, Pruitt, Hine, Nealey, Ebersole, Brekke, Todd, Nelson, Cantwell, B. Williams, Miller, H. Sommers, Rayburn, Anderson, Butterfield, Winsley, Schoon, Silver, Sanders, Basich, Dellwo, Brough and O'Brien

Removing age restrictions for certain state residential schools.

The bill was read the second time.

MOTION

Senator Deccio moved that the following Committee on Ways and Means amendment be adopted:

On page 1, line 16, after "section" insert "for a period of one year following passage of this measure. The department shall prepare a report which evaluates the impact on the Frances Haddon Morgan Center of the age restriction limit. The department shall include in this report an implementation plan for housing residents of the center who reach the age of twenty-one, together with a comparison of the costs of housing residents at the center and in the community. This report shall be transmitted to the legislature no later than January 1, 1989"

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, according to our book here, it says, 'No age restrictions shall be placed on eligibility for care for a period of one year.' Would this be one year from now or one year from when the bill becomes effective, so that it would carry over through the next session?"

Senator Deccio: "Senator Rasmussen, the reason that language was put in was so it would keep the department from removing anyone that was twenty-one years old. They cannot remove for one year. I would suspect the date that the bill becomes effective—the date of the bill, I suspect."

Senator Rasmussen: "The ninety days after—"

Senator Deccio: "After it was signed by the Governor, yes."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment on page 1, line 16, to Engrossed House Bill No. 1851.

The motion by Senator Deccio carried and the committee amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1851, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1851, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1851, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED HOUSE BILL NO. 1851, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1302, by Committee on Judiciary (originally sponsored by Representatives Kremen, Patrick, Fisher, Rayburn, Lux, Cooper, Basich, K. Wilson, Lewis, Cole, Holm, Haugen, Brekke, Barnes, Holland, Nealey, Sutherland, Sprenkle, Cantwell, Walker, Betzoff, Meyers, Hargrove, Baugher, Rasmussen, Silver, Fuhrman, Spanel, Fox, Jones, Peery, Ebersole, Dellwo, Heavey, Leonard, Zellinsky, Day, Vekich, Crane, Moyer, Butterfield, D. Sommers, Braddock, Pruitt, Brough, Todd, Ballard, O'Brien, Winsley, Hine, May, Hankins, Miller, Schoon, Doty, Ferguson and P. King)

Establishing penalties for sexual offenses against developmentally disabled persons.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

On page 3, after line 19, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 9A.88 RCW to read as follows:

Patronizing a prostitute. (1) A person is guilty of patronizing a prostitute if:

- (a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or
- (b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or
- (c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

(2) For purposes of this section, "sexual conduct" has the meaning given in RCW 9A.88.030.

(3) Patronizing a prostitute is a misdemeanor."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment on page 3, line 19, to Substitute House Bill No. 1302.

The motion by Senator Pullen carried and the committee amendment was adopted.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 118, Laws of 1983 and RCW 9A.44.050 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

- (a) By forcible compulsion; ~~((or))~~
- (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; or
- (c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim.

(2) Rape in the second degree is a class B felony.

Sec. 2. Section 9A.88.100, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 131, Laws of 1986 and RCW 9A.44.100 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

- (a) By forcible compulsion; or
- (b) When the other person is less than fourteen years of age; or
- (c) When the other person is less than sixteen years of age and the perpetrator is more than forty-eight months older than the person and is in a position of authority over the person; ~~((or))~~

(d) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; or

(e) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim.

(2) For purposes of this section:

(a) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(b) "Person in a position of authority" means any person who is a parent or acting in the place of a parent and is charged with any of a parent's rights, duties, or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, education, or supervision of a child, either independently or through another, no matter how briefly, at the time of the act.

(3) Indecent liberties is a class B felony.

Sec. 3. Section 1, chapter 14, Laws of 1975 1st ex. sess. as amended by section 1, chapter 123, Laws of 1981 and RCW 9A.44.010 are each amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(3) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause((:)).

(4) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act((:)).

(5) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped((:)).

(6) "Consent" means that at the time of the act of sexual intercourse there are actual words or conduct indicating freely given agreement to have sexual intercourse.

(7) "Developmentally disabled" means a person as defined in RCW 71.20.016.

(8) "Person with supervisory authority" means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled persons at the facility.

NEW SECTION. Sec. 4. A new section is added to chapter 9A.88 RCW to read as follows:

Patronizing a prostitute. (1) A person is guilty of patronizing a prostitute if:

(a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or

(b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or

(c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

(2) For purposes of this section, "sexual conduct" has the meaning given in RCW 9A.88.030.

(3) Patronizing a prostitute is a misdemeanor.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator Pullen, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "9A.44.010;" insert "adding a new section to chapter 9A.88 RCW;"

On page 1, line 1 of the title, after "offenses" strike the remainder of the title and insert "amending RCW 9A.44.050, 9A.44.100, and 9A.44.010; adding a new section to chapter 9A.88 RCW; prescribing penalties; and declaring an emergency."

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1302, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1302, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1302, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1302, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1713, by Committee on Transportation (originally sponsored by Representatives Braddock, Bailard, Sprenkle, Vekich, Lux, Haugen, Holm, Sayan, Winsley, Anderson and Baugher)

Creating a committee to study and design a trauma care system for Washington.

The bill was read the second time.

MOTIONS

On motion of Senator Deccio, the following Committee on Health Care and Corrections amendment was adopted:

On page 2, line 17, after "The" strike "secretary" and insert "steering committee"

On motion of Senator Deccio, the rules were suspended, Second Substitute House Bill No. 1713, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1713 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1713, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 1713, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1272, Hankins and Crane (by request of Department of Corrections)

Revising department of corrections employee assault benefits.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed House Bill No. 1272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1272.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1272 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Vognild - 1.

ENGROSSED HOUSE BILL NO. 1272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1280, by Representatives Braddock, Brooks, Sprengle, Crane, May and P. King (by request of Department of Corrections)

Revising the crime of custodial assault.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 1280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1280.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1280 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, by Committee on Local Government (originally sponsored by Representatives Zellinsky, Ferguson, Dellwo, Cooper, Haugen, Winsley, Spanel, Bumgarner and Holm)

Revising requirements for publishing notices of actions of cities, towns, and counties.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 100, chapter 469, Laws of 1985 and RCW 35.22.288 are each amended to read as follows:

Promptly after adoption, ((every)) the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the city. For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 2. Section 35.23.310, chapter 7, Laws of 1965 and RCW 35.23.310 are each amended to read as follows:

((Before any ordinance shall take effect, it shall be published in one issue of the official newspaper of the city:))

Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the city. For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

A certified copy of any ordinance certified to by the clerk, or a printed copy of any ordinance or compilation printed by authority of the city council and attested by the clerk shall be competent evidence in any court.

Sec. 3. Section 2, chapter 120, Laws of 1987 and RCW 35.23.352 are each amended to read as follows:

(1) Any second or third class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. The notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish a bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In lieu of the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster and award contracts under this subsection for contracts of one hundred thousand dollars or less.

(a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. The invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.

(4) After September 1, 1987, each second class city, third class city, and town shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids: PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof.

(7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

(8) For advertisement and competitive bidding to be dispensed with as to purchases between seven thousand five hundred and fifteen thousand dollars, the city legislative authority must authorize by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding the contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(9) These requirements for purchasing may be waived by resolution of the city or town council which declared that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. Such actions are subject to RCW 39.30.020.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

Sec. 4. Section 35.24.220, chapter 7, Laws of 1965 as last amended by section 1, chapter 400, Laws of 1987 and RCW 35.24.220 are each amended to read as follows:

~~((Every ordinance of a city of the third class)) Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the city's official newspaper. ((However, as an alternative, a city of the third class with a population of three thousand or less may publish in its official newspaper a summary of the intent and content of any ordinance that it adopts and indicate the times and location where a copy of the ordinance is available for public inspection.))~~

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 5. Section 35.27.300, chapter 7, Laws of 1965 as last amended by section 2, chapter 400, Laws of 1987 and RCW 35.27.300 are each amended to read as follows:

((Every)) Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the town.

~~((However, as an alternative, a town may publish in its official newspaper a summary of the intent and content of any ordinance that it adopts and indicate the times and location where a copy of the ordinance is available for public inspection:))~~

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the town publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a town publish the text or a summary of the content of each adopted ordinance, every town shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the town's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the town determines will satisfy the intent of this requirement.

Sec. 6. Section 101, chapter 469, Laws of 1985 and RCW 35.30.018 are each amended to read as follows:

Promptly after adoption, ((every)) the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the city.

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 7. Section 35A.12.160, chapter 119, Laws of 1967 ex. sess. as last amended by section 3, chapter 400, Laws of 1987 and RCW 35A.12.160 are each amended to read as follows:

Promptly after adoption, ((every)) the text of each ordinance or a summary of the content of each ordinance shall be published((:)) at least once in the city's official newspaper. ((However, as an alternative, a city with a population of three thousand or less may publish in its official newspaper a summary of the intent and content of any ordinance that it adopts and indicate the times and location where a copy of the ordinance is available for public inspection:))

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. When the city publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a city publish the text or a summary of the content of each adopted ordinance, every city shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the city's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the city determines will satisfy the intent of this requirement.

Sec. 8. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 206, chapter 202, Laws of 1987 and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferrage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any

future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges.

NEW SECTION. Sec. 9. A new section is added to chapter 35.63 RCW to read as follows:

Any notice made under chapter 35.63 RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

NEW SECTION. Sec. 10. A new section is added to chapter 35A.63 RCW to read as follows:

Any notice made under chapter 35A.63 RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

NEW SECTION. Sec. 11. A new section is added to chapter 36.70 RCW to read as follows:

Any notice made under chapter 36.70 RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

NEW SECTION. Sec. 12. A new section is added to chapter 58.17 RCW to read as follows:

Any notice made under chapter 58.17 RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means."

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1317, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1317, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1317, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn - 45.

Voting nay: Senators Hayner, Smith, von Reichbauer, Zimmerman - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1649 and the pending striking amendment by Senator Hayner, deferred March 4, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Warnke, the President finds that House Bill No. 1649 is a measure which makes mostly technical and clarifying changes in pension portability laws and definitions.

"The amendment proposed by Senator Hayner would alter the formula used to determine average compensation and requires a dual member to be vested in at least one system in order to exercise portability benefits.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Hayner to House Bill No. 1649 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1649.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1649 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1586 and the pending amendment by Senators Craswell, Kiskaddon and Stratton on page 1, line 4, deferred March 2, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute House Bill No. 1586 is a measure revising the time limits provided in dependency actions and specifies certain options for courts regarding permanent care plans.

"The amendment proposed by Senators Craswell, Kiskaddon and Stratton creates an independent monitoring system to review certain supervised out-of-home placements for the care of children.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Craswell, Kiskaddon and Stratton to Engrossed Substitute House Bill No. 1586 was ruled out of order.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Engrossed Substitute House Bill No. 1586, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1586, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1586, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1586, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1745, by Committee on Education (originally sponsored by Representatives Peery, Holm, Taylor, Rasmussen, Betrozoff, Cole, Haugen, Holland, P. King, Schoon, D. Sommers, Dorn and Ebersole)

Specifying when school directors officially start their terms of office.

The bill was read the second time.

MOTION

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

On page 2, after line 6, insert the following:

NEW SECTION. Sec. 3. Effective September 1, 1988, through August 31, 1989, any second class school district previously divided into directors' districts may return to the system of directors running at-large pursuant to the provisions of section 4 of this act.

NEW SECTION. Sec. 4. (1) Upon receipt of a motion adopted by the board of directors or a written petition signed by at least twenty percent of the registered voters of a second class school district previously divided into directors' districts, which motion or petition shall request a return to the system of directors running at-large within the district, an educational service district superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted, and the returns canvassed as in regular school district elections.

(2) If approval of a majority of those registered voters voting in the election is acquired, at the expiration of terms of the incumbent directors of such school district, their successors shall be elected at-large.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act do not apply to any school district of the first class nor to any second class school district otherwise eligible under RCW 28A.57.415 to return to the system of directors running at-large.

NEW SECTION. Sec. 6. Sections 3, 4, and 5 of this act shall expire September 1, 1989."

There being no objection, further consideration of Substitute House Bill No. 1745 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1752, by Committee on Natural Resources (originally sponsored by Representatives Spanel, S. Wilson, Haugen, Sayan, Fox, Hargrove, Cole, Kremen, Amondson, Braddock, Schmidt, Sanders and Cooper)

Authorizing one day not-for-profit smelt fishing derbies.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 87, Laws of 1987 and RCW 75.25.090 are each amended to read as follows:

(1) An annual personal use license is required for a person sixteen years of age or older to fish for, take, or possess food fish except smelt for personal use from state waters or offshore waters, other than carp and sturgeon in the Columbia river above Chief Joseph Dam. An annual personal use license is valid for the calendar year in which it is issued. The fees for an annual personal use license are three dollars for residents and nine dollars for nonresidents.

(2) A two-consecutive-day combined personal use license and punchcard shall be issued. The fee for the license and punchcard is three dollars for residents and nonresidents.

(3) It is unlawful to fish for or possess food fish without the licenses, punchcards, and stamps required by this chapter."

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1752, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1752, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1752, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1752, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1745, deferred earlier today.

MOTION

Senator Craswell moved that the following amendment be adopted:

On page 2, following line 6, insert the following:

NEW SECTION. Sec. 3. Registered voters of a school district which is divided into director districts may submit a written petition signed by at least twenty percent of the registered voters of that school district requesting that only the registered residing within a respective director district shall be eligible to vote in the general election for a candidate running for the position of director from that director district. The superintendent of the school district, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall place the proposal on the ballot at the next general election for approval or rejection by the voters of the entire school district.

NEW SECTION. Sec. 4. If a majority of the registered voters voting on the issue in the election approve the proposal when the terms of the incumbent directors of the school district expire, their successors shall be elected as provided under section 3 of this act.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act shall not apply to any first class school district having within its boundaries a city with a population of four hundred thousand people or more and being in a class AA county.

NEW SECTION. Sec. 6. Sections 3 through 5 of this act are each added to chapter 28A.57 RCW.

NEW SECTION. Sec. 7. Effective September 1, 1988, through August 31, 1989, any second class school district previously divided into directors' districts may return to the system of directors running at-large pursuant to the provisions of section 4 of this act.

NEW SECTION. Sec. 8. (1) Upon receipt of a motion adopted by the board of directors or a written petition signed by at least twenty percent of the registered voters of a second class school district previously divided into directors' districts, which motion or petition shall request a return to the system of directors running at-large within the district, an educational service district superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted, and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in the election is acquired, at the expiration of terms of the incumbent directors of such school district, their successors shall be elected at-large.

NEW SECTION. Sec. 9. Sections 7 and 8 of this act do not apply to any school district of the first class nor to any second class school district otherwise eligible under RCW 28A.57.415 to return to the system of directors running at-large.

NEW SECTION. Sec. 10. Sections 7, 8 and 9 of this act shall expire September 1, 1989."

POINT OF ORDER

Senator Fleming: "Mr. President, a point of order. I raise the point of order that this amendment is outside the scope and object of the bill. Just briefly, this is a very technical amendment. I think, even though the Senate has voted on this measure, it still raises a broader question, a philosophy as to how school directors should be elected from a district in the primary versus a general election."

MOTION

On motion of Senator Bluechel, further consideration of Substitute House Bill No. 1745 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 1630, by Representatives Walk, Schmidt and Gallagher (by request of Department of Licensing)

Requiring insurance for continued registration of tow truck operators.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 377, Laws of 1985 as amended by section 1, chapter 311, Laws of 1987 and by section 739, chapter 330, Laws of 1987 and RCW 46.55.010 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in his possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;
- (c) Is apparently inoperable;
- (d) Is without a valid, current registration plate;
- (e) Has a fair market value equal only to the value of the scrap in it.

(5) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of (~~unauthorized~~) any vehicles or the disposal of abandoned vehicles. This definition does not include a hauler or scrap processor licensed under chapter 46.79 RCW or a publicly owned vehicle licensed under RCW 46.16.020.

(6) "Residential property" means property that has no more than four living units located on it.

(7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(9) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(10) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(11) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

- (i) Constituting a traffic hazard as defined in RCW ((46.61-565)) 46.55.113 Immediately
- (ii) On a highway and tagged as described in RCW ((46.52-170)) 46.55.085 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately

(b) Private locations:

- (i) On residential property Immediately
- (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
- (iii) On private, nonresidential property, not posted 24 hours

NEW SECTION, Sec. 2. A new section is added to chapter 46.55 RCW to read as follows:

(1) A registered tow truck operator who engages exclusively in transporting vehicles that are not unauthorized vehicles, and does not impound or store any vehicles, and does not dispose of abandoned vehicles, is exempt from RCW 46.55.030(1)(f)(ii) and (iii) and 46.55.060.

(2) A tow truck operator acting under this section shall comply with the following conditions:

(a) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. Each separate business location requires a separate registration under this chapter.

(b) At the business location of the firm, the registered operator shall post in a conspicuous and accessible location:

- (i) All pertinent licenses and permits to operate as a registered tow truck operator;
- (ii) The current towing charges itemized on a form approved by the department;
- (iii) Information supplied by the department as to where complaints regarding either equipment or service are to be directed.

(c) Ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(3) The department shall charge a registration fee for all tow truck operators based upon the cost of administering registration. In establishing such fees, the department shall consider the activities of tow truck operators regulated under subsections (1) and (2) of this section in comparison to other registered tow truck operators and shall charge fees based upon the difference in activities.

Sec. 3. Section 3, chapter 377, Laws of 1985 as amended by section 2, chapter 311, Laws of 1987 and RCW 46.55.030 are each amended to read as follows:

(1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or his agent, and shall include the following information:

(a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;

(b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;

(c) The names and addresses of all employees who serve as tow truck drivers;

(d) Proof of minimum insurance required by subsection (3) of this section;

(e) Any other information the department may require; and

(f) A certificate of approval from the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol, certifying that:

(i) The applicant has an established place of business at the address shown on the application;

(ii) The place of business has an office area that is accessible to the public without entering the storage area; and

(iii) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

Cancellation of the insurance required by (a) and (b) of this subsection automatically cancels the operator's registration.

(4) ~~The fee for each original registration and annual renewal ((is one hundred dollars per company, plus fifty dollars per truck)) shall be established pursuant to section 2(3) of this act.~~ The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

Sec. 4. Section 8, chapter 377, Laws of 1985 as amended by section 5, chapter 311, Laws of 1987 and RCW 46.55.080 are each amended to read as follows:

If a vehicle is in violation of the time restrictions of RCW ~~((46.55.010(12)))~~ 46.55.010(11), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or his agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator may not serve as an agent of a property owner for the purposes of signing an impound authorization.

NEW SECTION. Sec. 5. Section 2, chapter 167, Laws of 1977 ex. sess., section 743, chapter 330, Laws of 1987 and RCW 46.61.563 are each repealed.

NEW SECTION. Sec. 6. RCW 46.61.567 is recodified as a section in chapter 46.55 RCW."

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

On line 1 of the title, after "operators;" strike the remainder of the title and insert "amending RCW 46.55.030 and 46.55.080; reenacting and amending RCW 46.55.010; adding a new section to chapter 46.55 RCW; recodifying RCW 46.61.567; and repealing RCW 46.61.563."

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 1630, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1630, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1630, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kresdler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Barr - 1.

Absent: Senator Deccio - 1.

ENGROSSED HOUSE BILL NO. 1630, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1445, by Committee on Judiciary (originally sponsored by Representatives Wineberry, Armstrong, Padden, O'Brien, Cole, Crane, Anderson, Heavey, Brough, Valle, P. King, Lewis, Jacobsen, Patrick, Unsoeld, Baugher, Leonard, Meyers, Scott, Haugen, Zellinsky, Lux, Ebersole, Brække, Kremen, Betzoff, Pruitt, Ballard, May, Fuhrman, Doty, Sutherland, Sanders, Jesernig, Todd, Silver, Moyer, Locke, Rasmussen, Ferguson and Winsley)

Prohibiting drug-related activities in rental dwellings.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that the illegal use, sale, and manufacture of drugs and other drug-related activities is a state-wide problem. Innocent persons, especially children, who come into contact with illegal drug-related activity within their own neighborhoods are seriously and adversely affected. Rental property is damaged and devalued by drug activities. The legislature further finds that a rapid and efficient response is necessary to: (1) Lessen the occurrence of drug-related enterprises; (2) reduce the drug use and trafficking problems within this state; and (3) reduce the damage caused to persons and property by drug activity. The legislature finds that it is beneficial to rental property owners and to the public to permit landlords to quickly and efficiently evict persons who engage in drug-related activities at rented premises.

Sec. 2. Section 13, chapter 207, Laws of 1973 1st ex. sess. as amended by section 3, chapter 264, Laws of 1983 and RCW 59.18.130 are each amended to read as follows:

Each tenant shall pay the rental amount at such times and in such amounts as provided for in the rental agreement or as otherwise provided by law and comply with all obligations imposed upon tenants by applicable provisions of all municipal, county, and state codes, statutes, ordinances, and regulations, and in addition shall:

(1) Keep that part of the premises which he occupies and uses as clean and sanitary as the conditions of the premises permit;

(2) Properly dispose from his dwelling unit all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by the tenant;

(3) Properly use and operate all electrical, gas, heating, plumbing and other fixtures and appliances supplied by the landlord;

(4) Not intentionally or negligently destroy, deface, damage, impair, or remove any part of the structure or dwelling, with the appurtenances thereto, including the facilities, equipment, furniture, furnishings, and appliances, or permit any member of his family, invitee, licensee, or any person acting under his control to do so. Violations may be prosecuted under chapter 9A.48 RCW if the destruction is intentional and malicious:

(5) Not permit a nuisance or common waste; ~~((and))~~

(6) Not engage in drug-related activity at the rental premises, or allow a subtenant, sublessee, resident, or anyone else to engage in drug-related activity at the rental premises with the knowledge or consent of the tenant. "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW; and

(7) Upon termination and vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by failure of the landlord to comply with his obligations under this chapter: PROVIDED, That the tenant shall not be charged for normal cleaning if he has paid a nonrefundable cleaning fee.

Sec. 3. Section 40, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.390 are each amended to read as follows:

The sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the defendant, his agent, or attorney, or a person in possession of the premises, and shall not execute the same for three days thereafter, and the defendant, or person in possession of the premises within three days after the service of the writ of restitution may execute to the plaintiff a bond to be filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with sufficient surety to be approved by the clerk of said court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the said premises, or any rent found due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of said premises, together with all damages which the court theretofore has awarded to the plaintiff as provided in this chapter, and also all the costs of the action. The plaintiff, his agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon said bond before said bond shall be approved by the clerk. If the writ of restitution has been based upon a finding by the court that the tenant, subtenant, sublessee, or a person residing at the rental premises has engaged in drug-related activity or has allowed any other person to engage in drug-related activity at those premises with his or her knowledge or approval, neither the tenant, the defendant, nor a person in possession of the premises shall be entitled to post a bond in order to retain possession of the premises. The writ may be served by the sheriff, in the event he shall be unable to find the defendant, an agent or attorney, or a person in possession of the premises, by affixing a copy of said writ in a conspicuous place upon the premises.

Sec. 4. Section 41, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.400 are each amended to read as follows:

On or before the day fixed for his appearance the defendant may appear and answer. The defendant in his answer may assert any legal or equitable defense or set-off arising out of the tenancy. If the complaint alleges that the tenancy should be terminated because the defendant tenant, subtenant, sublessee, or resident engaged in drug-related activity, or allowed any other person to engage in drug-related activity at the rental premises with his or her knowledge or consent, no set-off shall be allowed as a defense to the complaint.

Sec. 5. Section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 4, chapter 58, Laws of 1984 and RCW 59.20.080 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20-.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the proposed effective date of such change;

(f) Engaging in "drug-related activity." "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective twelve months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord shall not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4) or is intended to circumvent the provisions of (1)(e) of this section.

(3) Within five days of a notice of eviction as required by subsection (1)(a) or (2) of this section, the landlord and tenant shall submit any dispute, including the decision to terminate the tenancy without cause, to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section, or for a period of thirty days for an eviction under subsection (2) of this section. It is a defense to an eviction under subsection (1)(a) or (2) of this section that a landlord did not participate in the mediation process in good faith.

Sec. 6. Section 9, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.140 are each amended to read as follows:

It shall be the duty of the tenant to pay the rental amount at such times and in such amounts as provided for in the rental agreement or as otherwise provided by law and comply with all obligations imposed upon tenants by applicable provisions of all municipal, county, and state codes, statutes, ordinances and regulations, and in addition the tenant shall:

(1) Keep the mobile home lot which he occupies and uses as clean and sanitary as the conditions of the premises permit;

(2) Properly dispose of all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by the tenant on the tenant's leased premises;

(3) Not intentionally or negligently destroy, deface, damage, impair, or remove any facilities, equipment, furniture, furnishings, fixtures or appliances provided by the landlord, or permit any member of his family, invitee, or licensee, or any person acting under his control to do so: ~~((and))~~

(4) Not permit a nuisance or common waste; and

(5) Not engage in drug-related activities as defined in RCW 59.20.080.

Sec. 7. Section 18, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.180 are each amended to read as follows:

If the tenant fails to comply with any portion of RCW 59.18.130 or 59.18.140, and such non-compliance can substantially affect the health and safety of the tenant or other tenants, or substantially increase the hazards of fire or accident that can be remedied by repair, replacement of a damaged item, or cleaning, the tenant shall comply within thirty days after written notice by the landlord specifying the noncompliance, or, in the case of emergency as promptly as conditions require. If the tenant fails to remedy the noncompliance within that period the landlord may enter the dwelling unit and cause the work to be done and submit an itemized bill of the actual and reasonable cost of repair, to be payable on the next date when periodic rent is due, or on terms mutually agreed to by the landlord and tenant, or immediately if the rental agreement has terminated. Any substantial noncompliance by the tenant of RCW 59.18.130 or 59.18.140 shall constitute a ground for commencing an action in unlawful detainer in accordance with the provisions of chapter 59.12 RCW, and a landlord may commence such action at any time after written notice pursuant to such chapter. The tenant shall have a defense to an unlawful detainer action filed solely on this ground if it is determined at the hearing authorized under the provisions of chapter 59.12 RCW that the tenant is in substantial compliance with the provisions of this section, or if the tenant remedies the noncomplying condition within the thirty day period provided for above or any shorter period determined at the hearing to have been required because of an emergency: PROVIDED, That if the defective condition is remedied after the commencement of an unlawful detainer action, the tenant may be liable to the landlord for statutory costs and reasonable attorney's fees.

If drug-related activity is alleged to be a basis for termination of tenancy under RCW 59.18.130(6), 59.12.030(5), or 59.20.140(5), the compliance provisions of this section do not apply and the landlord may proceed directly to an unlawful detainer action.

Sec. 8. Section 7, chapter 458, Laws of 1987 and RCW 69.53.010 are each amended to read as follows:

(1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly rent, lease, or make available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) It shall be a defense for an owner, manager, or other person in control pursuant to subsection (1) of this section to, in good faith, notify a law enforcement agency of suspected

drug activity pursuant to subsection (1) of this section, or to process an unlawful detainer action for drug-related activity against the tenant or occupant.

~~((2))~~ (3) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

Sec. 9. Section 8, chapter 458, Laws of 1987 and RCW 69.53.020 are each amended to read as follows:

(1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly allow the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the unlawful manufacture, delivery, sale, storage, or gift of any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) It shall be a defense for an owner, manager, or other person in control pursuant to subsection (1) of this section to, in good faith, notify a law enforcement agency of suspected drug activity pursuant to subsection (1) of this section, or to process an unlawful detainer action for drug-related activity against the tenant or occupant.

~~((2))~~ (3) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, I have concern with one section. It says, 'It shall,' and this is all through the bill, but—"

Senator Pullen: "Which page?"

Senator Rasmussen: "Page 13, where it says, 'It shall be a defense for the owner, manager or other person in control pursuant to subsection (1) of this section to, in good faith, notify a law enforcement agency of suspected drug activity pursuant to subsection (1) of this section.' How, in the discussion in the committee, was it contemplated that you file a complaint? Would you just call up on the telephone or if you see a sheriff's car to notify them? It says, 'In good faith notify a law enforcement agency of suspected drug activity.'"

Senator Pullen: "It could be done by either of the means that you suggested, but for the protection of the owner, manager or other person in control, I would strongly urge, if I were recommending it, that it be done in writing and that a record be kept, so that some additional protection is afforded. There is nothing wrong with making a telephone call, particularly if the police were doing their job, they would hopefully keep a record of the telephone call, but bureaucracy being what it is, there is no guarantee of that. I would recommend that it be done in writing for the protection of the owner, but there's nothing in the law that requires it to be in writing and, in fact, we wanted to have maximum flexibility for the owner."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Talmadge: "Mr. President may I speak on a point of personal privilege? I had an opportunity to work on this particular section of the legislation to which Senator Rasmussen refers. As Senator Pullen indicated, you can satisfy the obligation by sending something in writing or by communicating orally. I would note that in most 911 systems, it is something that is logged. When somebody makes a phone call on 911, you can indicate name and address and that will be logged in, so with respect to the good faith defense issue, this really comes down to the question of whether there is any liability on the part of the landlord for this particular situation. The landlord will be exonerated from any civil liability so long as the landlord indicates in writing or makes a phone call and is certain to have his or her name logged on the 911 system."

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment to Substitute House Bill No. 1445.

The motion by Senator Pullen carried and the committee amendment was adopted.

MOTIONS

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

On page 1, line 2 of the title, after "dwellings;" strike the remainder of the title and insert "amending RCW 59.18.130, 59.18.390, 59.18.400, 59.20.080, 59.20.140, 59.18.180, 69.53.010, and 69.53.020; and creating a new section."

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1445, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1445, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1445, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1445, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1686, by Representatives Nealey, Fisher, Belcher, Walker, Chandler, Beck, Grant, Silver, Fuhrman, May, Rasmussen, Moyer, Sanders, McLean and Miller

Regulating the use of the state seal.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, it doesn't spell it out in the bill, but does everyone that is using this seal including various Democrats and Republicans have to come in now and file with the Secretary of State for permission?"

Senator McCaslin: "Well, you can't use it in political campaigns, Senator Rasmussen."

Senator Rasmussen: "No, but they use it for fund raising, etc."

Senator McCaslin: "No, I don't believe that would be the purpose of the bill, but if you're going to use it on literature, etc., or for letters or something of that nature--magazines, pamphlets--I think you should check with the Secretary of State."

Senator Rasmussen: "And that would include Senators that send out Christmas cards with the seal on them?"

Senator McCaslin: "I imagine it would. It's indiscriminate use, but I think he would rule on that if you went and talked to the Secretary of State."

Senator Rasmussen: "Well, that was my question. I wanted to know if all the people that are presently using the seal had to go in and file a request with the Secretary of State."

Senator McCaslin: "I don't think so, if it's used in such a way that it wouldn't degrade it in any way. I don't think your letter head and so forth would degrade the seal."

Senator Rasmussen: "Pardon me, Senator McCaslin, the bill says you have to receive permission."

Senator McCaslin: "Well, if you'll pass the bill, I'll call him up and ask him if he'll give you permission. I'll work with you, Slim."

Senator Rasmussen: "And increase the appropriation for his office?"

Senator McCaslin: "I don't think they need any more money."

POINT OF INQUIRY

Senator Williams: "Senator McCaslin, this is a question that didn't come to me before, but it suddenly occurred to me as we were looking at this bill. What would be the circumstance where there are existing products and materials, etc. out there now that have the state seal on them, if, in fact, there was a seal on a product or something that was not, in the opinion of the Secretary of State, in good taste or whatever, what would be the status of that person's possession of that seal?"

Senator McCaslin: "I think you would have to discuss it with the Secretary of State. I have a belt buckle with the seal on it and if he tries to take that, he's in trouble—so are my pants. I just don't think he's going to go that far, but I think we all honor the state of Washington and our seal. I think we love it. I think it's a beautiful seal and I think it should be guarded."

Senator Williams: "My question is, there are penalties provided in here and fines and if I disagreed with the Secretary of State in the use of that seal, am I then subject to a penalty if I continue to possess the seal on a product which he disapproves of?"

Senator McCaslin: "If he disapproves of it and it is in violation, you would be subject to a fine."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1686.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1686 and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Cantu, Craswell, Deccio, DeJarmatt, Garrett, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Niemi, Patterson, Saling, Sellar, Smith, Smitherman, Stratton, Warnke, West - 31.

Voting nay: Senators Bauer, Bluechel, Conner, Fleming, Gaspard, Hansen, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 17.

Absent: Senator Owen - 1.

HOUSE BILL NO. 1686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1783, by Committee on Health Care (originally sponsored by Representatives P. King, Lewis, Day, Braddock and Cantwell)

Requiring the registration of nursing pools.

The bill was read the second time.

MOTION

Senator Deccio moved that the following Committee on Health Care and Corrections amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature intends to protect the public's right to high quality health care by assuring that nursing pools employ competent and qualified nursing personnel, and that such nursing personnel are provided to health care facilities in a way to meet the needs of residents and patients.

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

- (1) "Director" means the director of the department of licensing.
- (2) "Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, or other entity for the delivery of health care services.
- (3) "Nursing home" means any nursing home facility licensed pursuant to chapter 18.52 RCW.
- (4) "Nursing pool" means any person engaged in the business of providing, procuring, or referring health care personnel for temporary employment in health care facilities, such as

licensed nurses or practical nurses, and nursing assistants. "Nursing pool" does not include an individual who only engages in providing his or her own services.

(5) "Person" includes an individual, firm, corporation, partnership, or association.

NEW SECTION. Sec. 3. A person who operates a nursing pool shall register the pool with the director. Each separate location of the business of a nursing pool shall have a separate registration.

The director, by rule, shall establish forms and procedures for the processing of nursing pool registration applications, including the payment of registration fees pursuant to RCW 43.24.086. An application for a nursing pool registration shall include at least the following information:

(1) The names and addresses of the owner or owners of the nursing pool; and

(2) If the owner is a corporation, copies of its articles of incorporation and current bylaws, together with the names and addresses of its officers and directors.

A registration issued by the director in accordance with this section shall remain effective for a period of one year from the date of its issuance unless the registration is revoked or suspended pursuant to section 4(4) of this act, or unless the nursing pool is sold or ownership or management is transferred, in which case the registration of the nursing pool shall be voided and the new owner or operator shall apply for a new registration.

NEW SECTION. Sec. 4. (1) The nursing pool shall document that each temporary employee provided to health care facilities currently meets the minimum state credentialing requirements.

(2) The nursing pool shall not require, as a condition of employment, that employees of the nursing pool recruit new employees for the nursing pool from among the permanent employees of the health care facility to which the nursing pool employee has been assigned.

(3) The nursing pool shall carry professional and general liability insurance to insure against any loss or damage occurring, whether professional or otherwise, as the result of the negligence of its employees, agents or independent contractors for acts committed in the course of their employment with the nursing pool.

(4) The uniform disciplinary act, chapter 18.130 RCW, shall govern the issuance and denial of registration and the discipline of persons registered under this chapter. The director shall be the disciplinary authority under this chapter.

NEW SECTION. Sec. 5. No state agency shall allow reimbursement for the use of temporary health care personnel from nursing pools that are not registered pursuant to this chapter: PROVIDED, That individuals directly retained by a health care facility without intermediaries may be reimbursed.

NEW SECTION. Sec. 6. The director shall report to the legislature by July 1, 1989, with an assessment of the effectiveness of the provisions of this act. The report may include minimum standards for nursing pools and shall include proposed provisions for improvement of this act.

Sec. 7. Section 1, chapter 150, Laws of 1987, section 15, chapter 412, Laws of 1987, section 17, chapter 415, Laws of 1987, section 18, chapter 447, Laws of 1987, section 22, chapter 512, Laws of 1987 and RCW 18.130.040 are each reenacted and amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists certified under chapter 18.06 RCW;

(viii) Radiologic technologists certified under chapter 18.84 RCW;

(ix) Respiratory care practitioners certified under chapter 18.89 RCW; ~~((and))~~

(x) Persons registered or certified under chapter 18.19 RCW; and

(xi) Persons registered as nursing pool operators.

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The council on hearing aids as established in chapter 18.35 RCW;

(v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(ix) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The board of practical nursing as established in chapter 18.78 RCW;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The board of nursing as established in chapter 18.88 RCW; and

(xv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act shall constitute a new chapter in Title 18 RCW."

MOTION

Senator Deccio moved that the following amendments to the Committee on Health Care and Corrections amendment be considered simultaneously and be adopted:

On page 1, line 11 of the amendment, after "employ" insert ", procure or refer"

On page 3, line 12 of the amendment, after "employee" insert "or referred independent contractor"

On page 3, line 12 of the amendment, after "provided" insert "or referred"

On page 3, line 18 of the amendment, after "employment" insert "or referral"

On page 3, line 18 of the amendment, after "employees" insert "or independent contractors"

On page 3, line 19 of the amendment, after "employees" insert "or independent contractors"

On page 3, line 23 of the amendment, after "employee" insert "or independent contractor"

On page 3, line 23 of the amendment, after "assigned" insert "or referred"

On page 3, line 33 of the amendment, after "pool" insert ": PROVIDED, That a nursing pool that only refers self-employed, independent contractors to health care facilities shall carry professional and general liability insurance to cover its own liability as a nursing pool which refers self-employed, independent contractors to health care facilities: AND PROVIDED FURTHER, That it shall require, as a condition of referral, that self-employed, independent contractors carry professional and general liability insurance to insure against loss or damage resulting from their own acts committed in the course of their own employment by a health care facility"

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, on this amendment--you're adopting all of the amendments in one? On the bottom of the page there, you are saying that the person who's referred to the various places where they want to nurse, must carry their own independent liability insurance?"

Senator Deccio: "That's correct. This amendment's already been adopted, but I'll answer your question. It is correct."

Senator Rasmussen: "Pretty hard to get, isn't it?"

Senator Deccio: "Pardon me--no, not for nurses."

The President declared the question before the Senate to be the adoption of the amendments by Senator Deccio to the Committee on Health Care and Corrections amendment to Substitute House Bill No. 1783.

The motion by Senator Deccio carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Health Care and Corrections amendment, as amended.

The motion by Senator Deccio carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Deccio, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, strike "and"

On page 1, line 2 of the title, after "Title 18 RCW" insert "; and creating a new section"

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1783, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1783, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1783, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator von Reichbauer - 1.

Absent: Senator Smith - 1.

SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1469, by Committee on Transportation (originally sponsored by Representatives Walk, Betzoff, Patrick, Cantwell and Meyers) (by request of Department of Transportation)

Authorizing the department of transportation to exchange land for improvements.

The bill was read the second time.

MOTION

Senator Patterson moved that the following Committee on Transportation amendment not be adopted:

On page 1, line 14, after "persons" insert "; provided, however, that abutting property owners shall have priority over all other governmental entities or persons"

The President declared the question before the Senate to be the motion by Senator Patterson that the Committee on Transportation amendment on page 1, line 14, to Substitute House Bill No. 1469 not be adopted.

The motion by Senator Patterson carried and the committee amendment was not adopted.

MOTION

Senator Barr moved that the following amendments by Senators Barr and Patterson be considered simultaneously and be adopted:

On page 1, line 7, after "(1)" insert "It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2)

On page 2, line 6, strike "(2)" and insert "((2)) (3)"

On page 2, line 12, strike "(3)" (" and insert "((3)"

On page 2, line 16, after "purposes:" insert ")))"

On page 2, line 17, strike "(4))" and insert "(4)"

On page 2, line 20, strike "(((5))) (4)" and insert "(5)"

POINT OF INQUIRY

Senator Rasmussen: "Senator Barr, would this mean that they are going to dispose of a piece of surplus land? If I bid on it and you bid on it and you're the abutting property owner, would you have to meet my bid?"

Senator Barr: "This bill deals with trades, and whatever negotiation was taking place on this, under this particular bill, then the abutting owner would have some preference. Now, it's that broad. It doesn't say that. It just says that you have some preference. However the department wanted to interpret that use, that's what it means."

Further debate ensued.

POINT OF INQUIRY

Senator Smitherman: "Mr. President, ladies and gentlemen of the Senate. I was on the Transportation Committee last year and there was a similar measure to this. I cannot understand why we would want to limit this just to agricultural land. There are many places, for example, in the Twenty-sixth District, where there is highway work being done and there are abutting property owners who would also like to have first choice. I think it should be ubiquitous in its application and not just put to a place like agricultural land. I see no value in that.

"Maybe Senator Barr could clarify for me, or Patterson, why this would be pointed in that direction, when these lands occur everywhere?"

Senator Barr: "Answering the question, if that was a question, Duane Berentson, the Secretary of Transportation, would be the one to answer that, because he felt that in the urban areas or where there is very expensive land, the abutting owners might be very complicated. It's just too complicated, let's say, in Renton or Seattle or Tacoma to be practical to give the abutting owners in those areas, according to the Secretary. Speaking for him on this issue, we agreed to take that out of those urban areas."

Senator Smitherman: "Thank you, if I might continue. I would say that this amendment should be rejected, because it would seem to me that the application of just a small amount of common sense would work very well here. You would talk about the property owner that was not only abutting—if you were talking about multiple property owners, there could be a couple that might be abutting. I suppose you could talk about the propinquity, the geographical nearness of their particular ownership parcel and the amount of that parcel that you would take in consideration who would have first rights. Then, it would fall to the guy who would have second rights and so on. There's nothing that should be that complex about it. It's not one of those types of issues. If this was a departmental request, I suppose that would make sense, but if it was just a conversation with Berentson, I think that's not valid, really."

REMARKS BY SENATOR PATTERSON

Senator Patterson: "Maybe I can shed a little light on the discussion. The bill is intended to allow the Department of Transportation, and it is a departmental request bill, to exchange lands and other improvements when they have surplus lands. In other words, this does not apply only in rural areas. The amendments that Senator Barr has deal only in the exchange of lands that are in the rural areas, but the bill is intended also to provide for other exchanges of land.

"They've had, in recent years, a number of opportunities to obtain lands that are useful for the department and unless we change the current law, they are not allowed to do that. I support the position that has been taken, because the problem with the committee amendment, the first right of refusal went to the former owner of the land. That usually is out in a rural area—not always—but usually would be in an area like that."

Senator Smitherman: "I guess my question would be then, I am really not as familiar with this stuff as I should be, does this preclude this activity from taking place in rural areas, because you've used the term agricultural here or is it just a priority to the agricultural areas? I'm not sure and I guess that's what I'm trying to clarify. Can this still take place—this exchange—can it still take place in urban areas?"

Senator Patterson: "Yes."

The President declared the question before the Senate to be the adoption of the amendments by Senators Barr and Patterson to Substitute House Bill No. 1469.

The motion by Senator Barr carried and the amendments were adopted.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1469, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1469, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1469, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1469, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1471, by Representatives Baugher, Schmidt and Walk (by request of Department of Transportation)

Updating tonnage purchase laws.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1471.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1471 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523, by Committee on Human Services (originally sponsored by Representatives Leonard, Belcher, Cole, Brekke, Lux, Anderson, Brough, P. King and Valle)

Prohibiting visitation between abusive parent and child.

The bill was read the second time.

MOTION

Senator Kiskaddon moved that the following Committee on Children and Family Services amendment not be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 44, chapter 460, Laws of 1987 and RCW 26.10.160 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(2)(a) Visitation with the child shall be limited if it is found that the person seeking visitation has engaged in any of the following conduct: (i) Wilful abandonment by the parent that continues for an extended period of time or substantial refusal by the parent to perform parenting functions; (ii) physical, sexual, or serious ongoing psychological abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the physical or serious ongoing psychological harm that could result if the child has contact with the person requesting visitation. If the court expressly finds limitation on visitation with the child will not adequately protect the child from the perceived harm, the court shall restrain the person seeking visitation from all contact with the child.

(c) If the court expressly finds that contact between the person seeking visitation and the child will not cause serious ongoing psychological or physical harm to the child and that the probability that the harmful conduct of the person seeking visitation will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) and (b) of this subsection, the court need not apply the limitations of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child ~~((but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health))~~ but if the modification is sought due to physical, serious ongoing psychological, or sexual abuse of a child, then the court shall also follow the requirements of this section.

Sec. 2. Section 10, chapter 460, Laws of 1987 and RCW 26.09.191 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Wilful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or ~~(emotional)~~ serious ongoing psychological abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony))~~ or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time or other contact with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (((a))) (i) Wilful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (((b))) (ii) physical, sexual, or ((emotional)) serious ongoing psychological abuse of a child; or (((c))) (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) ((or an act of domestic violence which rises to the level of a felony, unless)) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the physical or serious ongoing psychological harm that could result if the child has contact with the parent. If the court expressly finds limitation on the residential time or other contact with the child will not adequately protect the child from the perceived harm, the court shall restrain the parent from all contact with the child.

(c) If the court expressly finds that contact between the parent and the child will not cause serious ongoing psychological or physical harm to the child and that the probability that the harmful conduct of the parent will recur is so remote that it would not be in the child's best interests to apply the limitations ((or unless it is shown not to have had an impact on the child)) of (a) and (b) of this subsection, the court need not apply the limitations of this section. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

Sec. 3. Section 24, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 18, chapter 460, Laws of 1987 and RCW 26.09.240 are each amended to read as follows:

(1) The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(2)(a) Visitation with the child shall be limited if it is found that the person seeking visitation has engaged in any of the following conduct: (i) Wilful abandonment by the parent that continues for an extended period of time or substantial refusal by the parent to perform parenting functions; (ii) physical, sexual, or serious ongoing psychological abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the physical or serious ongoing psychological harm that could result if the child has contact with the person requesting the visitation. If the court expressly finds limitation on visitation with the child will not adequately protect the child from the perceived harm, the court shall restrain the person seeking visitation from all contact with the child.

(c) If the court expressly finds that contact between the person seeking visitation and the child will not cause serious ongoing psychological or physical harm to the child and that the probability that the harmful conduct of the person seeking visitation will recur is so remote that it would not be in the child's best interest to apply the limitations of (a) and (b) of this subsection, the court need not apply the limitations of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) Any person may petition the court for visitation rights at any time.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but if the modification is sought due to physical, serious ongoing psychological, or sexual abuse of a child, then the court shall also follow the requirements of this section.

Sec. 4. Section 4, chapter 188, Laws of 1984 and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

(i) There is no parent or guardian available to care for such child;

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody and what requirements the parents must meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement subject to the limitations of subsection (3) of this section.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3)(a) Visitation with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Wilful abandonment by the parent that continues for an extended period of time or substantial refusal by the parent to perform parenting functions; (ii) physical, sexual, or serious ongoing psychological abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the physical or serious ongoing psychological harm that could result if the child has contact with the parent. If the court expressly finds limitation on visitation with the child will not adequately protect the child from the perceived harm, the court shall restrain the parent from all contact with the child.

(c) If the court expressly finds that contact between the parent and the child will not cause serious ongoing psychological or physical harm to the child and that the probability that the harmful conduct of the parent will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) and (b) of this subsection, the court need not apply the limitations of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(4) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(v) When return of the child can be expected.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.*

The President declared the question before the Senate to be the motion by Senator Kiskaddon to not adopt the Committee on Children and Family Services amendment to Engrossed Substitute House Bill No. 1523.

The motion by Senator Kiskaddon carried and the committee amendment was not adopted.

MOTION

Senator Kiskaddon moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 4, chapter 188, Laws of 1984 and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the

meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

(i) There is no parent or guardian available to care for such child;

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody and what requirements the parents must meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement subject to the limitations of subsection (3) of this section.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3)(a) Visitation with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment by the parent that continues for an extended period of time or substantial refusal by the parent to perform parenting functions; (ii) physical, sexual, or emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the perceived harm. If the court expressly finds limitation on visitation with the child will not adequately protect the child from the perceived harm, the court shall restrain the parent from all contact with the child.

(c) If the court expressly finds that contact between the parent and the child will not cause emotional or physical harm to the child and that the probability that the harmful conduct of the parent will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) and (b) of this subsection, the court need not apply the limitations of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(4) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(v) When return of the child can be expected.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 2. Section 4, chapter 95, Laws of 1986 and RCW 26.09.015 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the (~~custody or visitation~~) dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

Sec. 3. Section 2, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 45, Laws of 1983 1st ex. sess. and RCW 26.09.020 are each amended to read as follows:

(1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

(a) The last known residence of each party;

(b) The date and place of the marriage;

(c) If the parties are separated the date on which the separation occurred;

(d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;

(e) Any arrangements as to the (~~custody, visitation~~) residential schedule of, decision making for, dispute resolution for, and support of the children and the maintenance of a spouse;

(f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;

(g) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) The petitioner shall complete and file with the petition a certificate under RCW 70.58.200 on the form provided by the department of social and health services.

Sec. 4. Section 8, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.080 are each amended to read as follows:

In a proceeding for dissolution of the marriage, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall, without regard to marital misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to:

(1) The nature and extent of the community property;

(2) The nature and extent of the separate property;

(3) The duration of the marriage; and

(4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse (~~having custody of any children~~) with whom the children reside.

Sec. 5. Section 9, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.090 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order

for either spouse. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, after considering all relevant factors including but not limited to:

(a) The financial resources of the party seeking maintenance, including separate or community property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party (~~as custodian~~);

(b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his skill, interests, style of life, and other attendant circumstances;

(c) The standard of living established during the marriage;

(d) The duration of the marriage;

(e) The age, physical and emotional condition, and financial obligations of the spouse seeking maintenance; and

(f) The ability of the spouse from whom maintenance is sought to meet his needs and financial obligations while meeting those of the spouse seeking maintenance.

Sec. 6. Section 7, chapter 460, Laws of 1987 and RCW 26.09.181 are each amended to read as follows:

(1) SUBMISSION OF PROPOSED PLANS. (~~The petition and the response shall contain a proposed parenting plan where there are minor children of the parties. Where the petition or the response does not contain a proposed permanent parenting plan, the party who has filed a proposed permanent parenting plan may move for a default.~~) (a) Each party shall file and serve a proposed permanent parenting plan on or before the earliest date of:

(i) Thirty days after filing and service by either party of a notice for trial; or

(ii) One hundred eighty days after commencement of the action which one hundred eighty day period may be extended by stipulation of the parties.

(b) No proposed permanent parenting plan may be required after filing of an agreed permanent parenting plan, after entry of a final decree, or after dismissal of the cause of action.

(2) AMENDING PROPOSED PARENTING PLANS. Either party may file and serve an amended proposed permanent parenting plan according to the rules for amending pleadings.

(3) GOOD FAITH PROPOSAL. The parent submitting a proposed parenting plan shall attach a declaration signed under penalty of perjury that the plan is proposed by that parent in good faith.

(4) AGREED PERMANENT PARENTING PLANS. The parents may make an agreed permanent parenting plan.

~~((4))~~ (5) MANDATORY SETTLEMENT CONFERENCE. Where mandatory settlement conferences are provided under court rule, the parents shall attend a mandatory settlement conference. The mandatory settlement conference shall be presided over by a judge or a court commissioner, who shall apply the criteria in RCW 26.09.187 and 26.09.191. The parents shall in good faith review the proposed terms of the parenting plans and any other issues relevant to the cause of action with the presiding judge or court commissioner. Facts and legal issues that are not then in dispute shall be entered as stipulations for purposes of final hearing or trial in the matter.

~~((5))~~ (6) TRIAL SETTING. Trial dates for actions involving minor children brought under this chapter shall receive priority. The final order or decree shall be entered not sooner than ninety days after filing and service.

Sec. 7. Section 8, chapter 460, Laws of 1987 and RCW 26.09.184 are each amended to read as follows:

(1) OBJECTIVES. The objectives of the permanent parenting plan are to:

(a) Provide for the child's physical care;

(b) Maintain the child's emotional stability;

(c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

(d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;

(e) Minimize the child's exposure to harmful parental conflict;

(f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their dependent children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, residential provisions for the child and financial support for the child consistent with the criteria in RCW 26.09.187 and 26.09.191.

(3) DISPUTE RESOLUTION. A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or

court action. In ~~((setting forth a))~~ the dispute resolution process ~~((the permanent parenting plan shall state that))~~;

(a) Preference shall be given to carrying out the parenting plan;

(b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;

(c) A written or electronic record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;

(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent; and

~~((d))~~ (e) The parties have the right of review from the dispute resolution process to the superior court.

(4) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

~~(b) ((The plan shall state that:~~

~~(((b)))~~ Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent~~((;))~~.

~~(((b)))~~ (c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

(5) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include a residential schedule which designates in which parent's home each dependent child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

(6) CHILD SUPPORT. Provision shall be made for the financial support of the child in accordance with RCW 26.09.100~~((-26.09.130;))~~ and 26.09.135. The provision shall state the identity of the child for whom support is paid, the amount of support to be paid and by whom, provision for medical and dental insurance consistent with RCW 26.09.105, notice regarding mandatory wage assignments as required by RCW 26.09.135, and the terms under which the support obligation terminates.

~~(7) ((The plan shall state that))~~ PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply with a provision of a parenting plan, the other parent's obligations under the parenting plan are not affected.

(8) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The permanent parenting plan shall set forth the provisions of subsections (3) (a) through (c), (4) (b) and (c), and (7) of this section.

Sec. 8. Section 9, chapter 460, Laws of 1987 and RCW 26.09.187 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, if any limiting factor under RCW 26.09.191 applies, or if either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184(4)(a), where it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

(c) **MUTUAL DECISION-MAKING AUTHORITY.** Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(4)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(4)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) **RESIDENTIAL PROVISIONS.**

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent, including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities; and

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule.

Factor (i) shall be given the greatest weight.

(b) The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds the following:

(i) No limitation exists under RCW 26.09.191;

(ii) (A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or

(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and

(iii) The provisions are in the best interests of the child.

~~((c) One household shall be designated the child's residence solely for purposes of jurisdiction, venue, and child support.))~~

Sec. 9. Section 10, chapter 460, Laws of 1987 and RCW 26.09.191 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Wilful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) ~~((or an act of domestic violence which rises to the level of a felony))~~ or felony level assault or sexual assault.

(2)(a) The parent's residential time or other contact with the child shall be limited if it is found that the parent has engaged in any of the following conduct: ~~((a)) (i) Wilful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; ((b)) (ii) physical, sexual, or emotional abuse of a child; or ((c)) (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) ((or an act of domestic violence which rises to the level of a felony, unless)) or felony level assault or sexual assault.~~

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the perceived harm. If the court expressly finds limitation on the residential time or other contact with the child will not adequately protect the child from the perceived harm, the court shall restrain the parent from all contact with the child.

(c) If the court expressly finds that contact between the parent and the child will not cause emotional or physical harm to the child and that the probability that the harmful conduct of the parent will recur is so remote that it would not be in the child's best interests to apply the limitations ((or unless it is shown not to have had an impact on the child)) of (a) and (b) of this subsection, the court need not apply the limitations of this section. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of parenting functions;
- (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;
- (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
- (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;
- (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
- (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(5) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

Sec. 10. Section 22, chapter 157, Laws of 1973 1st ex. sess. as amended by section 16, chapter 460, Laws of 1987 and RCW 26.09.220 are each amended to read as follows:

(1) ~~((in contested custody proceedings, and in other proceedings if a party so requests;))~~
The court may order an investigation and report concerning parenting arrangements for the child in an action for dissolution of marriage, legal separation, or declaration of invalidity. The investigation and report may be made by the staff of the juvenile court or other professional social service organization experienced in counseling children and families.

(2) In preparing his report concerning a child, the investigator may consult any person who may have information about the child and the potential parenting or custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing.

Sec. 11. Section 24, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 18, chapter 460, Laws of 1987 and RCW 26.09.240 are each amended to read as follows:

(1) The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(2)(a) Visitation with the child shall be limited if it is found that the person seeking visitation has engaged in any of the following conduct: (i) Willful abandonment by the parent that continues for an extended period of time or substantial refusal by the parent to perform parenting functions; (ii) physical, sexual, or emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or felony level assault or sexual assault.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the perceived harm. If the court expressly finds limitation on visitation with the child will not adequately protect the child from the perceived harm, the court shall restrain the person seeking visitation from all contact with the child.

(c) If the court expressly finds that contact between the person seeking visitation and the child will not cause emotional or physical harm to the child and that the probability that the harmful conduct of the person seeking visitation will recur is so remote that it would not be in the child's best interest to apply the limitations of (a) and (b) of this subsection, the court need not apply the limitations of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) Any person may petition the court for visitation rights at any time.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but if the modification is sought due to physical, emotional, or sexual abuse of a child, then the court shall also follow the requirements of this section.

Sec. 12. Section 26, chapter 157, Laws of 1973 1st ex. sess. as amended by section 19, chapter 460, Laws of 1987 and RCW 26.09.260 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the ((parents)) nonmoving party and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

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

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

(2) The court may order adjustments to the permanent parenting plan without requiring a threshold hearing or a showing of a substantial change in circumstances if the proposed modification is:

(a) A change in the dispute resolution process; or

(b) A minor change in the residential schedule that:

(i) Does not change the residence the child resides in the majority of the time;

(ii) Does not exceed twenty-four full days in a calendar year; and

(iii) Does not exceed five full days in a calendar month.

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

Sec. 13. Section 27, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.270 are each amended to read as follows:

A party seeking a temporary custody order or a temporary parenting plan or modification of a custody decree or parenting plan shall submit together with his motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceedings, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.

Sec. 14. Section 21, chapter 460, Laws of 1987 and RCW 26.09.285 are each amended to read as follows:

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, ~~((the court))~~ a parenting plan shall designate ~~((in a parenting plan one parent))~~ the parent with whom the child resides a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child resides the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

Sec. 15. Section 23, chapter 460, Laws of 1987 and RCW 26.09.907 are each amended to read as follows:

Notwithstanding the repeals of prior laws, actions which were properly and validly pending in the superior courts of this state as of January 1, 1988, shall not be governed ~~((and may be pursued to conclusion under the provisions of law applicable thereto at the time of commencement of such action and all decrees and orders heretofore or hereafter in all other respects regularly entered in such proceedings are declared valid))~~ by chapter 460, Laws of 1987 but shall be governed by the provisions of law in effect on December 31, 1987.

Sec. 16. Section 28, chapter 460, Laws of 1987 and RCW 26.10.040 are each amended to read as follows:

In entering an order under this chapter, the court shall consider, approve, or make provision for:

(1) Child custody, visitation, and the support of any child entitled to support;

(2) The allocation of the children as a federal tax exemption; and

(3) Any necessary continuing restraining orders.

Sec. 17. Section 30, chapter 460, Laws of 1987 and RCW 26.10.060 are each amended to read as follows:

In entering or modifying a custody order under this chapter, the court shall require either or both parents to maintain or provide health insurance coverage for any dependent child if the following conditions are met:

(1) Health insurance that can be extended to cover the child is available to that parent through an employer or other organization; and

(2) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child.

A parent who is required to extend insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

Sec. 18. Section 31, chapter 460, Laws of 1987 and RCW 26.10.070 are each amended to read as follows:

The court may appoint an attorney to represent the interests of a minor or dependent child with respect to custody, support, and visitation. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against ~~((either or both parents))~~ any or all parties, except that, if ~~((both))~~ all parties are indigent, the costs, fees, and disbursements shall be borne by the county.

Sec. 19. Section 44, chapter 460, Laws of 1987 and RCW 26.10.160 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.

(2)(a) Visitation with the child shall be limited if it is found that the person seeking visitation has engaged in any of the following conduct: (i) Willful abandonment by the parent that continues for an extended period of time or substantial refusal by the parent to perform parenting functions; (ii) physical, sexual, or emotional abuse of a child; or (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or felony level assault or sexual assault.

(b) The limitations imposed by the court shall be reasonably calculated to protect the child from the perceived harm. If the court expressly finds limitation on visitation with the child will not adequately protect the child from the perceived harm, the court shall restrain the person seeking visitation from all contact with the child.

(c) If the court expressly finds that contact between the person seeking visitation and the child will not cause emotional or physical harm to the child and that the probability that the harmful conduct of the person seeking visitation will recur is so remote that it would not be in the child's best interests to apply the limitations of (a) and (b) of this subsection, the court need not apply the limitations of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court.

(3) Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings.

(4) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child but ~~((the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health))~~ if the modification is sought due to physical, emotional, or sexual abuse of a child, then the court shall also follow the requirements of this section.

Sec. 20. Section 46, chapter 460, Laws of 1987 and RCW 26.10.180 are each amended to read as follows:

A relative, as defined in RCW 9A.40.010, may bring civil action against any other relative who, with intent to deny access to a child by another relative of the child who has a right to physical custody of or visitation with the child, takes, entices, or conceals the child from that relative. The plaintiff may be awarded, in addition to any damages awarded by the court, the reasonable expenses incurred by the plaintiff in locating the child, including, but not limited to, investigative services and reasonable attorneys' fees.

Sec. 21. Section 14, chapter 42, Laws of 1975-76 2nd ex. sess. as last amended by section 56, chapter 460, Laws of 1987 and RCW 26.26.130 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, ~~((the custody and guardianship of the child, visitation privileges with the child,))~~ the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest

of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just: PROVIDED HOWEVER, That the court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:

- (a) The needs of the child;
- (b) The standard of living and circumstances of the parents;
- (c) The relative financial means of the parents;
- (d) The earning ability of the parents;
- (e) The need and capacity of the child for education, including higher education;
- (f) The age of the child;
- (g) The responsibility of the parents for the support of others; and
- (h) The value of services contributed by the custodial parent.

(6) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

Sec. 22. Section 47, chapter 460, Laws of 1987 and RCW 26.10.190 are each amended to read as follows:

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

- (a) The custodian agrees to the modification;
- (b) The child has been integrated into the family of the petitioner with the consent of the custodian; or
- (c) The child's present environment is detrimental to his or her physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(2) If the court finds that a motion to modify a prior custody ((~~order~~) ~~decree~~) has been brought in bad faith, the court shall assess the attorney's fees and court costs of the custodian against the petitioner.

NEW SECTION. Sec. 23. A new section is added to chapter 26.10 RCW to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds

on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed:

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.10 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(8) A support debt owed to the state for public assistance expenditures that has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days before the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney before the date of the final proceeding.

NEW SECTION. Sec. 24. A new section is added to chapter 26.26 RCW to read as follows:

Solely for the purposes of all other state and federal statutes that require a designation or determination of custody, the court shall designate the parent with whom the child resides a majority of the time as the custodian of the child. However, this designation does not affect either parent's rights and responsibilities under the residential schedule or this chapter. In the absence of such a designation, the parent with whom the child resides the majority of the time is deemed to be the custodian of the child for the purposes of such federal and state statutes.

NEW SECTION. Sec. 25. A new section is added to chapter 26.50 RCW to read as follows:

Solely for the purposes of all other state and federal statutes that require a designation or determination of custody, the court shall designate the parent with whom the child resides a majority of the time as the custodian of the child. However, this designation does not affect either parent's rights and responsibilities under the residential schedule or this chapter. In the absence of such a designation, the parent with whom the child resides the majority of the time is deemed to be the custodian of the child for the purposes of such federal and state statutes.

Sec. 26. Section 12, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 363, Laws of 1987 and by section 15, chapter 435, Laws of 1987 and RCW 26.09.120 are each reenacted and amended to read as follows:

(1) The court shall order support and maintenance payments to be made to the Washington state support registry, or the person entitled to receive the payments under an alternate payment plan approved by the court as provided in RCW 26.23.050.

(2) Maintenance payments, when ordered in an action where there is no dependent child, may be ordered to be paid to the person entitled to receive the payments, or the clerk of the court as trustee for remittance to the persons entitled to receive the payments.

(3) If support payments, under orders entered before January 1, 1988, or if maintenance payments, as provided in subsection (2) of this section, are made to the clerk of court, the clerk:

(a) Shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order(:

(3));

(b) May by local court rule accept only certified funds or cash as payment ~~((in all cases; the clerk)); and~~

(c) Shall accept only certified funds or cash for five years in all cases after one check has been returned for nonsufficient funds or account closure.

(4) The parties affected by the order shall inform the registry through which the payments are ordered to be paid of any change of address or of other conditions that may affect the administration of the order.

Sec. 27. Section 3, chapter 263, Laws of 1984 as last amended by section 1, chapter 71, Laws of 1987 and RCW 26.50.020 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(2) The courts defined in RCW 26.50.010(3) have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents ~~((a child custody or visitation issue))~~ issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(3) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(4) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 29. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I want to raise a point of order that the proposed amendment is beyond the scope of the bill. It's been indicated here that it's incorporating another bill and it has a new proposal in here--emotional views--and has several sections that are changing the parenting act or purporting to change it. I think it's beyond the scope of the bill. A large amendment like this should have been considered in the committee rather than just come out here on the floor. I urge the President to rule on the scope."

Further debate ensued.

MOTION

On motion of Senator Nelson, further consideration of Engrossed Substitute House Bill No. 1523 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1389, by Committee on Ways and Means/Appropriations (originally sponsored by Representatives Nutley, J. Williams, Leonard, Sanders, Wineberry, Heavey, Anderson, Jacobsen, Valle, Nelson, Todd, Lux, Unsoeld and Ferguson)

Creating the emergency food and shelter program revolving account.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the following Committee on Ways and Means amendments were considered simultaneously and adopted:

On page 1, line 11, strike "three" and insert "five"

On page 1, line 12, strike "November" and insert "October"

On page 1, line 27, after "needy" strike all material through "1989" on line 28

MOTION

Senator Lee moved that the following amendment be adopted.

On page 2, after line 33, insert the following:

NEW SECTION, Sec. 9. The health of our state's economy requires the promotion of entrepreneurship and new enterprise development as well as the retention of existing jobs. Encouraging families who are recipients of aid to families with dependent children to become self-sufficient through self-employment will improve the lives of citizens in this state. Self-sufficiency among the homeless and other recipients of public assistance should also be encouraged. The legislature further finds that the lack of affordable housing has become a growing problem for lower-income households, including those who receive AFDC funds.

NEW SECTION, Sec. 10. A new section is added to chapter 74.12 RCW to read as follows:

The secretary of social and health services shall seek an exception to federal law under the waiver authorities set forth in the federal social security act, 42 U.S.C. Sec. 301 et seq., for the purposes of allowing recipients of aid to families with dependent children to become self-employed in a manner that will lead to economic independence. The application for waivers shall be sought by October 1, 1988.

If the waivers are obtained, the department shall adopt rules that allow a recipient to separate business assets from personal assets during a start-up period not exceeding two years. The rules shall provide for evaluation of business progress during the start-up period and, if it appears to the department that sufficient income exists to provide an adequate income to replace the aid to families with dependent children, the recipient has the burden of showing why the recipient is not ready to terminate the aid prior to the expiration of the start-up period.

Any program operated under this section shall be operated in cooperation with any demonstration project on self-entrepreneurship operated by the employment security department.

NEW SECTION, Sec. 11. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community development.

(2) "Director" means the director of community development.

(3) "Task force" means the governor's task force on homelessness.

(4) "Nonprofit organization" means a public housing authority created under RCW 35.82-.030 or a not-for-profit corporation as defined in RCW 24.03.005.

NEW SECTION, Sec. 12. (1) The governor's task force on homelessness is hereby created to consist of twenty members as follows:

(a) Two members of each house of the legislature, from each of the respective caucuses to be appointed by the speaker of the house of representatives and the president of the senate.

(b) The director of community development, the executive director of the Washington housing finance commission, the secretary of social and health services, the director of employment security, the director of veterans affairs, the director of general administration, the executive director of the state board for community colleges, the director of the office of financial management, and the superintendent of public instruction, or their designees; and

(c) Eight representatives appointed by the governor from the public, private, and nonprofit sectors with experience in providing employment services, and shelter, transitional housing, and support services for the homeless.

(2) The governor shall, within thirty days of the effective date of this section, appoint members of the task force under subsection (1) (b) and (c) of this section. In making appointments, the governor shall consider obtaining a geographic distribution and balance throughout the state. The first meeting of the task force shall occur within forty-five days of the effective date of this section.

(3) The director of community development shall serve as chair of the task force.

(4) The department shall provide the necessary administrative and clerical assistance to the task force for the purposes of carrying out its powers and duties.

(5) Members of the task force shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed for travel expenses under RCW 44.04.120.

NEW SECTION, Sec. 13. The task force, working with the department, shall conduct a review of federal, state, and local employment and housing services for homeless individuals. The department in consultation with the department of employment security and other appropriate state agencies shall assist the task force to:

(1) Review existing federal, state, and local activities and programs to assist homeless individuals;

(2) Recommend a coordinated approach for self-sufficiency services to assist homeless individuals to become employable;

(3) Review available information on the extent of and the reasons for homelessness within the state and identify methods to estimate unduplicated caseload levels; and

(4) Identify funding sources and programs of federal, state, and local agencies to assist homeless individuals in becoming self-sufficient members of our society.

NEW SECTION. Sec. 14. The department, based on information from the review required in section 5 of this act and in consultation with the task force, shall produce a report by December 1, 1988, for the governor, the housing and commerce and labor committees of the house of representatives, and the economic development and labor and governmental operations committees of the senate, on the extent and nature of homelessness in Washington state which shall include:

(1) Advice on critical issues relating to the homeless;

(2) The extent and estimates of caseloads;

(3) Characteristics and reasons for homelessness;

(4) Recommendations for specific actions to address housing problems;

(5) Recommendations for proposals to encourage self-sufficiency and employment;

(6) Recommendations for an ongoing reporting system to provide unduplicated caseload estimates, reasons for the homelessness, and effectiveness of self-sufficiency programs;

(7) Recommendations for prioritization of state funds, and availability of, and coordination with, other fund sources;

(8) Recommendations on any necessary action to reduce duplication of programs; and

(9) Recommendations on the establishment of an umbrella task force to oversee and coordinate the activities of current and future task forces on homelessness and housing issues.

NEW SECTION. Sec. 15. The task force on homelessness shall cease to exist on June 30, 1991, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 16. The department may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 17. Sections 11 through 16 of this act may be known and cited as the homeless self-sufficiency act.

NEW SECTION. Sec. 18. Sections 11 through 17 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 19. The sum of fifty thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of community development for the biennium ending June 30, 1989, to carry out the purposes of sections 12 through 18 of this act.

NEW SECTION. Sec. 20. Sections 11 through 18 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Remember the sections consecutively.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I would challenge this amendment on its scope and object, reluctantly. The situation is that the original measure deals with the Federal Emergency Management Agency's food and shelter program--loans of federal money to help real needy individuals in some parts of our state. Whereas, the amendment is actually a program to supplement the Family Independence Program by establishing waivers for recipients of Aid to Families with Dependent Children and to permit people to become more independent in our society. It also creates a task force on the homeless and in addition it creates a program that is essentially being coordinated between the Department of Economic Development and the Employment Security Department.

"In summary, the measure has an appropriation of fifty thousand dollars, which I think would, by its nature alone, require the measure to go to Ways and Means again. I would suggest that this amendment is beyond the scope and object. I think we'll probably just have to handle this as a separate vehicle."

Further debate ensued.

MOTION

On motion of Senator Nelson, further consideration of Substitute House Bill No. 1389 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 692 and the pending Committee on Law and Justice amendment on page 4, after line 12, deferred March 2, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Niemi, the President finds that Substitute House Bill No. 692 is a measure which declares buildings where illegal narcotics are manufactured, delivered, possessed, ingested, inhaled, injected or consumed to be moral nuisances.

"The amendment proposed by the Senate Committee on Law and Justice authorizes, with the consent of one party, the interception, transmission and recording of certain conversations involving illegal drug transactions.

"The President, therefore, finds that the proposed committee amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Law and Justice amendment to Substitute House Bill No. 692 was ruled out of order.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

On page 4, after line 12, insert the following:

NEW SECTION. Sec. 4. (1) Every building or unit within a building used for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance as defined in chapter 69.50 RCW, legend drug as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, and every building or unit within a building wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

(2) As used in this chapter, "building" includes, but is not limited to, any structure or any separate part or portion thereof, whether permanent or not, or the ground itself.

NEW SECTION. Sec. 5. The action provided for in section 4 of this act shall be brought in the superior court in the county in which the property is located. Such action shall be commenced by the filing of a complaint alleging the facts constituting the nuisance.

Any complaint filed under this chapter shall be verified or accompanied by affidavit. For purposes of showing that the owner or his or her agent has had an opportunity to abate the nuisance, the affidavit shall contain a description of all attempts by the applicant to notify and locate the owner of the property or the owner's agent.

In addition, the affidavit shall describe in detail the adverse impact associated with the property on the surrounding neighborhood. "Adverse impact" includes, but is not limited to, the following: Any search warrants served on the property where controlled substances were seized; investigative purchases of controlled substances on or near the property by law enforcement or their agents; arrests of persons who frequent the property for violation of controlled substances laws; increased volume of traffic associated with the property; and the number of complaints made to law enforcement of illegal activity associated with the property.

After filing the complaint, the court shall grant a hearing within three business days after the filing.

NEW SECTION. Sec. 6. Upon application for a temporary restraining order or preliminary injunction, the court may, upon a showing of good cause, issue an ex parte restraining order or preliminary injunction, preventing the defendant and all other persons from removing or in any manner interfering with the personal property and contents of the place where the nuisance is alleged to exist and may grant such preliminary equitable relief as is necessary to prevent the continuance or recurrence of the nuisance pending final resolution of the matter on the merits. However, pending the decision, the stock in trade may not be so restrained, but an inventory and full accounting of all business transactions may be required.

The restraining order or preliminary injunction may be served by handing to and leaving a copy with any person in charge of the place or residing in the place, or by posting a copy in a conspicuous place at or upon one or more of the principal doors or entrances to the place, or by both delivery and posting. The officer serving the order or injunction shall forthwith make and return into court an inventory of the personal property and contents situated in and used in conducting or maintaining the nuisance.

Any violation of the order or injunction is a contempt of court, and where such order or injunction is posted, mutilation or removal thereof while the same remains in force is a contempt of court if such posted order or injunction contains a notice to that effect.

NEW SECTION. Sec. 7. A temporary restraining order or preliminary injunction shall not issue under this chapter except upon the giving of a bond or security by the applicant, in the sum that the court deems proper, but not less than one thousand dollars, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have

been wrongfully restrained or enjoined. A bond or security shall not be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

NEW SECTION. Sec. 8. An action under this chapter shall have precedence over all other actions, except prior matters of the same character, criminal proceedings, election contests, hearings on temporary restraining orders and injunctions, and actions to forfeit vehicles used in violation of the uniform controlled substances act.

NEW SECTION. Sec. 9. (1) If the complaint under this chapter is filed by a citizen, the complaint shall not be dismissed by the citizen for want of prosecution except upon a sworn statement made by the citizen and the citizen's attorney, if the citizen has one. The statement shall set forth the reasons why the action should be dismissed. The case shall only be dismissed if so ordered by the court.

(2) In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting to be substituted for the plaintiff.

NEW SECTION. Sec. 10. A copy of the complaint, together with a notice of the time and place of the hearing of the action shall be served upon the defendant at least one business day before the hearing. Service may also be made by posting the papers in the same manner as is provided for in section 6 of this act. If the hearing is then continued at the request of any defendant, all temporary orders and injunctions shall be extended as a matter of course.

NEW SECTION. Sec. 11. (1) Except as provided in subsection (2) of this section, if the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the final judgment in the case. Plaintiff's costs in the action, including those of abatement, are a lien upon the building or unit within a building. The lien is enforceable and collectible by execution issued by order of the court.

(2) If the court finds and concludes that the owner of the building or unit within a building:

(a) Had no knowledge of the existence of the nuisance or has been making reasonable efforts to abate the nuisance, (b) has not been guilty of any contempt of court in the proceedings, and (c) will immediately abate any such nuisance that may exist at the building or unit within a building and prevent it from being a nuisance within a period of one year thereafter, the court shall, if satisfied of the owner's good faith, order the building or unit within a building to be delivered to the owner, and no order of abatement shall be entered. If an order of abatement has been entered and the owner subsequently meets the requirements of this subsection, the order of abatement shall be canceled.

NEW SECTION. Sec. 12. Any final order of abatement issued under this chapter shall:

(1) Direct the removal of all personal property subject to seizure and forfeiture pursuant to RCW 69.50.505 from the building or unit within a building, and direct their disposition pursuant to the forfeiture provisions of RCW 69.50.505;

(2) Provide for the immediate closure of the building or unit within a building against its use for any purpose, and for keeping it closed for a period of one year unless released sooner as provided in this chapter; and

(3) State that while the order of abatement remains in effect the building or unit within a building shall remain in the custody of the court.

NEW SECTION. Sec. 13. In all actions brought under this chapter, the proceeds and all moneys forfeited pursuant to the forfeiture provisions of RCW 69.50.505 shall be applied as follows:

(1) First, to the fees and costs of the removal and sale;

(2) Second, to the allowances and costs of closing and keeping closed the building or unit within a building;

(3) Third, to the payment of the plaintiff's costs in the action; and

(4) Fourth, the balance, if any, to the owner of the property.

If the proceeds of the sale of items subject to seizure and forfeiture do not fully discharge all of the costs, fees, and allowances, the building or unit within a building shall then also be sold under execution issued upon the order of the court, and the proceeds of the sale shall be applied in a like manner.

A building or unit within a building shall not be sold under this section unless the court finds and concludes by clear and convincing evidence that the owner of the building or unit within a building had actual or constructive knowledge or notice of the existence of the nuisance. However, this shall not be construed as limiting or prohibiting the entry of any final order of abatement as provided in this chapter.

NEW SECTION. Sec. 14. An intentional violation of a restraining order, preliminary injunction, or order of abatement under this chapter is punishable as a contempt of court by a fine of not more than ten thousand dollars which may not be waived, or by imprisonment for not more than one year, or by both.

NEW SECTION. Sec. 15. Whenever the owner of a building or unit within a building upon which the act or acts constituting the contempt have been committed, or the owner of any interest in the building or unit has been guilty of a contempt of court, and fined in any proceedings under this chapter, the fine is a lien upon the building or unit within a building to the

extent of the owner's interest. The lien is enforceable and collectible by execution issued by order of the court.

NEW SECTION. Sec. 16. The abatement of a nuisance under this chapter does not prejudice the right of any person to recover damages for its past existence.

NEW SECTION. Sec. 17. Sections 4 through 16 of this act are each added to chapter 7.48 RCW."

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

MOTION

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Pullen to the Committee on Law and Justice amendment was adopted:

On page 9, line 12 of the amendment, after "act" strike "are each added to chapter 7.48 RCW" and insert "constitute a new chapter in Title 7 RCW"

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment on page 4, line 12, as amended, to Substitute House Bill No. 692.

The motion by Senator Pullen carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 2 of the title, after "7.48A.020;" insert "adding a new chapter to Title 7 RCW; prescribing penalties;"

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 692, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 692, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 692, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 692, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5669,

SENATE BILL NO. 6093,

SENATE BILL NO. 6119,

SENATE BILL NO. 6136,

SUBSTITUTE SENATE BILL NO. 6181,

SENATE BILL NO. 6227,

SUBSTITUTE SENATE BILL NO. 6290,

SENATE BILL NO. 6313,

SENATE BILL NO. 6339,

SENATE BILL NO. 6354,

SENATE BILL NO. 6371,

SENATE BILL NO. 6374,

SENATE BILL NO. 6375,

SENATE BILL NO. 6412,

SUBSTITUTE SENATE BILL NO. 6433,

SUBSTITUTE SENATE BILL NO. 6534,

SUBSTITUTE SENATE BILL NO. 6536,
 SENATE BILL NO. 6537,
 SENATE BILL NO. 6608,
 SUBSTITUTE SENATE BILL NO. 6631,
 SUBSTITUTE SENATE BILL NO. 6742,
 SENATE CONCURRENT RESOLUTION NO. 8434.

MOTION

At 6:04 p.m., on motion of Senator Newhouse, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:33 p.m. by President Pro Tempore Bluechel.

SECOND READING

ENGROSSED HOUSE BILL NO. 1585, Anderson, Crane, P. King, O'Brien and Rust
 Revising provisions for juvenile dependency proceedings.

The bill was read the second time.

MOTIONS

Senator Kiskaddon moved that the following Committee on Children and Family Services Amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 38, chapter 291, Laws of 1977 ex. sess. as amended by section 43, chapter 155, Laws of 1979 and RCW 13.34.100 are each amended to read as follows:

The court(~~(--at any stage of a proceeding under this chapter, may))~~ shall appoint an attorney and/or a guardian ad litem for a child who is a party to the proceedings in all contested proceedings under this chapter. An attorney and/or guardian ad litem may be appointed at the discretion of the court in uncontested proceedings: PROVIDED, That the requirement of a guardian ad litem shall be deemed satisfied if the child is represented by counsel in the proceedings. A party to the proceeding or the party's employee or representative shall not be so appointed. Such attorney and/or guardian ad litem shall receive all notice contemplated for a parent in all proceedings under this chapter. A report by the guardian ad litem to the court shall contain, where relevant, information on the legal status of a child's membership in any Indian tribe or band.

Sec. 2. Section 8, chapter 217, Laws of 1975 1st ex. sess. as amended by section 7, chapter 206, Laws of 1987 and by section 11, chapter 524, Laws of 1987 and RCW 26.44.053 are each reenacted and amended to read as follows:

(1) In any contested judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child in all contested proceedings under this chapter. An attorney and/or guardian ad litem may be appointed at the discretion of the court in uncontested proceedings: PROVIDED, That the requirement of a guardian ad litem shall be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be a child subjected to abuse or neglect shall be a party to any proceeding that may as a practical matter impair or impede such person's interest in custody or control of his or her child."

On motion of Senator Kiskaddon, the following amendments by Senators Talmadge and Bailey to the Committee on Children and Family Services amendment were considered simultaneously and adopted:

On page 1, line 18 of the amendment, after "chapter" insert "unless a court, for good cause, finds the appointment unnecessary"

On page 2, line 15, after "chapter" insert "unless a court, for good cause, finds the appointment unnecessary"

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Children and Family Services amendment, as amended, to Engrossed House Bill No. 1585.

The motion by Senator Kiskaddon carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.100; and reenacting and amending RCW 26.44.053."

On motion of Senator Kiskaddon, the rules were suspended, Engrossed House Bill No. 1585, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1585, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1585, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

ENGROSSED HOUSE BILL NO. 1585, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1588, by Representatives Anderson, Winsley, Brekke, Leonard, Jacobsen, Cole, Crane and Rust

Revising certain procedures governing dependency proceedings.

The bill was read the second time.

MOTION

On motion of Senator Kiskaddon, the following Committee on Children and Family Services amendment was adopted:

On page 2, line 13, after "court" strike all material down to and including "proceeding" on line 14, and insert "by any party to the dependency proceedings concerning that child"

MOTION

Senator Kiskaddon moved that the following amendment by Senators Kiskaddon and Bailey be adopted:

On page 3, after line 4, insert the following:

NEW SECTION, Sec. 3. For the purpose of this act:

- (1) "Department" means the department of social and health services; and
- (2) "High-risk youth" means minor children who are chronic runaways, street youth who are homeless or without family ties, or youth with a significant history of chemical dependence as defined by the department.

NEW SECTION, Sec. 4. The department shall develop, in cooperation with the county governing authorities, law enforcement officials, and regional planning units of the governor's juvenile justice advisory committee, plans for a continuum of intervention services to meet the needs of high-risk youth. The plans shall also include: Projections of the number of high-risk youth likely to need staff-secure care as well as projected success rates for those who receive

this care; cost estimates of the capital and operational expenditures necessary for staff-secure facilities; and an assessment of the financial consequences of failing to serve high-risk youth.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment on page 3, after line 4, by Senators Kiskaddon and Bailey to Engrossed House Bill No. 1588.

The motion by Senator Kiskaddon failed and the amendment was not adopted.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Engrossed House Bill No. 1588, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Zimmerman, Senator Anderson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1588, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1588, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Barr, Craswell, McCaslin, Pullen, Rasmussen - 5.

Excused: Senator Anderson - 1.

ENGROSSED HOUSE BILL NO. 1588, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:52 p.m., on motion of Senator Nelson, the Senate was declared to be at ease.

The Senate was called to order at 7:34 p.m. by President Pro Tempore Bluechel.

At 7:34 p.m., the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 7:45 p.m. by President Pro Tempore Bluechel.

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

MESSAGES FROM THE HOUSE

March 5, 1988

Mr. President:

The House has passed:

SENATE BILL NO. 6578.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8027, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 254 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 537 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 668 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 932 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to HOUSE BILL NO. 1278 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1279 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to HOUSE BILL NO. 1288 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1320 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to HOUSE BILL NO. 1332 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1416 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to HOUSE BILL NO. 1482 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1511 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1543 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1612 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1618 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1629 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1690 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 5, 1988

Mr. President:

The House concurred in the Senate amendments to HOUSE BILL NO. 1951 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1745 and the pending amendment by Senator Craswell on page 2, following line 6, deferred earlier today.

The President Pro Tempore read the following ruling which was made by President Cherberg:

RULING BY THE PRESIDENT

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Fleming, the President finds that Substitute House Bill No. 1745 is a measure specifying when school district directors officially start their terms and, with the adoption of the Owen amendment, establishes procedures for certain school districts to dissolve their director districts and elect their directors at large.

"The amendment proposed by Senator Craswell provides for the option to elect school district directors by director districts.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Craswell was ruled in order.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Craswell on page 2, line 6, to Substitute House Bill No. 1745.

The motion by Senator Craswell carried and the amendment was adopted.

MOTIONS

On motion of Senator Owen, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after "directors," strike "and"

On page 1, line 2 of the title, after ".010" insert "; creating new sections; and providing an effective date"

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1745, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1745, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1745, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Fleming, Niemi, Talmadge - 3.

Absent: Senator Vognild - 1.

SUBSTITUTE HOUSE BILL NO. 1745, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1833, by Representatives Dorn, Butterfield, Jones, Nealey, Rayburn, Rasmussen, Fox, Hine, Haugen, Sanders, Ferguson and D. Sommers

Revising provisions for a mayor pro tempore.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1833 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1833.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1833 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Anderson - 1.

HOUSE BILL NO. 1833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Anderson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1562, by Committee on Natural Resources (originally sponsored by Representatives Basich, Beck and Sanders)

Exempting materials valued below a certain amount sold from public lands from auction sale requirements.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1562.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1562 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Moore - 1.

Absent: Senator West - 1.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 1562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038, by Committee on Ways and Means (originally sponsored by Representatives Sprengle, Holland, Braddock, Brooks, Peery, Grimm and Locke)

Establishing the Washington state health care authority.

The bill was read the second time.

MOTION

Senator Kreidler moved that the following amendments by Senators Kreidler, Gaspard, Vognild, Fleming, Conner, Niemi, Moore, Talmadge, Garrett, DeJarnatt, Wojahn, Bauer and Rasmussen be considered simultaneously and be adopted:

On page 20, after line 11, insert the following:

*Sec. 34, Section 701, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	((45,845,000)) 70,853,000
General Fund Appropriation—Federal	\$	((9,645,000)) 13,973,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	((36,835,000)) 46,935,000
Total Appropriation	\$	((92,325,000)) 131,761,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$30,722,000 of the general fund—state appropriation, \$9,644,000 of the general fund—federal appropriation, and \$25,397,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$1,000 of the general fund—federal appropriation and \$82,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for higher education personnel board classified and exempt employees (~~employed by the higher education coordinating board and the higher education personnel board~~). These increases shall be implemented in compliance and

conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective January 1, 1988, followed by an additional three percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) (a) The monthly contributions for insurance benefits shall not exceed \$((167.00)) 224.75 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(7) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

(8) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board."

Renumber the sections consecutively and correct internal references accordingly.
On page 21, line 16, after "33" insert "through 34"

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would raise the issue of scope and object of these amendments. This is a bill dealing with state funded health care and state employees insurance benefits. It deals with the policy of how those benefits will be dealt with and how exactly it will go through. It's a new agency that is being created. These amendments are a portion of an uncodified bill—the budget bill—that would be added on to it. They add on an appropriation which the original authors of the bill did not envision. The only reference to an appropriation in this bill falls on page 21, lines 7 through 14, which deals with the administration of the office only. They are clearly outside of the intent of the authors to have attached the appropriations for this benefit and clearly the intent was to put it in the budget bill. Therefore, I would submit to you, that they are outside of the scope and object of Engrossed Substitute House Bill No. 2038."

Further debate ensued.

MOTION

On motion of Senator Nelson, further consideration of Engrossed Substitute House Bill No. 2038 was deferred.

Vice President Pro Tempore Craswell assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1340, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Walker, Valle, Ferguson, Unsoeld, Brekke, Sprenkle, Holland, P. King, May, Pruitt, Lux, Spanel and Todd)

Creating an office of waste reduction.

The bill was read the second time.

MOTIONS

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that land disposal and incineration of solid and hazardous waste can be both harmful to the environment and costly to those who must dispose of the waste. In order to address this problem in the most cost-effective and environmentally sound manner, and to implement the highest waste management priority as articulated in RCW 70.95.010 and 70.105.150, public and private efforts should focus on reducing the generation of waste. Waste reduction can be achieved by encouraging voluntary efforts to redesign industrial, commercial, production, and other processes to result in the reduction or elimination of waste byproducts and to maximize the in-process reuse or reclamation of valuable spent material.

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

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology or the director's designee.
- (3) "Office" means the office of waste reduction.
- (4) "Process" means all industrial, commercial, production, and other processes that result in the generation of waste.
- (5) "Waste" means any solid waste as defined under RCW 70.95.030, any hazardous waste as defined under RCW 70.105.010(15), any hazardous substance as defined under RCW 70.105.010(14), any air contaminant as defined under RCW 70.94.030, and any organic or inorganic matter that shall cause or tend to cause water pollution as defined under RCW 90.48.020.
- (6) "Waste generator" means any individual, business, government agency, or any other organization that generates waste.
- (7) "Waste reduction" means all in-plant practices that reduce, avoid, or eliminate the amount or toxicity of waste generated.

NEW SECTION. Sec. 3. (1) There is established in the department an office of waste reduction. The office shall use its authorities to encourage the voluntary reduction of waste by waste generators. The office shall prepare and submit a quarterly progress report to the director and the director shall submit an annual progress report to the appropriate environmental standing committees of the legislature beginning December 31, 1988.

(2) The office shall be the coordinating center for all state agency programs that provide technical assistance to waste generators and shall serve as the state's lead agency and promoter for such programs. In addition to this coordinating function, the office shall encourage waste reduction by:

- (a) Providing for the rendering of advice and consultation to waste generators on waste reduction techniques;
- (b) Sponsoring or co-sponsoring with public or private organizations technical workshops and seminars on waste reduction;
- (c) Administering a waste reduction data base and hotline providing comprehensive referral services to waste generators;
- (d) Administering a waste reduction research and development program;
- (e) Coordinating a waste reduction public education program that includes the utilization of existing publications from public and private sources, as well as publishing necessary new materials on waste reduction; and
- (f) Recommending to institutions of higher education in the state courses and curricula in areas related to waste reduction.

NEW SECTION. Sec. 4. (1) The office shall establish a waste reduction consultation program to be coordinated with other state waste reduction consultation programs.

(2) The director may grant a request by any waste generator for advice and consultation on waste reduction techniques. Pursuant to a request, the director may visit any business, governmental entity, or other process site in the state for the purposes of observing the waste-generating process, obtaining information relevant to waste reduction, rendering advice, and making recommendations. No such visit may be regarded as an inspection or investigation, and no notices or citations may be issued, or civil penalty be assessed, upon such a visit. No representative of the director designated to render advisory or consultative services may have any enforcement authority.

(3) Consultation and advice given under this section shall be limited to the matters specified in the request and shall include specific techniques of waste reduction tailored to the relevant process. In granting any request for advisory or consultative services, the director may provide for an alternative means of affording consultation and advice other than on-site consultation.

(4) Any proprietary information obtained by the director while carrying out the duties required under this section shall remain confidential and shall not become part of the data base established under section 6 of this act.

NEW SECTION. Sec. 5. The office, in coordination with all other state waste reduction technical assistance programs, shall sponsor technical workshops and seminars on waste reduction techniques that have been successfully used to eliminate or reduce substantially the amount of waste or toxicity of hazardous waste generated, or that use in-process reclamation or reuse of spent material.

NEW SECTION. Sec. 6. (1) The office shall establish a state-wide waste reduction hotline with the capacity to refer waste generators and the public to sources of information on specific waste reduction techniques and procedures. The hotline shall coordinate with all other state waste hotlines.

(2) The director shall work with the state library to establish a data base system that shall include proven waste reduction techniques and case studies of effective waste reduction. The data base system shall be: (a) Coordinated with all other state agency data bases on waste reduction; (b) administered in conjunction with the state-wide waste reduction hotline; and (c) readily accessible to the public.

NEW SECTION. Sec. 7. (1) The office may administer a waste reduction research and development program. The director may contract with any public or private organization for the purpose of developing methods and technologies that achieve waste reduction. All research performed and all methods or technologies developed as a result of a contract entered into under this section shall become the property of the state and shall be incorporated into the data base system established under section 6 of this act.

(2) Any contract entered into under this section shall be awarded only after requests for proposals have been circulated to persons, firms, or organizations who have requested that their names be placed on a proposal list. The director shall establish a proposal list and shall review and evaluate all proposals received.

NEW SECTION. Sec. 8. (1) The director may solicit and accept gifts, grants, conveyances, bequests, and devises, in trust or otherwise, to be directed to the office of waste reduction.

(2) The director may enter into contracts with any public or private organization to carry out the purposes of this chapter.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 70 RCW."

On motion of Senator McMullen, the following amendment by Senators McMullen and Metcalf to the Committee on Environment and Natural Resources amendment was adopted:

On page 4, after line 3 of the amendment, insert a new subsection as follows:

"(g) Requiring energy and incineration facilities to retain records of monitoring and operating data for a minimum of ten years after permanent closure of the facility."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources amendment, as amended, to Substitute House Bill No. 1340.

The motion by Senator Metcalf carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1340, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1340, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1340, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Vognild - 1.

SUBSTITUTE HOUSE BILL NO. 1340, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4223, by Representatives Nelson, Barnes, Jacobsen and Wang (by request of Washington State Energy Office)

Extending and expanding the authorization for government utilities to lend money for energy conservation.

The bill was read the second time.

MOTION

Senator Benitz moved that the following amendment by Senators Benitz and Smitherman be adopted:

On page 1, line 21, after "benefited" insert ". Any financing authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Benitz, in the event I had an old antique gas system and I was going to convert to electricity, it would seem that the wording here would prevent that."

Senator Benitz: "No, I don't really think so. If it's agreed to, you can do it, but you can't do it by condemning it."

Senator Rasmussen: "Well, this doesn't say anything about condemning it here."

Senator Benitz: "It says, 'Shall not be used for any purpose which results in a conversion from one energy source to another.' It doesn't prevent it from happening if both parties would agree."

Senator Rasmussen: "Thank you, Senator Benitz. Members of the Senate, take a good look at this writing of a provision like this into the Constitution. The old constitutional amendment that ran for ten years did not have this provision in it. I really don't see any reason for putting a provision like this in the Constitution."

"As Senator Benitz said, 'You can do it if you agree to it.' Why do we need this in the Constitution which will prevent the utilities from helping anyone that wants to convert? I think it's a bad amendment and should not be adopted. The previous constitutional amendment that this is supplanting—the new one—worked very well. There hasn't been any objection to it as far as I know. I would object to adopting an amendment like this that will just foul up the whole process. I urge you to vote 'no' on the amendment."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Benitz and Smitherman to House Joint Resolution No. 4223.

The motion by Senator Benitz carried and the amendment was adopted.

MOTION

On motion of Senator Benitz, the rules were suspended, House Joint Resolution No. 4223, as amended by the Senate, was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4223, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4223, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen,

McMullen, Nelson, Newhouse, Niemi, Owen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Zimmerman - 33.

Voting nay: Senators Cantu, Deccio, Fleming, Garrett, Hansen, McCaslin, McDonald, Metcalf, Moore, Patterson, Pullen, Rasmussen, Vognild, West, Williams, Wojahn - 16.

HOUSE JOINT RESOLUTION NO. 4223, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Nelson, the Senate commenced consideration of Substitute House Bill No. 1683.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1683, by Committee on Housing (originally sponsored by Representatives Cantwell, Todd, Ebersole, Crane, Dorn and Sayan)

Amending mobile home landlord-tenant provisions.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 22, chapter 304, Laws of 1981 and RCW 59.20.190 are each amended to read as follows:

The state board of health shall adopt rules on or before January 1, 1982, setting health and sanitation standards for mobile home parks. Such rules shall be enforced by the city, county, city-county, or district health officer of the jurisdiction in which the mobile home park is located, upon notice of a violation to such health officer. Failure to remedy the violation after enforcement efforts are made may result in a fine being imposed on the park owner, or tenant as may be applicable, by the enforcing governmental body of up to one hundred dollars per day, depending on the degree of risk of injury or illness to persons in or around the park."

MOTIONS

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

On page 1, line 2 of the title, after "59.20.190" strike "and 59.20.220; adding a new section to chapter 59.20 RCW"

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1683, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Zimmerman, Senator Anderson was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1683, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1683, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 1683, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the chair.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2038 and the pending amendments by Senators Kreidler,

Gaspard, Vognild, Fleming, Conner, Niemi, Moore, Talmadge, Garrett, DeJarnatt, Wojahn, Bauer and Rasmussen on page 20, after line 11, and page 21, line 16, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Substitute House Bill No. 2038 is a measure which abolishes the state employees insurance board and establishes the Washington State Health Care Authority to administer a health care benefit plan for employees. The measure also creates a benefits board within the authority to design and approve insurance benefit plans; requires reports to the Legislature; permits school districts to contract with the authority after July 1, 1990, or to self-insure; and appropriates funds from the state employees insurance administrative account to the Office of the Governor to carry out the provisions of the Act.

"The amendments proposed by Senator Kreidler and others amend the 1987-1989 biennial appropriations budget by appropriating funds to the Governor for increased state contributions for insurance benefits for state employees.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senators Kreidler, Gaspard, Vognild, Fleming, Conner, Niemi, Moore, Talmadge, Garrett, DeJarnatt, Wojahn, Bauer and Rasmussen to Engrossed Substitute House Bill No. 2038 were ruled out of order.

MOTION

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

On page 5, line 26, after "composed of" delete "seven" and insert "six"

On page 5, line 33, after the semicolon insert "and"

On page 5, line 35, after the semicolon delete "and (c) the administrator"

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators McDonald and Niemi to Engrossed Substitute House Bill No. 2038.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 25; nays, 23; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Patterson, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, Moore, Owen, Pullen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Absent: Senator McMullen - 1.

MOTION

Senator Gaspard moved that the following amendments by Senators Gaspard, Kreidler, Fleming and Wojahn be considered simultaneously and be adopted:

On page 20, after line 11, insert the following:

"NEW SECTION, Sec. 34. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 35,700,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Effective September 1, 1988, allocations for insurance benefits for school district and education service district employees are increased to a rate of \$224.75 per month for each full time equivalent certificated employee, and \$224.75 per month for each full time equivalent classified employee as calculated pursuant to this subsection. For the purposes of allocations of insurance benefits, full time equivalent classified employees shall be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff units in the 1988-89 school year, distributed as follows:

(a) A maximum of \$28,889,000 may be expended to increase insurance benefit allocations for basic education staff units under section 502(5) of this act by \$57.75 per month.

(b) A maximum of \$3,711,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 506 of this act by \$57.75 per month.

(c) A maximum of \$210,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$57.75 per month.

(d) A maximum of \$2,890,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing state funding rates for the 1988-89 school year as follows:

(i) For pupil transportation, an increase of \$0.53 per weighted pupil mile;

(ii) For learning assistance, an increase of \$14.49 per pupil;

(iii) For education of highly capable students, an increase of \$4.98 per pupil;

(iv) For transitional bilingual education, an increase of \$9.41 per pupil;

(v) For vocational-technical institutes, an increase of \$38.58 per full time equivalent pupil.

(3) As part of his duty under section 6(1) of this act, the superintendent of public instruction shall submit a preliminary report to the state health care authority created in section 4 of this act, not later than December 1, 1988, describing the distribution of funds appropriated in this section. Copies of the report shall be provided to the committees on education, health care, and ways and means of the senate and house of representatives. The report shall include descriptions of the types of health care coverage provided to employees of the various school districts of the state and shall identify districts which incur unusually large and unusually small per-employee costs for health coverage, together with analysis of the reasons for such disparities. The report may include any recommendations of the superintendent to achieve greater equity in health care coverage among employees of the state's school districts and among school district employees, state employees, and employees of political subdivisions of the state whose health care coverage is provided under chapter 41.05 RCW. The authority shall make use of the report required under this section, along with such other information as it may require from the superintendent or school districts, in preparing the report to the legislature required under section 6(1) of this act. The authority's review of state-purchased health care programs and regulatory agencies required under section 6(2) of this act shall include the expenditure of the funds appropriated in this section."

Remember the sections consecutively and correct internal references accordingly.
On page 21, line 16, after "33" insert "through 34"

POINT OF ORDER

Senator McDonald: "Mr. President and fellow members of the Senate. I would raise scope and object on these amendments, as well. It is the state employees insurance board bill. It is an act relating to state health care and state employees insurance benefits. There is only a very tangential reference to K12 education and its possibility of them coming in under this act. Once again it puts in an uncodified bill--the budget bill--the portion of that into this law. It is not dealing with any funds related to kindergarten through 12th grade education and there is no appropriation whatsoever relating to kindergarten through 12th grade education. I would ask, Mr. President, if you might rule on this, because it is exactly the same logic and probably a stronger case--undoubtedly a stronger case--based on your previous ruling. I hope you could rule on the scope and object."

Further debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator McDonald, the President finds that Engrossed Substitute House Bill No. 2038 is a measure which abolishes the state employees insurance board and establishes the Washington State Health Care Authority to administer a health care benefit plan for employees. The measure also creates a benefits board within the authority to design and approve insurance benefit plans; requires reports to the Legislature; permits school districts to contract with the authority after July 1, 1990, or to self-insure; and appropriates funds from the state employees insurance administrative account to the Office of the Governor to carry out the provisions of the Act.

"The amendments proposed by Senators Gaspard, Kreidler, Fleming and Wojahn amend the 1987-1989 biennial appropriations budget by appropriating

funds to the Superintendent of Public Instruction for increased state contributions for insurance benefits for school employees.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senators Gaspard, Kreidler, Fleming and Wojahn to Engrossed Substitute House Bill No. 2038 were ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2038, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2038, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2038, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Patterson, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Owen, Pullen, Rasmussen, Rinehart, Smitherman, Talmadge, Vogtild, Warnke, Williams, Wojahn - 23.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1455, by Committee on Ways and Means (originally sponsored by Representatives Bristow, Holland, Grimm, McLean and Wineberry) (by request of Governor Gardner)

Adopting the supplemental capital budget.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1

GENERAL GOVERNMENT

Sec. 101. Section 107, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Capitalize development loan fund (88-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the appropriation in this section is provided solely for entitlement communities, which shall not require the commitment of additional federal funds by the entitlement community.

(2) Up to one million five hundred thousand dollars may be used for grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants, which shall not require the commitment of additional federal funds by the entitlement community.

(3) Additional grants may be provided to entitlement communities subject to the matching requirement in RCW 43.168.100.

(4) To the extent permitted under federal law, the development loan committee shall require local entitlement communities to transfer repayments of principal and interest to the Washington state development loan fund.

Reappropriation

Appropriation

~~(3,070,000)~~

4,070,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((3,070,000))
		<u>4,070,000</u>

NEW SECTION. Sec. 102. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia county courthouse

The appropriation in this section is subject to the following conditions and limitations:

(1) \$400,000 is appropriated to repair and restore the Columbia county courthouse.

(2) The appropriation in this section shall be matched by \$700,000 in private donations and local funds from Columbia county.

St Bldg Constr Acct	Reappropriation	Appropriation
		400,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter 400,000	Estimated Total Costs 400,000

Sec. 103. Section 151, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building painting and renovation

Cap Bldg Constr Acct	Reappropriation	Appropriation
		((1,365,000))
		<u>2,465,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs ((1,365,000)) <u>2,465,000</u>

Sec. 104. Section 155, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Tacoma Armory rehabilitation (86-1-001)

General Fund, Federal St Bldg Constr Acct	Reappropriation	Appropriation
		300,000
		207,000
Project Costs Through 6/30/87 ((620,000)) <u>595,746</u>	Estimated Costs 7/1/89 and Thereafter 4,536,000	Estimated Total Costs 7,163,000

Sec. 105. Section 157, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor works (86-1-005)

St Bldg Constr Acct St Fac Renew Acct	Reappropriation	Appropriation
		500,000
		<u>34,747</u>
Project Costs Through 6/30/87 ((1,764,000)) <u>1,729,253</u>	Estimated Costs 7/1/89 and Thereafter 1,000,000	Estimated Total Costs 3,264,000

NEW SECTION. Sec. 106. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Facility contingency (CR-86-2-006)

St Fac Renew Acct	Reappropriation	Appropriation
		64,812

Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
1,010,188	1,210,000	2,285,000

PART 2

HUMAN RESOURCES

Sec. 201. Section 201, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 37 projects (79-3-R01)

Approve, construct, renovate, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps, involving ~~((eight)) ten~~ projects as recommended by the department, totaling ~~((\\$353,267)) \$465,547~~. Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1987, and approved by March 31, 1988, with the exception of \$112,280 for two Thurston county projects, which require final application submittal by December 31, 1988, and approval by March 31, 1989.

Hndcp Fac Constr Acct	Reappropriation	Appropriation
LIRA, DSHS Fac	2,389,000	
		47,000
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
22,580,000		25,016,000

Sec. 202. Section 202, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 29 projects (79-3-R02)

Provides expenditure authority for projects already in progress and provides new funds from interest earnings to complete a community multipurpose center for the handicapped in Ferry county, \$40,000 of the funds provided in this section may be spent for renovation or other costs necessary to establish a self-supporting day care center for children of state employees at Eastern State Hospital.

LIRA, DSHS Fac	Reappropriation	Appropriation
	874,000	((120,000))
		160,000
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
426,000		((1,420,000))
		1,460,000

Sec. 203. Section 216, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency, unanticipated, and small works contingency (86-1-010)

St Fac Renew Acct	Reappropriation	Appropriation
St Bldg Constr Acct	525,000	
		294,000
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
452,000		((977,000))
		1,271,000

Sec. 204. Section 236, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 27 and Referendum 38

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to sixteen full time equivalent staff per year ~~((in this act))~~ may be funded ~~((through))~~ from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.

(2) The appropriation is provided solely for drought related municipal and industrial water supply projects.

Reappropriation	Appropriation
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LIRA, Water Supp Fac	41,934,000	<u>3,200,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((41,161,000))
		<u>44,361,000</u>

NEW SECTION, Sec. 205. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Utilities and facilities (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,058,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	8,668,000	9,726,000

NEW SECTION, Sec. 206. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Hazardous materials abatement (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		977,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	800,000	1,777,000

HUMAN SERVICES—OTHER

Sec. 301. Section 316, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Transformers (PCB) code compliance (86-1-012)

	Reappropriation	Appropriation
((St Fac Renew Acct))	((100,000))	
CEP & RI Acct	<u>100,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
100,000		200,000

Sec. 302. Section 322, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Emergency repair projects (86-1-010)

	Reappropriation	Appropriation
((St Bldg Constr Acct))	((70,000))	
St Fac Renew Acct	<u>70,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
330,000		400,000

NEW SECTION, Sec. 303. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Tacoma work training release center: Construction of a Tacoma work release facility (88-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,462,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,462,000

NEW SECTION. Sec. 304. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Eastern Washington prerelease: Site preparation costs for Eastern Washington prerelease facility (88-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,011,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,011,000

NEW SECTION. Sec. 305. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Purdy corrections center for women: Wastewater treatment, life safety projects, and master plan preparation (88-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		615,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		615,000

NEW SECTION. Sec. 306. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil island corrections center employee parking facilities

	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		300,000

NEW SECTION. Sec. 307. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island corrections center: Site master plan and environmental impact statement (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		621,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		621,000

**PART 4
K-12 EDUCATION**

Sec. 401. Section 407, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Artwork grants: 1985-87 (86-4-008)

	Reappropriation	Appropriation
Common School Constr Fund	((215,000))	
	<u>294,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
((236,000))		445,000
<u>151,000</u>		

Sec. 402. Section 408, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1987 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$955,000 of the appropriation in this section may be spent for state administration

of school construction funding.

	Reappropriation	Appropriation
Common School Constr Fund		((134,337,000))
		<u>211,667,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((134,337,000))
		<u>211,667,000</u>

Sec. 403. Section 409, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

A maximum of ~~((152,230,000))~~ \$200,650,000 of the appropriations and reappropriations in sections ~~((301 through 308 of this act))~~ 401 through 408 of chapter 6, Laws of 1987 1st ex. sess., as amended, may be disbursed during the 1987-89 biennium.

NEW SECTION. Sec. 404. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital planning and transition purposes: Nine mile falls school district.

	Reappropriation	Appropriation
St Bldg Constr Acct		126,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		126,000

NEW SECTION. Sec. 405. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Roof repairs: Irwin educational building (88-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		140,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		140,000

PART 5

COLLEGES AND UNIVERSITIES

Sec. 501. Section 503, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Life safety: Code compliance (86-1-002)

	Reappropriation	Appropriation
St H Ed Constr Acct	500,000	
St Bldg Constr Acct		3,000,000
<u>UW Bldg Acct</u>		<u>1,000,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
500,000	3,000,000	((7,000,000))
		<u>8,000,000</u>

Sec. 502. Section 516, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Health science building expansion (H Wing) (86-1-021)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	135,000	
St Bldg Constr Acct		21,135,000
<u>UW Bldg Acct</u>		<u>3,500,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	

41,000

~~((21,311,000))~~
24,811,000

NEW SECTION, Sec. 503. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Science and engineering facilities: Preplanning (88-2-044)

		Reappropriation	Appropriation
UW Bldg Acct			1,000,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			1,000,000

NEW SECTION, Sec. 504. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler coal retrofit (88-4-024)

		Reappropriation	Appropriation
UW Bldg Acct			2,300,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			2,300,000

NEW SECTION, Sec. 505. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Power plant stack replacement (88-1-023)

		Reappropriation	Appropriation
UW Bldg Acct			1,500,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			1,500,000

Sec. 506. Section 529, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Minor capital improvements (88-1-001)

		Reappropriation	Appropriation
WSU Bldg Acct			((4,866,000))
Project	Estimated		<u>4,723,100</u>
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
	9,260,000		
			((14,066,000))
			<u>13,983,100</u>

Sec. 507. Section 530, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Minor capital renewal (88-1-002)

		Reappropriation	Appropriation
St Bldg Constr Acct			((6,344,000))
Project	Estimated		<u>5,701,900</u>
Costs	Costs		Estimated
Through	7/1/89 and		Total
6/30/87	Thereafter		Costs
	10,000,000		
			((16,344,000))
			<u>15,701,900</u>

NEW SECTION, Sec. 508. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Fine arts building: Mechanical system improvements (88-1-012)

		Reappropriation	Appropriation
WSU Bldg Acct			3,119,000
Project	Estimated		Estimated

Costs Through 6/30/87	Costs 7/1/89 and Thereafter	Total Costs
		3,119,000
NEW SECTION, Sec. 509. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:		
FOR THE WASHINGTON STATE UNIVERSITY		
PCB transformer removal and replacement (88-1-014)		
	Reappropriation	Appropriation
St Bldg Constr Acct		642,100
WSU Bldg Acct		76,900
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		719,000

NEW SECTION, Sec. 510. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Land acquisition: Spokane technical institute.

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Appropriation 800,000 Estimated Total Costs
		800,000
Reappropriation		
St Bldg Constr Acct		800,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		800,000

Sec. 511. Section 560, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Lab annex remodel (86-1-099)

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Appropriation ((1,000,000)) 1,222,000 Estimated Total Costs
		800,000
Reappropriation		
St Bldg Constr Acct		((1,000,000)) 1,222,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((1,000,000)) 1,297,000

Sec. 512. Section 566, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Minor works (88-2-008)

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Appropriation ((428,000)) 214,000 Estimated Total Costs
		214,000
Reappropriation		
St Bldg Constr Acct		((428,000)) 214,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((701,000)) 487,000

Sec. 513. Section 577, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Minor works request: Small repairs and improvements: PROVIDED, That the \$900,000 state building construction account appropriation shall be used solely for asbestos removal (87-2-004)

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Appropriation 175,000 910,000 160,000 Estimated Total Costs
		900,000
Reappropriation		
St H Ed Constr Acct		175,000
St Bldg Constr Acct		910,000
WWU Cap Proj Acct		160,000
St Fac Renew Acct		160,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		4,697,000

7,292,000

3,545,000

~~((16,779,000))~~
17,679,000

PART 6
COMMUNITY COLLEGES
(Reserved)

PART 7
NATURAL RESOURCES

Sec. 701. Section 702, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Waste disposal facilities: 1980 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$1,500,000 of the appropriation may be expended for planning assistance to any ground water management areas created pursuant to chapter 453, Laws of 1985. Such assistance shall be allocated in a manner consistent with chapter 3, Laws of 1986.

LIRA, Waste Fac 1980	Reappropriation 235,300,000	Appropriation ((3,330,900)) <u>2,850,900</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((239,305,900)) <u>238,825,900</u>

Sec. 702. Section 705, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water supply facilities (88-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$500,000 of this reappropriation may be expended to complete the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982. This amount is in addition to the \$3,000,000 previously appropriated for this purpose.

(2) Funds previously appropriated for the East Selah reregulating reservoir shall be reallocated for purposes of early implementation of the Yakima river basin water enhancement project in order to financially assist irrigators in making up 80,000 acre feet of water per year lost because of a 1980 court decision.

LIRA, Water Sup Fac	Reappropriation 30,500,000	Appropriation ((928,000)) <u>888,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((31,428,000)) <u>31,388,000</u>

Sec. 703. Section 706, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

Water quality projects

State Water Quality Act	Reappropriation	Appropriation ((1,940,000)) <u>1,862,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter 4,365,000	Estimated Total Costs
		((6,365,000)) <u>6,227,000</u>

Sec. 704. Section 712, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide water supply facilities (86-1-002)

St Bldg Constr Act	Reappropriation ((298,000)) <u>431,000</u>	Appropriation
ORA, State	3,000	
ORA, Federal	3,000	
Project	Estimated	Estimated

Costs Through 6/30/87 ((330,000)) 197,000	Costs 7/1/89 and Thereafter	Total Costs
		634,000

Sec. 705. Section 727, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Green River Gorge: Staged acquisition (87-3-010)

	Reappropriation	Appropriation
St Bldg Constr Acct	115,000	551,000
ORA, State	((39,000)) 100,000	
	100,000	
ORA, Federal		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
((246,000))	2,000,000	3,051,000
185,000		

NEW SECTION. Sec. 706. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Yakima greenway: Acquisition (CI-81-3-098)

	Reappropriation	Appropriation
ORA, State	94,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
56,000		150,000

PART 8

NATURAL RESOURCES—CONTINUED

Sec. 801. Section 875, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Area office space increase projects (88-2-030)

	Reappropriation	Appropriation
For Dev Acct		((151,000)) 104,000
Res Mgmt Cost Acct		((269,000)) 316,000
		12,000
<u>St Bldg Constr Acct</u>		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through	7/1/89 and	
6/30/87	Thereafter	
		((420,000)) 432,000

Sec. 802. Section 879, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Seed orchard irrigation (89-2-006)

	Reappropriation	Appropriation
For Dev Acct		((59,000)) 49,500
Res Mgmt Cost Acct		((106,000)) 115,500
		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through	7/1/89 and	
6/30/87	Thereafter	
		165,000

Sec. 803. Section 880, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Management roads (89-2-008)

Reappropriation	Appropriation
-----------------	---------------

((For Dev Acct))
 Res Mgmt Cost Acct ((154,000))
 ((274,000))
428,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter 1,700,000	Estimated Total Costs 2,433,000
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Sec. 804. Section 882, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Real estate improved property maintenance (89-2-010)

	Reappropriation	Appropriation ((90,000)) 25,000 ((160,000)) <u>225,000</u>
For Dev Acct		
Res Mgmt Cost Acct		

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter 200,000	Estimated Total Costs 450,000
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Sec. 805. Section 893, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Northeast shop remodeling and addition

	Reappropriation	Appropriation ((32,000)) ((57,000)) <u>89,000</u>
((For Dev Acct))		
Res Mgmt Cost Acct		

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 89,000
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Sec. 806. Section 890, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Acquisition of fifty-one miles of Milwaukee Railroad right of way in Jefferson and Clallam counties for recreation, transportation, and utility purposes

The appropriation in this section is subject to the following conditions and limitations: Portions of the right of way not needed for recreational purposes may be re-sold for economic development purposes.

	Reappropriation	Appropriation ((800,000)) <u>15,000</u>
State Bldg Constr Acct		
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs ((800,000)) <u>15,000</u>

Sec. 807. Section 895, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Northeast headquarters paving

	Reappropriation	Appropriation ((20,000)) ((34,000)) <u>54,000</u>
((For Dev Acct))		
Res Mgmt Cost Acct		
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 54,000

NEW SECTION. Sec. 808. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Hawks Prairie sewer hookup (88-5-045)		Reappropriation	Appropriation
Res Mgmt Cost Acct			200,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		200,000

Part 9
MISCELLANEOUS

NEW SECTION. Sec. 901. The following acts or parts of acts are each repealed:

- (1) Section 317, chapter 6, Laws of 1987 1st ex. sess. (uncodified);
- (2) Section 410, chapter 6, Laws of 1987 1st ex. sess. (uncodified);
- (3) Section 716, chapter 6, Laws of 1987 1st ex. sess. (uncodified); and
- (4) Section 871, chapter 6, Laws of 1987 1st ex. sess. (uncodified).

NEW SECTION. Sec. 902. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn, Gaspard, Madsen, von Reichbauer, Warnke, Rasmussen and Smitherman to the Committee on Ways and Means amendment be adopted:

On page 1, after line 6 of the amendment, insert the following:

"Sec. 101. Section 106, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tacoma Union Station building stabilization and planning

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of this appropriation is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The money in subsections (1) and (2) of this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

(4) \$500,000 of this appropriation is provided solely for architectural plans and construction specifications for a state museum on the Union Station property.

(5) \$400,000 of this appropriation is provided solely for purchase of the Union Station property. The appropriation in this subsection is contingent on a like amount being provided for this purpose from nonstate sources.

(6) \$2,000,000 of this appropriation is provided solely for restoration of the rotunda of the Union Station building. The appropriation in this subsection is contingent on the city's agreement to exercise its option to purchase Union Station and the city's agreement to grant to the state the right of first refusal to assume the city's option to purchase the property should the city decide to withdraw from the project.

(7) The money in subsections (4), (5), and (6) of this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that:

(a) The city obtain the state's approval for all decisions with respect to:

(i) Determining final ownership of Union Station itself;

(ii) Identifying appropriate uses for the site; and

(iii) Selecting consultants retained by the city under its contract with the state;

(b) The city consult with the state and, unless prohibited from doing so by terms of the United States general services administration lease, follow the state's recommendations in other significant decisions concerning the development of the Union Station properties, including but not limited to:

(i) Planning the development and redevelopment of the site to accommodate appropriate uses;

(ii) Obtaining financing for acquisition, development, or redevelopment of the property; and

(iii) Acquiring, leasing, subleasing, and/or reselling the property;

(c) If the city finds that it is not possible to follow the state's recommendations, the city will advise the state and allow the state a reasonable opportunity to comment; and

(d) The city shall obtain a public access easement from the United States general services administration or any other owner or lessee that will allow public access through the rotunda to any future state facility.

St Bldg Constr Acct	Reappropriation	Appropriation ((1,500,000)) 4,400,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs ((1,500,000)) 4,400,000"

Renumber the remaining sections consecutively.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Nelson: "Mr. President, a point of parliamentary inquiry. Since this is the capital budget, how many votes does it take to pass these amendments to the capital budget?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "An amendment is considered passed, if it has a majority of the members voting."

POINT OF INQUIRY

Senator Barr: "Senator McDonald, I've never been on Ways and Means and have never been very close to this appropriation process, nor the bonding. As we go into this capital budget and discuss these many items, I'd like to know where the money comes from that pays these bonds off?"

Senator McDonald: "Well, Senator Barr, the bonds are paid off--our Constitution says this is our first obligation, right after pensions--that the debt will be paid off and the debt is subtracted before we ever see the state general fund. The money that we get in from taxes, et cetera, is more than the ten point two billion dollars that we see before us this biennium, but since we're paying off old bonds, those are subtracted and we never see it and all we see is the ten point two billion dollars. It looks like magic money. It looks like stuff that's kind of free, but I'll guarantee it isn't and it comes right out of children's programs and human service programs and it comes out of the things that are important to all of us like kindergarten through 12th grade education and higher education--because it comes right off the top."

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

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Wojahn, Gaspard, Madsen, von Reichbauer, Warnke, Rasmussen and Smitherman on page 1, after line 6, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1455.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 26; nays, 22; absent, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, West, Zimmerman - 22.

Absent: Senator McCaslin - 1.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard, Wojahn, Madsen, Warnke, Bender, Smitherman and Owen to the Committee on Ways and Means amendment be adopted:

On page 2, after line 12, insert the following:

*NEW SECTION. Sec. 103. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Goodwill Games Aquatic Center and Marymoor Park

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,500,000 is appropriated for construction of an indoor aquatic center in Tacoma, Pierce County, on condition that no zero grade beach, other components of a wave pool or water slide are constructed or acquired for the project.

(2) \$1,700,000 is appropriated for improvements to the King County Marymoor Park Velodrome in Redmond and for improvements to the Equestrian Center in Enumclaw.

The above appropriations are contingent upon the provision of at least an additional fifty percent match from nonstate sources as follows: \$4,500,000 in private donations and local government funds from Pierce County, the City of Tacoma and the Metropolitan Park District; and \$1,700,000 in private donations and local government funds from King County."

Renumber the sections accordingly.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Gaspard, Wojahn, Madsen, Warnke, Bender, Smitherman and Owen on page 2, after line 12, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1455.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 25; absent, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognilid, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hayner, Johnson, Kiskaddon, Lee, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Absent: Senator McCaslin - 1.

MOTION

At 9:40 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Sunday, March 6, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, March 6, 1988

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Deccio, Talmadge and West. On motion of Senator Zimmerman, Senator Craswell was excused. On motion of Senator Bauer, Senator Talmadge was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jane Thykkuttathil and Shannon Prescott, presented the Colors. Reverend Gary Fogelquist, pastor of the Lacey Seventh-Day Adventist Church, offered the prayer.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9167, Grace L. Lynch, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

Senator Sellar spoke to the confirmation of Grace L. Lynch as a member of the Board of Trustees for Wenatchee Valley Community College.

APPOINTMENT OF GRACE L. LYNCH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, West - 2.

Excused: Senators Craswell, Talmadge - 2.

MOTION

On motion of Senator Anderson, Senator Zimmerman was excused.

MOTION

On motion of Senator Pullen, Gubernatorial Appointment No. 9168, John Ladenburg, as a member of the Sentencing Guidelines Commission, was confirmed.

Senator Rasmussen spoke to the confirmation of John Ladenburg as a member of the Sentencing Guidelines Commission.

APPOINTMENT OF JOHN LADENBURG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senator Johnson - 1.

Excused: Senators Craswell, Talmadge, Zimmerman - 3.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1754 and the Committee on Ways and Means amendment on page 5, after line 28, to the Committee and Ways and Means amendment, deferred March 3, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Williams, the President finds that Substitute House Bill No. 1754 is a measure revising certain administrative procedures pertaining to television reception improvement districts, the Board of Tax Appeals and property taxes.

"The Committee on Ways and Means amendment on page 5, after line 28, to the Committee on Ways and Means amendment transfers the valuation of radio communication service companies from the Department of Revenue to county assessors for property tax purposes.

"The President, therefore, finds that the proposed committee amendment to the committee amendment does not change the scope and object of the bill and that the point of order is not well taken."

The Committee on Ways and Means amendment on page 5, after line 28, to the Committee on Ways and Means amendment was ruled in order.

Debate ensued.

POINT OF INQUIRY

Senator Warnke: "Senator McDonald, in the committee, when this amendment first came up, the words 'compacting and processing' were in the amendment and an issue was raised over those two words. It's in Article 13. Now, you were kind enough—you and Senator Newhouse to take out that word 'processing,' but I received a letter from a constituent in my district called Hot Sales Services, on the words 'now compacting.' Is it your intention that 'compacting' would include things like the Hutchinson Cancer Center or small businesses that are hand-packing into barrels? When we get to that amendment, would you answer that question for me?"

Senator McDonald: "I certainly will, Senator Warnke."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment on page 5, after line 28, to the Committee on Ways and Means amendment.

The Committee on Ways and Means amendment on page 5, after line 28, to the Committee on Ways and Means amendment was adopted.

There being no objection, the Senate resumed consideration of the Committee on Ways and Means amendment on page 26, after line 17, to the Committee and Ways and Means amendment to Substitute House Bill No. 1754, deferred March 3, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Williams, the President finds that Substitute House Bill No. 1754 is a measure revising certain administrative procedures pertaining to television reception improvement districts, the Board of Tax Appeals and property taxes.

"The Committee on Ways and Means amendment on page 26, after line 17, to the Committee on Ways and Means, creating a New Section 34, amends the annexation statutes regarding intercounty fire districts and sets a date for establishing district boundaries for property tax purposes.

"The President, therefore, finds that the proposed committee amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Ways and Means amendment on page 26, after line 17, to the Committee on Ways and Means amendment was ruled out of order.

There being no objection, the Senate resumed consideration of the second Committee on Ways and Means amendment on page 26, after line 17, to the Committee and Ways and Means amendment to Substitute House Bill No. 1754, deferred March 3, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Williams, the President finds that Substitute House Bill No. 1754 is a measure revising certain administrative procedures pertaining to television reception improvement districts, the Board of Tax Appeals and property taxes.

"The Committee on Ways and Means amendment on page 26, after line 17, to the Committee on Ways and Means amendment, amending RCW 82.04.260, imposes a business and occupation tax on low-level nuclear waste compacting firms.

"The President, therefore, finds that the proposed committee amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The second Committee on Ways and Means amendment on page 26, after line 17, to the Committee on Ways and Means amendment was ruled out of order.

There being no objection, the Senate resumed consideration of the amendment by Senators Saling, Smitherman, Patterson, McMullen, Hansen, Anderson and von Reichbauer on page 3, after line 25, to Substitute House Bill No. 1754, deferred March 3, 1988.

MOTION

On motion of Senator Williams, and there being no objection, the point of order on the scope and object of the amendment to the Committee on Ways and Means amendment was withdrawn.

Debate on the amendment on page 3, after line 25, to the Committee on Ways and Means amendment ensued.

The President declared the question before the Senate to the adoption of the amendment by Senators Saling, Smitherman, Patterson, McMullen, Hansen, Anderson and von Reichbauer to the Committee on Ways and Means amendment to Substitute House Bill No. 1754.

The amendment to the committee amendment was adopted.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard, Rinehart and Halsan be adopted:

On page 26, after line 24, insert the following:

NEW SECTION. Sec. 35. A new section is added to chapter 82.04 RCW to read as follows:

A nonprofit trade or professional organization that registers or has registered with the department of revenue by July 1, 1988, shall be absolved of any liability for taxes due from the organization and unpaid under this title for taxes due prior to the date of registration or the effective date of this section, whichever is earlier, on charges made to members for occupying space at trade shows or participating in other activities sponsored by the entity.

NEW SECTION. Sec. 36. Section 35 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I guess I would question the scope and object on this amendment. As you have so eloquently said, Mr. President, this bill does deal with certain taxing procedures, relative to television. It has to do with tax referees and who they are and how they are hired. It has to do with a few changes--basically clean-up changes--in the tax assessor's law and it has something to do with the taxation of cellular telephones and with the adoption of the Saling amendment, higher education. This amendment seems to go far outside of the scope and object of the bill. It has to do with non-profit trade and professional organizations and their liability for taxes. It seems to be outside of the scope and object of this bill, certainly of the writers of same."

Further debate ensued.

There being no objection, the President deferred further consideration of the amendment by Senators Gaspard, Rinehart and Halsan to the Committee on Ways and Means amendment to Substitute House Bill No. 1754.

MOTION

Senator Niemi moved that the following amendment by Senators Niemi and Bender to the Committee on Ways and Means amendment be adopted:

On page 10, after line 25 of the amendment, insert the following:

"Sec. 11. Section 12, chapter 212, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 319, Laws of 1985 and RCW 84.34.108 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such designation;

(b) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification or, in the case of open space land devoted to golf by a private club, that the club does not make the facilities available on an equitable basis to all members, and those persons eligible for privileges under the membership, regardless of sex, race, color, national origin, or ancestry.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Additional tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from current use classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020;

(g) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (3) of this section shall be imposed; or

(h) Transfer to a nonprofit, nonsectarian organization or association, organized and conducted for nonsectarian purposes, and such land would qualify for property tax exemption pursuant to RCW 84.36.030 and is used solely for the benefit of the poor and infirm. This subsection (h) applies only to taxes, penalties, and interest under this section that have been assessed for the removal of property from classification under this chapter after September 1, 1977, and before July 1, 1980. Any person or entity who has paid taxes to which this subsection (h) applies may apply within one hundred and eighty days after May 16, 1985, for a refund of the tax paid.

Sec. 12. Section 84.36.210, chapter 15, Laws of 1961 and RCW 84.36.210 are each amended to read as follows:

Whenever the state, or any city, town, county or other municipal corporation has obtained a written easement for a right of way over and across any private property and the written instrument has been placed of record in the county auditor's office of the county in which the property is located, the easement rights shall be exempt from taxation and exempt from general tax foreclosure and sale for delinquent property taxes of the property over and across which the easement exists; and all property tax records of the county and tax statements relating to the servient property shall show the existence of such easement and that it is exempt from the tax; and any notice of sale and tax deed relating to the servient property shall show that such easement exists and is excepted from the sale of the servient property.

To qualify for exemption under this section for land devoted to golf by a private club, the private club must make the facilities available on an equitable basis to all members, and those persons eligible for privileges under the membership, regardless of sex, race, color, national origin, or ancestry.

Renumber the sections consecutively and correct internal references accordingly.

POINT OF INQUIRY

Senator McCaslin: "Senator Niemi, I understand that you're an excellent attorney, very knowledgeable, and have expertise in the area of statute and WACs and so forth. At one time, you were a superior court judge, so it's probably a pretty legitimate question to ask you. I guess the question is, what about public golf courses?"

Senator Niemi: "Public golf courses are as--in my opinion, private golf courses are under the Equal Protection Act. They are not allowed to discriminate."

Senator McCaslin: "Now, if a public course, according to your amendment, does not make the facilities available on an equitable basis, they're not covered under this statute, I would assume?"

Senator Niemi: "They are already covered under another statute. The statute's not necessary for them."

Senator McCaslin: "Do they pay taxes?"

Senator Niemi: "No."

Senator McCaslin: "They don't pay taxes, but they can discriminate?"

Senator Niemi: "No, they cannot discriminate."

Senator McCaslin: "How do we know they're not?"

Senator Niemi: "Well, I'd file a complaint, if I were discriminated against."

Senator McCaslin: "Do you play golf?"

Senator Niemi: "A long time ago."

Senator McCaslin: "Oh, well we're talking about now, Senator Niemi, but thank you very much for avoiding the question. I think there's some real problems with this amendment, because I think public courses and private courses that are public--there is a difference--I think they should fall under this, too. If we're going to punish private courses on perhaps one or two complaints with a state statute, again, I think we're killing with an atom bomb and I don't think you'd want that."

POINT OF ORDER

Senator Hayner: "Mr. President, I raise the question of scope and object of this amendment. This amendment is actually the subject of a bill that was before the Ways and Means Committee and the bill did not get out of committee. More importantly, this bill does not have anything to do with discrimination or anything of that sort. It has to do with tax assessment laws and how we deal with tax appeals boards and some changes with respect to television. Now we have amendments on the McCaw Cable Company, tax referees and how they are hired, and other minor changes in administrative procedure. It has simply nothing to do with this amendment at all and I would, therefore, hope that it would be out of the scope and object of this bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, and there being no objection, further consideration of Substitute House Bill No. 1754 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1389 and the pending amendment by Senator Lee on page 2, after line 33, deferred March 5, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Nelson, the President finds that Substitute House Bill No. 1389 is a measure which appropriates funds to the Department of Community Development to be used as loans to local governments or organizations who have been approved to receive federal grants.

"The amendment proposed by Senator Lee would create a Governor's task force on homelessness to review federal, state and local employment and housing services for homeless individuals.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Lee to Substitute House Bill No. 1389 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1389, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1389, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1389, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Fleming - 1.

Excused: Senators Craswell, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 1389, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 6, 1988

For Journal:

Due to unavoidable personal business, I missed the votes on Gubernatorial Appointment No. 9167, Gubernatorial Appointment No. 9168 and Substitute House Bill No. 1389. I would have voted 'aye' on each matter.

PHIL TALMADGE, Senator, 34th District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1684, by Committee on Environmental Affairs (originally sponsored by Representatives Sprengle, May, Rust, Pruitt, D. Sommers, Cooper, Walker, Unsoeld, Nelson, Brekke, Ferguson, Todd and Spanel)

Establishing an analysis process for management of certain categories of solid waste.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following Committee on Environment and Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation.

NEW SECTION, Sec. 2. The comprehensive, state-wide solid waste stream analysis under section 1 of this act shall be based on representative solid waste generation areas and solid waste generation sources within the state. The following information and evaluations shall be included:

- (1) Solid waste generation rates for each category;
- (2) The rate of recycling being achieved within the state for each category of solid waste;
- (3) The current and potential rates of solid waste reduction within the state;
- (4) A technological assessment of current solid waste reduction and recycling methods and systems, including cost/benefit analyses;
- (5) An assessment of the feasibility of segregating solid waste at: (a) The original source, (b) transfer stations, and (c) the point of final disposal;
- (6) A review of methods that will increase the rate of solid waste reduction; and
- (7) An assessment of new and existing technologies that are available for solid waste management including an analysis of the associated environmental risks and costs.

The data required by the analysis under this section shall be kept current and shall be available to local governments and the waste management industry.

NEW SECTION, Sec. 3. (1) The evaluation of the solid waste stream required in section 1 of this act shall include the following elements:

- (a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and
- (b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;
- (c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

- (a) By January 1, 1989, yard waste and other biodegradable materials, paper products, disposable diapers, and batteries; and
- (b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires.

NEW SECTION, Sec. 4. The department shall incorporate the information from the analysis and evaluation conducted under sections 1 through 3 of this act to the state solid waste management plan under RCW 70.95.260. The plan shall be revised periodically as the evaluation and analysis is updated.

NEW SECTION, Sec. 5. (1) By July 1, 1988, the department shall provide the joint select committee on preferred solid waste management with a proposed work plan and a statement of funding sources.

(2) The department shall report its findings and recommendations to the appropriate standing committees of the legislature by January 1, 1989. The report shall identify which categories of solid waste have not been evaluated and the expected date of completion.

Sec. 6. Section 15, chapter 528, Laws of 1987 (uncodified) is amended to read as follows:

(1) The Washington state legislature finds that the state faces a solid waste disposal crisis. The siting of new landfills, the location and design of new solid waste incinerators, the disposal of ash residue, and compliance with the priorities of the solid waste management act and the hazardous waste management act require that an effort be made by the state to ensure that local governments and private industry have adequate technical information, and that programs are developed to accomplish the statutory waste management priorities.

(2) A comprehensive evaluation of preferred solid waste management programs shall be undertaken by the joint select committee for preferred solid waste management. The committee shall consist of four members of the house of representatives appointed by the speaker of the house and four members of the senate appointed by the president of the senate. The committee shall involve the department of ecology, the utilities and transportation commission, and representatives of organizations representing cities, counties, the public, the waste management industry, waste haulers, and the private recycling industry. The committee shall report its findings and recommendations to the appropriate standing committees of the legislature by January 1, ~~((1988))~~ 1989.

(3) The department of ecology may provide the committee with specific recommendations on waste management programs from studies the department has undertaken as required by RCW 70.95.263.

(4) The committee shall attempt to determine the reasons why higher rates of waste reduction and recycling have not been achieved in the state and develop recommendations on how to achieve higher rates.

(5) The committee's recommendations shall include (a) specific programs for waste reduction, recycling, incineration, and landfills, (b) specific goals for solid waste management, and (c) specific responsibilities for state government, local government, and the private sectors to accomplish the committee's recommendations. The committee shall also recommend specific legislation and rule-making requirements to accomplish the committee's findings.

(6) The joint select committee for preferred solid waste management shall cease to exist on July 1, ~~((1988))~~ 1989.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 70.95 RCW.*

MOTION

Senator Hansen moved that the following amendment to the Committee on Environment and Natural Resources amendment be adopted:

On page 4, after line 10, insert the following:

"Sec. 8. Section 1, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.030 are each amended to read as follows:

As used in RCW 36.58.030 through 36.58.060, the term "transfer station" means a staffed, fixed supplemental facility used by persons and/or route collection vehicles to deposit solid wastes into transfer trailers or drop boxes for transportation to a disposal site. ~~((This does not include detachable containers.))~~

Sec. 9. Section 3, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.050 are each amended to read as follows:

When a comprehensive solid waste plan, as provided in RCW 70.95.080, incorporates the use of transfer stations, such stations shall be considered part of the disposal site and as such, along with the transportation of solid wastes between disposal sites and the collection of solid waste by county equipment from courthouses, fairgrounds, and parks, shall be exempt from regulation by the Washington utilities and transportation commission as provided in chapter 81.77 RCW.

Each county may enter into contracts for the hauling of trailers or drop boxes of solid wastes from these transfer stations to disposal sites and return ~~((either))~~ by ~~((1))~~ the normal bidding process, or (2)) negotiation with the qualified collection company or companies servicing the area under authority of chapter 81.77 RCW.*

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hansen on page 4, line 10, to the Committee on Environment and Natural Resources amendment to Substitute House Bill No. 1684.

The motion by Senator Hansen carried and the amendment to the committee amendment was adopted.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin and Pullen to the Committee on Environment and Natural Resources amendment be adopted:

On page 6, after line 11 of the amendment, insert the following:

NEW SECTION, Sec. 7. A new section is added to chapter 70.95 RCW to read as follows:

Before entering into a contract with a vendor or acquiring a site for a municipal solid waste energy recovery or incineration facility, any governmental entity shall:

(1) Have in place a waste reduction and recycling plan and implementation strategy capable of significantly diminishing the waste stream. The plan and implementation strategy shall require that municipal solid waste is: (a) Segregated before incineration or disposal, and (b) managed in accordance with the solid waste management priorities established in RCW 70.95.010;

(2) Have an approved solid waste management plan;

(3) Have undertaken a detailed review of a reasonable range of available technologies and strategies for managing and for incinerating municipal solid waste. If consultants are utilized, they shall not have any financial interest in the companies providing solid waste management technologies or financing;

(4) Have developed a least-cost option plan for managing and disposing of municipal solid waste that has the least impact on the environment and which uses the best available technology and strategies;

(5) Have an approved plan for handling the ash residue from the municipal solid waste incinerator; and

(6) Have a plan for public access to the municipal solid waste incinerator's operational data, including data related to incinerator excursions. Data shall be permanently recorded and maintained for at least ten years."

Remember the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

POINT OF ORDER

Senator Kreidler: "Mr. President, a point of order. I'd like to raise the question of scope and object of this amendment. The bill before us is one that deals with the establishing of an analysis of the process of management of certain categories of solid waste. The amendment is one that certainly broadens that particular topic rather significantly to apply to incinerators and incinerator ash. It goes well beyond the body of the bill that was dealing with solid waste in general as opposed to the rather encompassing approach proposed here with the amendment before us."

Further debate ensued.

MOTION

On motion of Senator Nelson, further consideration of Substitute House Bill No. 1684 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1754 and the pending amendment by Senators Niemi and Bender on page 10, after line 25, to the Committee on Ways and Means amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Hayner, the President finds that Substitute House Bill No. 1754 is a measure revising certain administrative procedures pertaining to television reception improvement districts, the Board of Tax Appeals, property taxes, and with the adoption of the Saling amendment, certain exemptions from use taxes.

"The amendment proposed by Senators Niemi and Bender to the Committee on Ways and Means amendment restricts certain golf clubs from open space valuation or private right of way easement tax exemptions, if the club discriminates.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Niemi and Bender on page 10, after line 25, to the Committee on Ways and Means amendment to Substitute House Bill No. 1754 was ruled out of order.

MOTION

Senator Williams moved that the following amendment by Senators Williams, Smith and DeJarnatt to the Committee on Ways and Means amendment be adopted:

On page 26 of the amendment, after line 27, insert the following:

"Sec. 35. Section 7, chapter 278, Laws of 1957 as last amended by section 1, chapter 366, Laws of 1977 ex. sess. and RCW 54.28.010 are each amended to read as follows:

As used in this chapter:

(1) "Operating property" means all of the property utilized by a public utility district in the operation of a plant or system for the generation, transmission, or distribution of electric energy for sale;

(2) "Taxing districts" means counties, cities, towns, school districts, and road districts;

(3) "Distributes to consumers" means the sale of electric energy to ultimate consumers thereof, and does not include sales of electric energy for resale by the purchaser: PROVIDED, That a purchaser not subject to taxation under chapter 82.16 RCW acquiring electric energy for resale and consumption within the state of Washington shall be considered an ultimate consumer;

(4) "Wholesale value" means all costs of a public utility district associated with the generation and transmission of energy from its own generation and transmission system to the point or points of inter-connection with a distribution system owned and used by a district to distribute such energy to consumers, or in the event a distribution system owned by a district is not used to distribute such energy, then the term means the gross revenues derived by a district from the sale of such energy to consumers;

(5) "Thermal electric generating facility" means a steam-powered electrical energy producing facility utilizing nuclear or fossil fuels;

(6) "Placed in operation" means delivery of energy into a transmission or distribution system for use or sale in such a manner as to establish a value accruing to the power plant operator, except operation incidental to testing or startup adjustments;

(7) "Impacted area" for a thermal electric generating facility on a federal reservation means that area in the state lying within thirty-five statute miles of the most commonly used entrance of the federal reservation and which is south of the southern boundary of township fifteen north.

NEW SECTION. Sec. 36. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to any person in respect to the business of selling electric energy, if tax has been paid under chapter 54.28 RCW in respect to that electric energy.

NEW SECTION. Sec. 37. Sections 35 and 36 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Sellar: "Thank you, Mr. President, a point of order. I respectfully request that this amendment is beyond the scope and object of the bill. Basically, the amendment deals with who is the ultimate consumer in the power generation of sales. I do not think that is within the scope and object of the original bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Sellar, the President finds that Substitute House Bill No. 1754 is a measure revising certain administrative procedures pertaining to television reception improvement districts, the Board of Tax Appeals, property taxes, and with the adoption of the Saling amendment, certain exemptions from use taxes.

"The amendment by Senator Williams, Smith and DeJarnatt to the Committee on Ways and Means amendment amends a public utility privilege tax definition and exempts certain sellers of electric energy from the business and occupation tax.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Williams, Smith and DeJarnatt on page 26, after line 27, to the Committee on Ways and Means amendment to Substitute House Bill No. 1754 was ruled out of order.

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, a point of personal privilege. I want to compliment the Lieutenant Governor, the presiding officer, for seeing clearly through all the paper hanging that's being attempted."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Substitute House Bill No. 1754.

The Committee on Ways and Means amendment, as amended, to Substitute House Bill No. 1754 was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendments were considered simultaneously and adopted:

On page 27, line 3, after "82.03.170," insert "82.12.0284."

On page 1, line 1 of the title, after "administration," strike the remainder of the title and insert "amending RCW 36.95.080, 82.03.070, 82.03.120, 82.03.140, 82.03.150, 82.03.160, 82.03.170, 84.08.130, 84.08.060, 84.36.385, 84.38.030, 84.38.100, 84.38.120, 84.40.030, 84.40.040, 84.40.060, 84.40.130, 84.40.320, 84.48.010, 84.48.014, 84.48.042, 84.48.075, 84.48.080, 84.52.020, 84.52.070, 84.52.080, 84.56.020, 84.69.050, 84.69.060, and 84.69.140; adding a new section to chapter 84.40 RCW; adding new sections to chapter 84.48 RCW; repealing RCW 84.52.090, 84.56.390, and 84.56.400; and providing an effective date."

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1754, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, do you anticipate in future sessions, that the tax referees will become administrative law judges? Then sometime in the future, they will become part of the judges retirement system with a little sweetener in it?"

Senator McDonald: "I certainly don't expect that, Senator Rasmussen, and if there was a move to do that, I would join with you in resisting."

Senator Rasmussen: "Stay with us for a long time, it's coming."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1754, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1754, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 47.

Voting nays: Senators Kreidler, Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1754, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1695, by Representatives Dorn, Betzoff, Peery, Cole, Rust, Taylor, Rasmussen, Valle, Spanel, Holland, Rayburn, P. King and Winsley; (by request of Superintendent of Public Instruction)

Extending the time period for the superintendent of public instruction to adopt evaluation standards.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1695.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1695 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1558, by Representatives Sayan and Grimm (by request of Department of Retirement Systems)

Revising provisions relating to teachers' retirement options.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1558.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1558 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424, by Committee on Health Care (originally sponsored by Representatives Dellwo, Brooks, Braddock, Grimm, Vekich, Bristow, D. Sommers, Ebersole, Cantwell, Belcher, Locke, Armstrong, Crane, Appelwick, Brough, Bumgarner, Sprengle, Day, Holland, P. King, McLean, Butterfield, Fuhrman, Doty, Basich, Jesernig, Moyer, Wineberry, Unsoeld and Brekke) (by request of Governor Gardner)

Revising provisions on community custody.

The bill was read the second time.

MOTION

On motion of Senator Pullen, the following Committee on Law and Justice amendment was adopted:

On page 20, line 1, after "activities" insert "unless the act or omission constitutes gross negligence"

MOTION

On motion of Senator Pullen, the rules were suspended, Engrossed Substitute House Bill No. 1424, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1424, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1424, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403, by Committee on Natural Resources (originally sponsored by Representatives K. Wilson, Haugen, Basich and P. King)

Providing for the development of rules to permit gillnet fishing during daylight hours.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 1, line 17, after "and" insert

"BE IT FURTHER RESOLVED, That this resolution not be construed as an effort to change salmon allocations between user groups; and"

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Concurrent Resolution No. 4403, as amended by the Senate, was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Concurrent Resolution No. 4403, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Concurrent Resolution No. 4403, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Barr - 1.

Absent: Senator McMullen - 1.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Basich, Haugen, S. Wilson, Sutherland, Sayan, K. Wilson, Spanel, Meyers, Hargrove, P. King and Jacobsen

Establishing Pacific Fisheries Task Force.

The resolution was read the second time.

MOTION

Senator Owen moved that the following amendments be considered simultaneously and be adopted:

On page 1, after line 7, insert:

"WHEREAS, Commercial drag fishing in the state of Washington adversely affects many of the states of the Pacific Legislative Fisheries Task Force; and

WHEREAS, Continuation of this commercial fishery will have a serious negative effect on the fisheries of Washington and the other member states; and

WHEREAS, The drag fishing in the inner Puget Sound harms the underwater plant life and is totally indiscriminate in its taking of fish and shellfish;

NOW, THEREFORE, BE IT RESOLVED, That the Pacific Fisheries Task Force adopt a plan to eliminate commercial drag fishing from all Puget Sound waters."

On line 8, strike "NOW, THEREFORE, BE IT RESOLVED" and insert "BE IT FURTHER RESOLVED"

POINT OF ORDER

Senator Metcalf: "Mr. President, a point of order. Senator Owen mentioned the fact that these draggers scoop up the fish, so I would like to raise the question of scoop and object on this on this measure. This measure clearly expands the scope and object. The measure itself is just a measure getting Washington State to join the issue. This gets into one of the many issues that should be taken up, but not on this bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of House Concurrent Resolution No. 4402 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1652, by Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen, Beck, Sayan, Holm, Nealey, Zellinsky, D. Sommers, Nutley, Butterfield, Sutherland, Spanel, Peery and Baugher)

Providing for the investment of public funds.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the following Committee on Governmental Operations amendments were considered simultaneously and adopted:

On page 1, line 18, after "(3)" insert "Money market fund" means a mutual fund the portfolio which consists of only bonds having maturities or demand or tender provisions of not more than one year, managed by an investment advisor who has posted with the risk management office of the department of general administration a bond or other similar instrument in the amount of at least five percent of the amount invested in the fund pursuant to section 3 (2) or (3) of this act.

(4) "Mutual fund" means a diversified mutual fund registered with the federal securities and exchange commission and which is managed by an investment advisor with assets under management of at least five hundred million dollars and with at least five years' experience in investing in bonds authorized for investment by this chapter and who has posted with the risk management office of the department of general administration a bond or other similar instrument in the amount of at least five percent of the amount invested in the fund pursuant to section 3(1) of this act.

(5)*

On page 2, beginning on line 6, strike "or (3)" and insert the following:

"(3) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the government making the investment; or

(4)"

On page 2, after line 12, insert the following:

"NEW SECTION. Sec. 3. In addition to any other investment authority granted by law, the state of Washington and local governments in the state of Washington are authorized to invest their funds and money in their custody or possession, eligible for investment and subject to the arbitrage provisions of section 148 of the federal internal revenue code or similar provision concerning the investment of state and local money and funds, in:

(1) Shares of mutual funds with portfolios consisting of only United States government bonds or United States government guaranteed bonds issued by federal agencies with average maturities less than four years, or bonds described in section 2 (1) or (2) of this act, except that bonds otherwise described in section 2 (1) or (2) of this act shall have one of the four highest credit ratings of a nationally recognized rating agency;

(2) Shares of money market funds with portfolios consisting of only bonds of states and local governments or other issuers authorized by law for investment by local governments, which bonds have at the time of investment one of the two highest credit ratings of a nationally recognized rating agency; or

(3) Shares of money market funds with portfolios consisting of securities otherwise authorized by law for investment by local governments."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 3, after line 33, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 43.19 RCW to read as follows:

The director of general administration, through the risk management office, shall receive and enforce bonds posted pursuant to section 1 (3) and (4) of this act."

Renumber the remaining sections consecutively.

On page 3, line 34, strike "and 2" and insert ", 2, and 3"

On page 3, after line 35, insert the following:

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

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

MOTION

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 3, after line 33, insert the following:

"Sec. 5. Section 23, chapter 270, Laws of 1975 1st ex. sess. as amended by section 1, chapter 151, Laws of 1983 and RCW 36.57A.130 are each amended to read as follows:

The treasurer of the county in which a public transportation benefit area authority is located shall be ex officio treasurer of the authority. In the case of a multicounty public transportation benefit area the county treasurer of the largest component county, by population, shall be the treasurer of the authority. However, the authority, by resolution, ~~((and upon the approval of the county treasurer:))~~ may designate some other person having experience in financial or fiscal matters as treasurer of the authority. Such a treasurer shall possess all of the powers, responsibilities, and duties the county treasurer possesses for a public transportation benefit area authority related to investing surplus authority funds. The authority may (and if the treasurer is not a county treasurer, it shall) require a bond with a surety company authorized to do business in the state of Washington in an amount and under the terms and conditions the authority, by resolution, from time to time finds will protect the authority against loss. The premium on any such bond shall be paid by the authority.

All authority funds shall be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the county auditor, upon orders or vouchers approved by the authority. However, the authority may, by resolution, designate some person having experience in financial or fiscal matters, other than the county auditor, as the auditor of the authority. Such an auditor shall possess all of the powers, responsibilities, and duties that the county auditor possesses for a public transportation benefit area authority related to creating and maintaining funds, issuing warrants, and maintaining a record of receipts and disbursements.

The treasurer shall establish a "transportation fund," into which shall be paid all authority funds, and the treasurer shall maintain such special accounts as may be created by the authority into which shall be placed all money as the authority may, by resolution, direct.

If the treasurer of the authority is a treasurer of the county, all authority funds shall be deposited with the county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the authority is some other person, all funds

shall be deposited in such bank or banks authorized to do business in this state that have qualified for insured deposits under any federal deposit insurance act as the authority, by resolution, shall designate.

An authority may provide and require a reasonable bond of any other person handling moneys or securities of the authority, but the authority shall pay the premium on the bond.

The county or counties and each city or town which is included in the authority shall contribute such sums towards the expense for maintaining and operating the public transportation system as shall be agreed upon between them."

Renumber the section following consecutively.

MOTIONS

On motion of Senator McCaslin, the following amendment by Senators McCaslin and McMullen was adopted:

On page 3, after line 35, insert the following:

"Sec. 6. Section 36.17.040, chapter 4, Laws of 1963 and RCW 36.17.040 are each amended to read as follows:

The salaries of county officers and employees of counties other than counties of the eighth and ninth classes may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the ~~((twentieth))~~ last day of the month, draw ~~((his))~~ a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw ~~((his))~~ a warrant, not later than the ~~((fourth))~~ fifteenth day of the following month, and the county ~~((commissioners))~~ legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the ~~((board of county commissioners do))~~ county legislative authority does not adopt the semimonthly pay plan, ~~((they))~~ it, by resolution, shall designate the first pay period as a draw day. ~~((The draw day period shall be from the first day to the fifteenth day of the month, inclusive.))~~ Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the ((twentieth)) last day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the ((fourth)) fifteenth day of the following month.

In counties of eighth and ninth classes salaries shall be paid monthly unless the ~~((commissioners))~~ county legislative authority by resolution adopts the foregoing draw day procedure."

On motion of Senator McCaslin, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, strike "and"

On page 1, line 3 of the title, after "RCW" and before the period, insert "; adding a new section to chapter 43.19 RCW; and declaring an emergency"

On line 2 of the title, after "48.62.070" insert "and 36.57A.130"

On page 1, line 2 of the title, after "48.62.070" insert "and 36.17.040"

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1652, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1652, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1652, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Zimmerman - 39.

Voting nay: Senators Fleming, Gaspard, Halsan, Moore, Rinehart, Talmadge, Vognild, Williams, Wojahn - 9.

Absent: Senator Metcalf - 1.

SUBSTITUTE HOUSE BILL NO. 1652, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1568, by Committee on Education (originally sponsored by Representatives Todd, Leonard, Crane, Pruitt and Ebersole)

Including school administrators in the excellence in education program.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 2, line 28, following "teachers," insert "educational staff associates."

MOTION

On motion of Senator Rinehart, the following amendment by Senators Rinehart, Smitherman, Bailey, Saling and Gaspard was adopted:

On page 3, after line 9, insert the following:

NEW SECTION, Sec. 4. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education, with the assistance and advice of the superintendent of public instruction, the higher education coordinating board, institutions of higher education, and representatives of common schools, including teachers and administrators, shall establish a program to encourage and promote collaborative relationships between higher education faculty and the building-level staff of Washington's elementary, junior high/middle, and senior high schools, and school districts' central office administrative staff.

(2) The program established under subsection (1) of this section shall be based on "school improvement hours." One school improvement hour shall be based on services provided by higher education faculty to building-level or district-level staff, or both, or services provided by higher education faculty to schools or school districts generally, or both. School improvement hours may be rendered during the school year, or during the interim between school years, or both.

(3) Each professional education advisory board shall recommend annually priority areas of service emphasis. Each board may, and is encouraged to, develop and recommend a framework to permit academic faculty outside the school, college, department, or division of education to participate in the program established under subsection (1) of this section.

(4) The maximum amount of reimbursement that may be distributed to a higher education institution through the professional education advisory boards, based on school improvement hour services provided under subsections (1) and (2) of this section, shall not exceed ten thousand dollars per year per higher education institution.

(5) Any higher education institution with a state board of education approved professional preparation program for teachers, administrators, or educational staff associates shall be eligible to participate in the program established under subsection (1) of this section.

NEW SECTION, Sec. 5. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education shall, not later than June 30, 1989, adopt rules as necessary to carry out the provisions of section 4 of this act. Such rules shall include a definition of "school improvement hour services" and assure that services to be provided, to the extent possible, are coordinated with existing and appropriate building-level or district-level committees, advisory groups, or similar entities.

NEW SECTION, Sec. 6. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education shall submit biennially to the legislature a report on the services provided under the program established under section 4 of this act. The first report shall be submitted not later than January 15, 1991."

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Smitherman, Bailey, Saling, Pullen and Gaspard be adopted:

On page 3, after line 9, insert the following:

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

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

(2) ~~((School districts may authorize))~~ The superintendent of public instruction ~~((to))~~ shall allocate directly to the University of Washington all ~~((or a portion))~~ of the state basic education allocation moneys, state categorical moneys excepting categorical moneys provided for the highly capable students program under chapter 28A.16 RCW, and federal moneys generated by a student while attending ((a)) an early entrance program or transition school at the University of Washington ((early entrance or transition school pursuant to this section directly to the university. PROVIDED, That)). The allocations shall be according to each student's school district of residence. The expenditure of such ~~((state))~~ moneys shall be ~~((expended exclusively for instruction and related activities necessary for students to fulfill the high school graduation requirements established by their school district of enrollment))~~ limited to selection, precollege instruction, special advising, and related activities necessary for the support of students while attending a transition school or early entrance program at the University of Washington.

(3) The provisions of subsections (1) and (2) of this section shall apply during the first three years a student is attending a transition school or early entrance program at the University of Washington or through the academic school year in which the student turns eighteen, whichever occurs first. No more than thirty students shall be admitted and enrolled in the transition school at the University of Washington in any one year.

(4) The superintendent of public instruction shall adopt or amend rules pursuant to chapter 34.04 RCW implementing subsection (2) of this section before August 31, 1988.

Sec. 5. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 3, chapter 232, Laws of 1986 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That for the University of Washington consideration should be given to students attending an early entrance program at the University of Washington: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

POINT OF INQUIRY

Senator Patterson: "Senator Rinehart, I note that this is exclusive to the University of Washington and I was wondering whether or not any of the other public universities have similar courses for the offering and would want to make sure that they were included, if that was the case?"

Senator Rinehart: "This is a unique program, not duplicated in any other public institution and there are only fifteen students involved and we have all previously voted 'aye' on the measure."

Senator Patterson: "Well, that may have been because we made an error, but I want to make sure that the other institutions do not have similar programs."

Senator Rinehart: "You are correct, Senator Patterson. They do not."

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart, Smitherman, Bailey, Saling, Pullen and Gaspard to Substitute House Bill No. 1568.

The motion by Senator Rinehart carried and the amendment was adopted.

MOTION

Senator McMullen moved that the following amendment by Senators McMullen and Saling be adopted:

On page 3, after line 9, insert the following:

"Sec. 4. Section 202, chapter 525, Laws of 1987 and RCW 28A.04.122 are each amended to read as follows:

(1) No person may be admitted to a professional teacher preparation program within Washington state without first demonstrating that he or she is competent in the basic skills required for oral and written communication and computation. This requirement shall be

waived for persons who have completed a baccalaureate degree; or graduate degree program; or who have completed two or more years of college level course work, demonstrated competency through college level course work and a written essay, and are over the age of twenty-one.

(2) After June 30, 1989, no person shall be admitted to a teacher preparation program who has a combined score of less than the state-wide median score for the prior school year scored by all persons taking the Washington precollege test or who has achieved an equivalent standard score on comparable portions of other standardized tests. The state board of education shall develop criteria and adopt rules for exemptions from this subsection.

(3) The state board of education shall adopt rules to implement this section."

POINT OF INQUIRY

Senator Newhouse: "I notice in here, Senator McMullen, that this person could have completed two or more years of college level course work, demonstrated competency and all that and still is not able to prove competent in basic skills required for oral and written communication and computation. Do we want those kind of people teaching our kids?"

Senator McMullen: "The purpose, Senator Newhouse, is that to ask somebody who may be, as I've indicated, teaching on the college level, but now wishes to teach in the K-12 system, to try and locate an SAT score from twenty years ago, when maybe the college or high school that she went to doesn't retain it, is a very difficult burden. All of the colleges that were aware of this, indicated that they were in favor of leaving this wiggle room or this exception—this waiver for people who are qualified and that is the purpose of the amendment."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McMullen and Saling to Substitute House Bill No. 1568.

The motion by Senator McMullen carried and the amendment was adopted.

MOTIONS

On motion of Senator Bailey, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "education," strike "and" and on line 2, after "28A.03.535" insert "; and adding new sections to chapter 28A.04 RCW."

On page 1, line 2 of the title, after "28A.03.532," strike the remainder of the title and insert "28A.03.535, 28A.58.217, and 28B.15.740."

On page 1, line 2 of the title, after "28A.03.532," strike "and 28A.03.525" and insert "28A.03.535, and 28A.04.122"

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1568, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1568, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1568, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDonald - 1.

SUBSTITUTE HOUSE BILL NO. 1568, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Concurrent Resolution No. 4402 and the pending amendments by Senator Owen on page 1, lines 7 and 8, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Metcalf, the President finds that House Concurrent Resolution No. 4402 is a measure establishing the Pacific Fisheries Task Force to act as a clearinghouse for information regarding Pacific Ocean fishing.

"The amendments proposed by Senator Owen ask the Pacific Fisheries Task Force to adopt a plan to eliminate commercial drag fishing in the Puget Sound.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by Senator Owen to House Concurrent Resolution No. 4402 were ruled out of order.

MOTION

On motion of Senator Metcalf, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Concurrent Resolution No. 4402.

ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4402 and the resolution passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Smith, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Bauer, Gaspard, Kreidler, Niemi, Owen, Patterson, Sellar, Smitherman - 8.

HOUSE CONCURRENT RESOLUTION NO. 4402, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1418, by Representatives Rasmussen, S. Wilson, Walk, Schmidt, Dorn and Unsoeld

Holding motor freight carrier hearings in the area of proposed operations.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1418.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1418 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1836, by Representatives Hargrove, Wineberry, Schoon, Vekich, Braddock, Brekke, Sanders, Winsley, Lewis and Todd

Encouraging economic self-sufficiency through self-employment of families receiving aid to families with dependent children.

The bill was read the second time.

MOTIONS

On motion of Senator Kiskaddon, the following Committee on Children and Family Services amendment was adopted:

On page 1, following line 27, insert:

"The rules shall also provide for deductions from income for business expenses including but not limited to capital expenditures, payments on the principal of loans to the business and reasonable amounts for cash reserves."

On motion of Senator Kiskaddon, the rules were suspended, House Bill No. 1836, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1836, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1836, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

HOUSE BILL NO. 1836, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator West was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1369, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Winsley and Lux)

Regulating escrow.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions and Insurance amendments were considered simultaneously and adopted:

On page 2, line 2, after "state," strike "or"

On page 2, line 5, after "disbursement" insert "; or"

(5) Any depository check, including any cashier's check, certified check, or teller's check, which is governed by the provisions of the Federal Expedited Funds Availability Act, 12 U.S.C. 400/et seq

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1369, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1369, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1369, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators McDonald, Owen - 2.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 1369, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4231, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher and Pruitt) (by request of Secretary of State)

Revising constitutional references to persons with mental or sensory disabilities.

The resolution was read the second time.

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 1, line 13, after "for the benefit of" strike everything through "disabilities" on line 16, and insert "~~(blind, deaf, dumb, or otherwise defective youth; for the insane or idiotic)~~ youth who are blind or deaf or otherwise disabled; for persons who are mentally ill or developmentally disabled"

POINT OF INQUIRY

Senator Nelson: "Senator Halsan, is your amendment that you've now offered for Substitute House Joint Resolution No. 4231 in keeping with the purpose of the original constitutional amendment, that of getting rid of archaic and offensive references to people with disabilities? As you know, it is the intention of the proponents of this resolution that nothing in the language be interpreted as increasing or decreasing the level of the state's responsibilities in this area."

Senator Halsan: "Yes, Senator Nelson, the proposed amendment is in keeping with the original intention of the resolution and is nothing more than updating old language. This language was developed by a group of citizens working with a member of the bar who practices in this area. The proponents, I believe, have come up with language which provides a more parallel set of references to the conditions listed in Article 13. I would consider this a friendly amendment to the resolution and urge your adoption of the amendment and the resolution."

The President declared the question before the Senate to be the adoption of the amendment by Senator Halsan on page 1, line 13, to Substitute House Joint Resolution No. 4231.

The motion by Senator Halsan carried and the amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Joint Resolution No. 4231, as amended by the Senate, was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Joint Resolution No. 4231, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Resolution No. 4231, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Owen, Sellar - 2.

Excused: Senator West - 1.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4231, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1952, by Committee on Trade & Economic Development (originally sponsored by Representatives Pruitt, Vekich, Heavey, Holm, Sanders and Doty)

Requiring that special effort be made by the conservation corps to recruit residents with sensory, mental, or physical handicaps.

The bill was read the second time.

MOTIONS

On motion of Senator Lee, the following Committee on Economic Development and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 48, chapter 266, Laws of 1986 and RCW 43.220.070 are each amended to read as follows:

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. The upper age requirement may be waived for residents who have a sensory or mental handicap. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew leaders, who shall be project employees, and the administrative and supervisory personnel.

(3) Enrollment shall be for a period of six months which may be extended for an additional six months by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of community development or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies."

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

On page 1, line 1 of the title, after "corps;" strike the remainder of the title and insert "and amending RCW 43.220.070."

MOTION

On motion of Senator Lee, the rules were suspended. Substitute House Bill No. 1952, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1952, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1952, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmermann - 47.

Absent: Senator Owen - 1.

Excused: Senator West - 1.

SUBSTITUTE HOUSE BILL NO. 1952, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:40 p.m., on motion of Senator Nelson, the Senate was declared to be at ease.

The Senate was called to order at 4:04 p.m. by President Cherberg.

SECOND READING

ENGROSSED HOUSE BILL NO. 1341, by Representatives Sanders, Fisher, Miller, Amondson and May

Revising procedures for write-in voting.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 29.04 RCW to read as follows:

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may, if the jurisdiction of the office sought is entirely within one county, file a declaration of candidacy with the county auditor not later than the day before the primary or election. If the jurisdiction of the office sought encompasses more than one county the declaration of candidacy shall be filed with the secretary of state not later than the day before the primary or election. Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by political parties pursuant to RCW 29.18.160 need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if applicable.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committee person;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committee person.

The declaration of candidacy shall be similar to that required by RCW 29.18.030. No write-in candidate filing under section 1 of this act may be included in any voter's pamphlet produced under chapter 29.80 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29.81A RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

NEW SECTION, Sec. 2. A new section is added to chapter 29.04 RCW to read as follows:

The secretary of state shall notify each county auditor of any declarations filed with the secretary under section 1 of this act for offices appearing on the ballot in that county. The county auditor shall ensure that those persons charged with counting the ballots for a primary or election are notified of all valid write-in candidates before the tabulation of those ballots.

Sec. 3. Section 29.36.075, chapter 9, Laws of 1965 as last amended by section 16, chapter 346, Laws of 1987 and RCW 29.36.075 are each amended to read as follows:

In counties that do not tabulate absentee ballots on electronic vote tallying systems, canvassing boards may not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for candidates for the office of precinct committee person (~~in all counties, write-in votes for uncontested precinct committee persons' races shall be canvassed and included with the official vote count~~) who have filed valid declarations of candidacy under section 1 of this 1988 act. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write-in candidate under section 1 of this 1988 act.

Each registered voter casting an absentee ballot shall be credited with voting on his or her voter registration record. Absentee ballots shall be retained for the same length of time and in the same manner as ballots cast at the precinct polling places.

Sec. 4. Section 29.51.100, chapter 9, Laws of 1965 as amended by section 15, chapter 101, Laws of 1965 ex. sess. and RCW 29.51.100 are each amended to read as follows:

On receipt of his or her ballot in an election the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths, or apartments provided to prepare his or her ballot. Each elector shall prepare his or her ballot by marking a cross "X" after the name of every person or candidate for whom he or she wishes to vote.

In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question, for or against the amendment or proposition, as the case may be. Any elector may write in the blank spaces the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by section 1 of this 1988 act for whom he or she may wish to vote (~~PROVIDED, That where a partisan office is concerned, the voter must not only write in the name of the candidate but also the party affiliation of such person pursuant to the provisions of RCW 29.51.170 as now or hereafter amended~~). Write-in votes cast for any other candidate must designate the office sought and the position number or political party, if applicable.

Before leaving the booth or compartment the elector shall fold (this) the ballot in such a manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and deliver it to the inspector of election.

Sec. 5. Section 29.51.170, chapter 9, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.51.170 are each amended to read as follows:

For any office at any election or primary, any voter may write in on the ballot the name of any person (~~for whom he desires to vote for any office~~) for an office who has filed as a write-in candidate for the office in the manner provided by section 1 of this 1988 act and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter (~~PROVIDED, That no write-in vote for a partisan office at a general election shall be valid for any person who has offered himself as a candidate for such position for the nomination at the preceding primary; PROVIDED, FURTHER, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name; AND PROVIDED FURTHER, That in the instance of a write-in candidate for a partisan office only those write-in votes constituting the greatest number of a single political party designation shall be valid for counting purposes when the canvassing authority certifies the official election returns. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.~~

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated). No write-in vote made for any person who has not filed a declaration of candidacy pursuant to section 1 of this act is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1341, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1341, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1341, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 48.

Voting nay: Senator Zimmerman - 1.

ENGROSSED HOUSE BILL NO. 1341, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR SPECIAL ORDER OF BUSINESS

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1455 will be a special order of business at 4:55 p.m.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1633, by Committee on Local Government (originally sponsored by Representatives Appelwick and Sanders)

Exempting contracts for neighborhood improvement projects from bidding and prevailing wage requirements.

The bill was read the second time.

MOTION

On motion of Senator Lee, the following Committee on Economic Development and Labor amendments were considered simultaneously and adopted:

On page 1, on line 6, before "Without" insert "(1)"

On page 1, on line 7, before "city" insert "county."

On page 1, after line 26, strike all the material down to and including "follows:" on line 28

On page 2, on line 1, before "A" insert "(2)"

On page 2, on line 1, before "city" insert "county."

On page 2, on line 3, strike "section 1 of this act" and insert "subsection (1) of this section"

On page 2, on line 4, strike "after" and insert "before"

MOTION

On motion of Senator Lee, the rules were suspended, Substitute House Bill No. 1633, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Williams: "Senator Lee, the bill allows cities, counties and others to contract with certain nonprofit associations to carry out neighborhood improvement projects, which can include drawing design plans. Does this mean that the nonprofit association may use other than a licensed design professional, such as an engineer, to draw the design plan for grading and drainage or other design aspects of the project?"

Senator Lee: "No, Senator Williams, this bill is not intended to allow design plans to be drawn by other than a licensed architect or engineer where the work involves the practice of architecture or engineering. What is expected is that these kinds of services may, in fact, be donated. The expenses of the nonprofit association that can be reimbursed include the cost of goods, equipment, and artwork that may be incorporated into the project."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1633, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1633, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Taimadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1633, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1845, by Committee on State Government (originally sponsored by Representatives Anderson, Brough, Wineberry, Winsley, Moyer, H. Sommers and Brekke)

Revoking concealed pistol licenses of persons carrying them while under the influence of drugs or alcohol.

The bill was read the second time.

MOTION

Senator Pullen moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 172, Laws of 1935 as last amended by section 3, chapter 428, Laws of 1985 and RCW 9.41.070 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such citizen's constitutional right to bear arms shall not be denied to him, unless he:

- (a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or
- (b) Is under twenty-one years of age; or
- (c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or
- (d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or
- (e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- (f) Has been ordered to forfeit a firearm under RCW 9.41.098(1)(d) within one year before filing an application to carry a pistol concealed on his person.

The license shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years.

- (2) Upon an order to forfeit a firearm under RCW 9.41.098(1)(d) the license shall:
- (a) On the first forfeiture, be revoked by the department of licensing for one year;
 - (b) On the second forfeiture, be revoked by the department of licensing for two years;
 - (c) On the third or subsequent forfeiture, be revoked by the department of licensing for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

((3)) (3) The fee for the original issuance of a four-year license shall be twenty dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed; and

(c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

((3)) (4) The fee for the renewal of such license shall be twelve dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund; and

(b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

((4)) (5) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection ((3)) (4) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state ((game)) wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

((5)) (6) Notwithstanding the requirements of subsections (1) through ((4)) (5) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

((6)) (7) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.

Sec. 2. Section 6, chapter 232, Laws of 1983 as last amended by section 7, chapter 373, Laws of 1987 and by section 91, chapter 506, Laws of 1987 and RCW 9.41.098 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess (~~retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller~~). All firearms legal for citizen possession that are judicially forfeited or forfeited due to failure to make a claim under RCW 63.32.010 or 63.40.010 shall be submitted for auction to commercial sellers. A maximum of ten percent of such firearms may be retained for use by local law enforcement agencies. Before submission for auction, a court may temporarily retain forfeited firearms if needed for evidence. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state department of wildlife for use in its firearms training program pursuant to RCW 77.32.155. If ~~(the court orders delivery)~~ a firearm is delivered to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm ~~(in a manner which is consistent with)~~ by auction as provided by this subsection. The public auctioning agency shall, as a minimum, maintain a record of all forfeited firearms by manufacturer, model, caliber, serial number, date and circumstances of forfeiture, and final disposition. The records shall be open to public inspection and copying.

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

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

Sec. 3. Section 1, chapter 100, Laws of 1925 ex. sess. as last amended by section 2, chapter 154, Laws of 1981 and RCW 63.32.010 are each amended to read as follows:

Whenever any personal property shall come into the possession of the police authorities of any city in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of sixty days from the time said property came into the possession of the police department, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said city may:

(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the police department subject to giving notice in the manner prescribed in RCW 63.32.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the chief of police, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the police department shall provide the city's mayor or council and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2);

(3) Destroy an item of personal property at the discretion of the chief of police if the following circumstances have occurred:

(a) The item has been in the possession of the police department for a period of at least one year from the time of first possession by the department;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in RCW 63.32.020; and

(c) The chief of police has determined that the item is unsafe and unable to be made safe for use by any member of the general public; or

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.32.020, may be offered by the chief of police to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section.

Sec. 4. Section 1, chapter 104, Laws of 1961 as last amended by section 3, chapter 154, Laws of 1981 and RCW 63.40.010 are each amended to read as follows:

Whenever any personal property, other than vehicles governed by chapter 46.52 RCW, shall come into the possession of the sheriff of any county in connection with the official performance of his duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of sixty days from the time said property came into the possession of the sheriff's office, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said county sheriff may:

(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided:

(2) Retain the property for the use of the sheriff's office subject to giving notice in the manner prescribed in RCW 63.40.020 and the right of the owner, or his or her legal representative, to reclaim the property within one year after the receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the county sheriff, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the sheriff shall provide the county's executive or legislative authority and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2);

(3) Destroy an item of personal property at the discretion of the county sheriff if the following circumstances have occurred:

(a) The item has been in the possession of the sheriff's office for a period of at least one year from the time of first possession by the office;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in RCW 63.40.020; and

(c) The county sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public; or

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.40.020, may be offered by the county sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice amendment to Substitute House Bill No. 1845.

The motion by Senator Pullen carried and the committee amendment was adopted.

MOTIONS

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

On line 2 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 9.41.070, 63.32.010, and 63.40.010; reenacting and amending RCW 9.41.098; and prescribing penalties."

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1845, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1845, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1845, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SUBSTITUTE HOUSE BILL NO. 1845, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1660, by Committee on Transportation (originally sponsored by Representatives Meyers, Walk, Vekich, S. Wilson, Gallagher, Fisher, Hankins, Cantwell, Cooper, Day and Unsoeld)

Establishing a motorcycle skills program.

The bill was read the second time.

MOTIONS

On motion of Senator Garrett, the following amendment by Senators Garrett and Barr was adopted:

On page 1, line 28, strike "twelve" and insert "eight"

Senator Owen moved that the following amendment by Senators Owen, Wojahn and Nelson be adopted:

On page 3, line 26, after "(3)" insert "No person shall operate or ride upon a motorcycle or motor-driven cycle on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the state patrol.

(4)"

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Owen, why is that extra language in this amendment?"

Senator Owen: "Because if you drive down the highways of the state and you look at most of the motorcyclists today, you will see they are wearing their helmets on the back seat of their motorcycle. We suggest in the amendment, they would be better off wearing them on their heads."

Senator McCaslin: "Senator Owen, I don't think a helmet on the back end of a motorcycle is wearing it. I think it's placed, parked, attached, hung."

POINT OF ORDER

Senator McCaslin: "Mr. President, a point of order. I would raise scope and object on the amendment."

MOTION

On motion of Senator Nelson, further consideration of Substitute House Bill No. 1660 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1319, deferred March 5, 1988, after the Committee on Economic Development and Labor amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 4 of the title, after "disability;" strike the remainder of the title and insert "amending RCW 49.12.005; adding new sections to chapter 49.12 RCW; creating a new section; prescribing penalties; and providing an effective date."

On motion of Senator Lee, Substitute House Bill No. 1319, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Bender, Senator Stratton was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1319, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1319, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Stratton - 1.

SUBSTITUTE HOUSE BILL NO. 1319, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1396, by Representatives Wang, Patrick and Cole (by request of Department of Labor and Industries)

Revising industrial insurance disability benefits.

The bill was read the second time.

MOTION

Senator Lee moved that the following Committee on Economic Development and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

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

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

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

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

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

(4) if married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month;

(5) if married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month;

(6) if married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month;

(7) if unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month;

(8) if unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month;

(9) if unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month;

(10) if unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month;

(11) if unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month;

(12) if unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month;

(13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes)) sixty-six and two-thirds percent of his or her wages at the time of injury during the period of such disability.

((+4)) (2) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

((+5)) (3) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

((+6)) (4) In no event shall the monthly payments provided in this section exceed (~~seventy-five~~) one hundred percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection ((+4)) (2) of this section.

~~((+7))~~ (5) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

~~((+8))~~ (6) The benefits provided by this section are subject to modification under RCW 51.32.067.

Sec. 2. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 3, chapter 58, Laws of 1986 and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two thousand dollars shall be paid.

(2) (a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage ~~((payments according to the following schedule:~~

~~(i) if there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars;~~

~~(ii) if there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars;~~

~~(iii) if there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars;~~

~~(iv) if there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars;~~

~~(v) if there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars; or~~

~~(vi) if there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars.~~

~~(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children) sixty-six and two-thirds percent of the worker's wage at the time of injury.~~

~~((c))~~ (b) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That ~~((the))~~ a monthly payment shall be made to the child or children of the deceased worker ~~((shall))~~ from the month following such remarriage ~~((be))~~ in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

~~((d))~~ (c) In no event shall the monthly payments provided in subsection (2) of this section exceed ~~((seventy-five))~~ one hundred percent of the average monthly wage in the state as computed under RCW 51.08.018.

~~((e))~~ (d) In addition to the monthly payments provided for in (2)(a) ~~((through (2)(c)))~~ and (b) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid the sum of one thousand six hundred dollars, any such children, or parents to share and share alike in said sum.

~~((f))~~ (e) ~~((Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However,))~~ After September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(l) Receiving, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 1, 1971, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in (2)((f))(e)(l) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in (2)((f))(e)(l) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

((g)) (l) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in (2)((f))(e)(l) of this section, his or her estate shall be entitled to receive the sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

((h)) (g) The effective date of resumption of payments under (2)((f))(e)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

((i)) (h) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed ~~(sixty-five)~~ sixty-six and two-thirds percent of the wages of the deceased worker at the time of his or her death or ~~(seventy-five)~~ one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed ~~(sixty-five)~~ sixty-six and two-thirds percent of the wages of the deceased worker at the time of the death or ~~(seventy-five)~~ one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. 3, Section 2, chapter 59, Laws of 1986 and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, ~~((the schedule of payments contained in subsections (1) through (13) of RCW 51.32.066 as amended shall apply))~~ the worker shall receive sixty-six and two-thirds percent of his or her wages at the time of the injury so long as the total disability continues.

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

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the

payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent. However, during the period a worker returns to light-duty work, receives disability leave supplement payments pursuant to RCW 41.04.500 through 41.04.530, and is otherwise eligible for compensation under this section, the worker shall continue to receive such compensation at the rate provided under RCW 51.32.060 ~~((†) through (†))~~.

~~((†))~~ (3) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

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

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

~~((†))~~ (4) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

~~((†))~~ (5) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages. This limitation does not apply to disability leave supplement payments made pursuant to RCW 41.04.500 through 41.04.530.

~~((†))~~ (6) In no event shall the monthly payments provided in this section exceed ~~((seventy-five))~~ one hundred percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

~~((†))~~ (7) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

Sec. 4. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 59, Laws of 1986 and by section 3 of this 1988 act and RCW 51.32.090 are each reenacted to read as follows:

(1) When the total disability is only temporary, the worker shall receive sixty-six and two-thirds percent of his or her wages at the time of the injury so long as the total disability continues.

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

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

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

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

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

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

(6) In no event shall the monthly payments provided in this section exceed one hundred percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018.

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

Sec. 5. Section 51.32.180, chapter 23, Laws of 1961 as last amended by section 53, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.180 are each amended to read as follows:

Every worker who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his or her family and dependents in case of death of the worker from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a worker injured or killed in employment under this title (~~(-PROVIDED, HOWEVER, THAT)~~), except as follows: (a) This section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937; and (b) for claims filed on or after July 1, 1988, the rate of compensation for occupational diseases shall be established as of the date the disease requires medical treatment or becomes totally or partially disabling, whichever occurs first, and without regard to the date of the contraction of the disease or the date of filing the claim.

Sec. 6. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 2, chapter 58, Laws of 1986 and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium)	\$54,000.00
Of leg at or above knee joint with functional stump	48,600.00
Of leg below knee joint	43,200.00
Of leg at ankle (Syme)	37,800.00
Of foot at mid-metatarsals	18,900.00
Of great toe with resection of metatarsal bone	11,340.00
Of great toe at metatarsophalangeal joint	6,804.00
Of great toe at interphalangeal joint	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone	4,140.00
Of lesser toe at metatarsophalangeal joint	2,016.00
Of lesser toe at proximal interphalangeal joint	1,494.00
Of lesser toe at distal interphalangeal joint	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand	48,600.00
Of all fingers except the thumb at metacarpophalangeal joints	29,160.00
Of thumb at metacarpophalangeal joint or with resection of carpo-metacarpal bone	19,440.00
Of thumb at interphalangeal joint	9,720.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	12,150.00
Of index finger at proximal interphalangeal joint	9,720.00
Of index finger at distal interphalangeal joint	5,346.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	9,720.00
Of middle finger at proximal interphalangeal joint	7,776.00

Of middle finger at distal interphalangeal joint	4,374.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	4,860.00
Of ring finger at proximal interphalangeal joint	3,888.00
Of ring finger at distal interphalangeal joint	2,430.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	2,430.00
Of little finger at proximal interphalangeal joint	1,944.00
Of little finger at distal interphalangeal joint	972.00

MISCELLANEOUS

Loss of one eye by enucleation	21,600.00
Loss of central visual acuity in one eye	18,000.00
Complete loss of hearing in both ears	43,200.00
Complete loss of hearing in one ear	7,200.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars: PROVIDED, ~~((That compensation for unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability shall be determined at an amount equal to seventy-five percent of the monetary value of such disability as related to total bodily impairment: PROVIDED FURTHER:))~~ That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ninety thousand dollars ~~(-except that the total compensation for all unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability and resulting from the same injury shall not exceed the sum of sixty-seven thousand five hundred dollars)~~: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

NEW SECTION. Sec. 7. Section 4 of this act shall take effect on June 30, 1989.*

MOTION

On motion of Senator Anderson, the following amendment by Senators Anderson, McMullen, Warnke, West, Bender, Smitherman, Conner, Vogtild, von Reichbauer, Smith, Bailey, Saling, Kiskaddon, Nelson, Newhouse, Johnson, Metcalf, Patterson, Lee and Benitz to the Committee on Economic Development and Labor amendment was adopted:

On page 1 of the committee amendment, beginning with line 5, strike the remainder of the amendment and insert the following:

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

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

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

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

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

((4+)) (d) If married with three children at the time of injury, seventy-one percent of his or her wages but not less than three hundred six dollars per month.

((5+)) (e) If married with four children at the time of injury, seventy-three percent of his or her wages but not less than three hundred twenty-nine dollars per month.

((6+)) (f) If married with five or more children at the time of injury, seventy-five percent of his or her wages but not less than three hundred fifty-two dollars per month.

((7+)) (g) If unmarried at the time of the injury, sixty percent of his or her wages but not less than one hundred eighty-five dollars per month.

((8+)) (h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages but not less than two hundred twenty-two dollars per month.

((9+)) (i) If unmarried with two children at the time of injury, sixty-four percent of his or her wages but not less than two hundred fifty-three dollars per month.

((10+)) (j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages but not less than two hundred seventy-six dollars per month.

((11+)) (k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages but not less than two hundred ninety-nine dollars per month.

((12+)) (l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages but not less than three hundred twenty-two dollars per month.

((13+)) (2) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

((14+)) (3) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

((15+)) (4) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

((16+)) (5) In no event shall the monthly payments provided in this section exceed ~~((seventy-five))~~ one hundred percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection ((14+)) (3) of this section.

((17+)) (6) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

((18+)) (7) The benefits provided by this section are subject to modification under RCW 51.32.067.

Sec. 2. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 3, chapter 58, Laws of 1986 and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two thousand dollars shall be paid.

(2) (a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars;

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars;

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars;

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars;

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars; or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars.

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That ~~((the))~~ a monthly payment shall be made to the child or children of the deceased worker ~~((shall))~~ from the month following such remarriage ~~((be))~~ in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section exceed ~~((seventy-five))~~ one hundred percent of the average monthly wage in the state as computed under RCW 51.08.018.

(e) In addition to the monthly payments provided for in (2)(a) through (2)(c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid the sum of one thousand six hundred dollars, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 1, 1971, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike; PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the wages of the deceased worker at the time of his or her death or ~~((seventy-five))~~ one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the wages of the deceased worker at the time of the death or ~~((seventy-five))~~ one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. 3. Section 2, chapter 59, Laws of 1986 and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in ~~((subsections (1) through (13) of))~~ RCW 51.32.060 ~~((as amended))~~ (1) and (2) shall apply, so long as the total disability continues.

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

(3) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable unless the loss of earning power shall exceed five percent. However, during the period a worker returns to light-duty work, receives disability leave supplement payments pursuant to RCW 41.04.500 through 41.04.530, and is otherwise eligible for compensation under this section, the worker shall continue to receive such compensation at the rate provided under RCW 51.32.060 (1) ~~((through (13)))~~ and (2).

(4) Whenever an employer requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the available work in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. If the worker is released by his or her physician for said work, and the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him

or her to return to his or her usual job, or to perform other available work, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

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

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

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

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

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

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

Sec. 4. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 59, Laws of 1986 and by section 3 of this 1988 act and RCW 51.32.090 are each reenacted to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

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

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

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

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

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

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

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

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

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

Sec. 5. Section 51.32.180, chapter 23, Laws of 1961 as last amended by section 53, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.180 are each amended to read as follows:

Every worker who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his or her family and dependents in case of death of the worker from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a worker injured or killed in employment under this title (~~(-PROVIDED, HOWEVER, THAT)~~), except as follows: (a) This section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937; and (b) for claims filed on or after July 1, 1988, the rate of compensation for occupational diseases shall be established as of the date the disease requires medical treatment or becomes totally or partially disabling, whichever occurs first, and without regard to the date of the contraction of the disease or the date of filing the claim.

Sec. 6. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 2, chapter 58, Laws of 1986 and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium)	\$54,000.00
Of leg at or above knee joint with functional stump	48,600.00
Of leg below knee joint	43,200.00
Of leg at ankle (Syme)	37,800.00
Of foot at mid-metatarsals	18,900.00
Of great toe with resection of metatarsal bone	11,340.00
Of great toe at metatarsophalangeal joint	6,804.00
Of great toe at interphalangeal joint	3,600.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone	4,140.00
Of lesser toe at metatarsophalangeal joint	2,016.00
Of lesser toe at proximal interphalangeal joint	1,494.00
Of lesser toe at distal interphalangeal joint	378.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder	54,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon	51,300.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand	48,600.00
Of all fingers except the thumb at metacarpophalangeal joints	29,160.00
Of thumb at metacarpophalangeal joint or with resection of carpo-metacarpal bone	19,440.00
Of thumb at interphalangeal joint	9,720.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone	12,150.00
Of index finger at proximal interphalangeal joint	9,720.00
Of index finger at distal interphalangeal joint	5,346.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone	9,720.00
Of middle finger at proximal interphalangeal joint	7,776.00
Of middle finger at distal interphalangeal joint	4,374.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone	4,860.00
Of ring finger at proximal interphalangeal joint	3,888.00
Of ring finger at distal interphalangeal joint	2,430.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone	2,430.00
Of little finger at proximal interphalangeal joint	1,944.00
Of little finger at distal interphalangeal joint	972.00

MISCELLANEOUS

Loss of one eye by enucleation	21,600.00
Loss of central visual acuity in one eye	18,000.00
Complete loss of hearing in both ears	43,200.00
Complete loss of hearing in one ear	7,200.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars: PROVIDED, ~~((That compensation for unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability shall be determined at an amount equal to seventy-five percent of the monetary value of such disability as related to total bodily impairment: PROVIDED FURTHER:))~~ That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ninety thousand dollars ~~((except that the total compensation for all unspecified permanent partial disabilities involving injuries to the back that do not have marked objective clinical findings to substantiate the disability and resulting from the same injury shall not exceed the sum of sixty-seven thousand five hundred dollars))~~: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(3) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

Sec. 7. Section 2, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 203, Laws of 1983 and RCW 51.32.075 are each amended to read as follows:

The compensation or death benefits payable pursuant to the provisions of this chapter for temporary total disability, permanent total disability, or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) On July 1, 1982, there shall be an adjustment for those whose right to compensation was established on or after July 1, 1971, and before July 1, 1982. The adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1, 1982.

(2) In addition to the adjustment established by subsection (1) of this section, there shall be another adjustment on July 1, 1983, for those whose right to compensation was established on or after July 1, 1971, and before July 1983, which shall be determined by multiplying the

amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1, 1983.

(3) In addition to the adjustments under subsections (1) and (2) of this section, further adjustments shall be made beginning on July 1, 1984, and on each July 1st thereafter for those whose right to compensation was established on or after July 1, 1971. The adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1st of the year in which the adjustment is being made. The department or self-insurer shall adjust the resulting compensation rate to the nearest whole cent, not to exceed the average monthly wage in the state as computed under RCW 51.08.018.

Sec. 8. Section 51.44.080, chapter 23, Laws of 1961 as last amended by section 29, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.080 are each amended to read as follows:

The department shall notify the state treasurer from time to time, of such transfers as a whole from the state fund to the reserve fund and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. As soon as possible after June 30th of each year the state insurance commissioner shall expert the reserve fund to ascertain its standing as of June 30th of that year and the relation of its outstanding annuities at their then value (~~on the bases currently employed for new cases~~) to the cash on hand or at interest belonging to the fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than September 30th following. If the report shows that there was on said June 30th, in the reserve fund in cash or at interest, a greater sum than the then annuity value of the outstanding pension obligations, the surplus shall be forthwith turned over to the state fund but, if the report shows the contrary condition of the reserve fund, the deficiency shall be forthwith made good out of the state fund.

Sec. 9. Section 10, chapter 14, Laws of 1980 as last amended by section 2, chapter 339, Laws of 1985 and RCW 51.32.095 are each amended to read as follows:

(1) One of the primary purposes of this title is to enable the injured worker to become employable at gainful employment. To this end, the department or self-insurers shall utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation as may be reasonable to make the worker employable consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals or organizations and prior to final evaluation of the worker's permanent disability and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment, the supervisor or supervisor's designee may, in his or her sole discretion, pay or, if the employer is a self-insurer, direct the self-insurer to pay the cost as provided in subsection (3) of this section.

(2) When in the sole discretion of the supervisor or the supervisor's designee vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, then the following order of priorities shall be used:

(a) Return to the previous job with the same employer;
 (b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Modification of a new job with the same employer including transitional return to work;

(e) Modification of the previous job with a new employer;

~~((e))~~ (f) A new job with a new employer or self-employment based upon transferable skills;

~~((f))~~ (g) Modification of a new job with a new employer;

(h) A new job with a new employer or self-employment involving on-the-job training;

~~((g))~~ (i) Short-term retraining and job placement.

(3) Costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed three thousand dollars in any fifty-two week period, and the cost of continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation. Such expenses may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment; PROVIDED, That such compensation or payment of retraining with job placement expenses may not be authorized for a period of more than fifty-two weeks; PROVIDED FURTHER, That

such period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall be chargeable to the employer's cost experience or shall be paid by the self-insurer as the case may be.

(4) The department shall establish criteria to monitor the quality and effectiveness of rehabilitation services provided by the individuals and organizations used under subsection (1) of this section. The state fund shall make referrals for vocational rehabilitation services based on these performance criteria.

(5) The department shall engage in, where feasible and cost-effective, a cooperative program with the state employment security department to provide job placement services under this section.

(6) The benefits in this section shall be provided for the injured workers of self-insured employers. Self-insurers shall report both benefits provided and benefits denied under this section in the manner prescribed by the department by rule adopted under chapter 34.04 RCW. The director may, in his or her sole discretion and upon his or her own initiative or at any time that a dispute arises under this section, promptly make such inquiries as circumstances require and take such other action as he or she considers will properly determine the matter and protect the rights of the parties.

(7) The benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury. However, claims shall not be reopened solely for vocational rehabilitation purposes.

Sec. 10. Section 13, chapter 63, Laws of 1982 as amended by section 3, chapter 70, Laws of 1983 and RCW 51.32.250 are each amended to read as follows:

Modification of the injured worker's previous job or modification of a new job is recognized as a desirable method of returning the injured worker to ~~((suitable))~~ gainful employment. In order to assist employers in meeting the costs of job modification, and to encourage employers to modify jobs to accommodate retaining or hiring workers with disabilities resulting from work-related injury, the supervisor or the supervisor's designee, in his or her discretion, may pay job modification costs in an amount not to exceed five thousand dollars per worker per job modification. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund.

The benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury.

Sec. 11. Section 51.32.160, chapter 23, Laws of 1961 as last amended by section 4, chapter 59, Laws of 1986 and RCW 51.32.160 are each amended to read as follows:

If aggravation, diminution, or termination of disability takes place ~~((or be discovered after the rate of compensation shall have been established or compensation terminated, in any case)),~~ the director ~~((through and by means of the division of industrial insurance;))~~ may, upon the application of the beneficiary, made within seven years ~~((after the establishment or termination of such compensation))~~ from the date the first closing order becomes final, or at any time upon his or her own motion, readjust ~~((for further application))~~ the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: PROVIDED, That the director may, upon application of the worker made at any time, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. "Closing order" as used in this section means an order based on factors which include medical recommendation, advice, or examination. Applications for benefits where the claim has been closed without medical recommendation, advice, or examination are not subject to the seven year limitation of this section. The preceding sentence shall not apply to any closing order issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall, for the purposes of this section only, be deemed issued on July 1, 1985. The time limitation of this section shall be ten years in claims involving loss of vision or function of the eyes. If an order denying an application to reopen filed on or after July 1, 1988, is not issued within ninety days of receipt of such application by the self-insured employer or the department, such application shall be deemed granted. However, for good cause, the department may extend the time for making the final determination on the application for an additional sixty days.

If a worker receiving a pension for total disability returns to gainful employment for wages, the director may suspend or terminate the rate of compensation established for the disability without producing medical evidence that shows that a diminution of the disability has occurred.

No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be ground for such readjustment.

Sec. 12. Section 5, chapter 14, Laws of 1980 and RCW 51.08.178 are each amended to read as follows:

(1) For the purposes of this title, the monthly wages the worker was receiving from all employment at the time of injury shall be the basis upon which compensation is computed

unless otherwise provided specifically in the statute concerned. In cases where the worker's wages are not fixed by the month, they shall be determined by multiplying the daily wage the worker was receiving at the time of the injury:

- (a) By five, if the worker was normally employed one day a week;
- (b) By nine, if the worker was normally employed two days a week;
- (c) By thirteen, if the worker was normally employed three days a week;
- (d) By eighteen, if the worker was normally employed four days a week;
- (e) By twenty-two, if the worker was normally employed five days a week;
- (f) By twenty-six, if the worker was normally employed six days a week;
- (g) By thirty, if the worker was normally employed seven days a week.

The term "wages" shall include the reasonable value of board, housing, fuel, or other consideration of like nature received from the employer as part of the contract of hire, but shall not include overtime pay((-tips- or gratuties)) except in cases under subsection (2) of this section. However, tips shall also be considered wages only to the extent such tips are reported to the employer for federal income tax purposes. The daily wage shall be the hourly wage multiplied by the number of hours the worker is normally employed. The number of hours the worker is normally employed shall be determined by the department in a fair and reasonable manner, which may include averaging the number of hours worked per day.

(2) In cases where (a) the worker's employment is exclusively seasonal in nature or (b) the worker's current employment or his or her relation to his or her employment is essentially part-time or intermittent, the monthly wage shall be determined by dividing by twelve the total wages earned, including overtime, from all employment in any twelve successive calendar months preceding the injury which fairly represent the claimant's employment pattern.

(3) If, within the twelve months immediately preceding the injury, the worker has received from the employer at the time of injury a bonus as part of the contract of hire, the average monthly value of such bonus shall be included in determining the worker's monthly wages.

(4) In cases where a wage has not been fixed or cannot be reasonably and fairly determined, the monthly wage shall be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed.

Sec. 13. Section 46, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1986 and RCW 51.32.055 are each amended to read as follows:

(1) One purpose of this title is to restore the injured worker as near as possible to the condition of self-support as an able-bodied worker. Benefits for permanent disability shall be determined under the director's supervision only after the injured worker's condition becomes fixed.

(2) All determinations of permanent disabilities shall be made by the department. Either the worker, employer, or self-insurer may make a request or such inquiry may be initiated by the director on his or her own motion. Such determinations shall be required in every instance where permanent disability is likely to be present. All medical reports and other pertinent information in the possession of or under the control of the employer or self-insurer shall be forwarded to the director with such requests.

(3) A request for determination of permanent disability shall be examined by the department and an order shall issue in accordance with RCW 51.52.050.

(4) The department may require that the worker present himself or herself for a special medical examination by a physician, or physicians, selected by the department, and the department may require that the worker present himself or herself for a personal interview. In such event the costs of such examination or interview, including payment of any reasonable travel expenses, shall be paid by the department or self-insurer as the case may be.

(5) The director may establish a medical bureau within the department to perform medical examinations under this section. Physicians hired or retained for this purpose shall be grounded in industrial medicine and in the assessment of industrial physical impairment. Self-insurers shall bear a proportionate share of the cost of such medical bureau in a manner to be determined by the department.

(6) Where dispute arises from the handling of any claims prior to the condition of the injured worker becoming fixed, the worker, employer, or self-insurer may request the department to resolve the dispute or the director may initiate an inquiry on his or her own motion. In such cases the department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050.

(7) (a) In the case of claims accepted by self-insurers after June 30, 1986, and before July 1, ~~(1988)~~ 1990, which involve only medical treatment and/or the payment of temporary disability compensation under RCW 51.32.090 and which at the time medical treatment is concluded do not involve permanent disability, if the claim is one with respect to which the department has not intervened under subsection (6) of this section, and the injured worker has returned to work with the self-insured employer of record, such claims may be closed by the self-insurer, subject to reporting of claims to the department in a manner prescribed by department rules adopted under chapter 34.04 RCW.

(b) All determinations of permanent disability for claims accepted by self-insurers after June 30, 1986, and before July 1, ~~((1988))~~ 1990, shall be made by the self-insured section of the department under subsections (1) through (4) of this section.

(c) Upon closure of claims under (a) of this subsection the self-insurer shall enter a written order, communicated to the worker and the department self-insurance section, which contains the following statement clearly set forth in bold face type: "This order constitutes notification that your claim is being closed with medical benefits and temporary disability compensation only as provided, and with the condition you have returned to work with the self-insured employer. If for any reason you disagree with the conditions or duration of your return to work or the medical benefits or the temporary disability compensation that has been provided, you may protest in writing to the department of labor and industries, self-insurance section, within sixty days of the date you received this order." In the event the department receives such a protest the self-insurer's closure order shall be held in abeyance. The department shall review the claim closure action and enter a determinative order as provided for in RCW 51.52.050.

(d) If within two years of claim closure the department determines that the self-insurer has made payment of benefits because of clerical error, mistake of identity, or innocent misrepresentation, or the department discovers a violation of the conditions of claim closure, the department may require the self-insurer to correct the benefits paid or payable. This paragraph shall not limit in any way the application of RCW 51.32.240.

(8) In the case of claims accepted by self-insurers after June 30, ~~((1988))~~ 1990, which involve only medical treatment and which do not involve payment of temporary disability compensation under RCW 51.32.090 and which at the time medical treatment is concluded do not involve permanent disability, such claims may be closed by the self-insurers subject to reporting of claims to the department in a manner prescribed by department rules promulgated pursuant to chapter 34.04 RCW. Upon such closure the self-insurers shall enter a written order, communicated to the worker, which contains the following statement clearly set forth in bold-face type: "This order constitutes notification that your claim is being closed with medical benefits only, as provided. If for any reason you disagree with this closure, you may protest in writing to the Department of Labor and Industries, Olympia, within 60 days of the date you received this order. The department will then review your claim and enter a further determinative order." In the event the department receives such a protest it shall review the claim and enter a further determinative order as provided for in RCW 51.52.050.

Sec. 14. Section 2, chapter 55, Laws of 1986 (uncodified) is amended to read as follows:

The department of labor and industries shall conduct a study of the program established by section 1 of this act. The study shall be funded by a special assessment on all self-insured employers. The study and the special assessment shall be conducted under department rules adopted pursuant to chapter 34.04 RCW. The department shall make periodic reports on the study to the joint select committee on industrial insurance, or to the commerce and labor committees of the senate and house of representatives, or the appropriate successor committees, and to the workers' compensation advisory committee. The initial report shall be made by January 1, 1987, with quarterly reports made thereafter. A final report shall be made to the legislature at the commencement of the 1988 regular legislative session.

This section shall expire on July 1, ~~((1988))~~ 1990.

NEW SECTION. Sec. 15. A new section is added to chapter 51.32 RCW to read as follows:

The increases in benefits in RCW 51.32.050, 51.32.060, 51.32.090, and 51.32.180, contained in chapter ... (EHB 1396), Laws of 1988 do not affect a retrospective rating agreement entered into by any employer with the department before July 1, 1988.

NEW SECTION. Sec. 16. The department shall adopt a rule pursuant to chapter 34.04 RCW that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease in RCW 51.08.140.

NEW SECTION. Sec. 17. Section 4 of this act shall take effect on June 30, 1989. Sections 1, 2, 3, and 6 of this act shall take effect on July 1, 1988."

The President declared the question before the Senate to be the adoption of the Committee on Economic Development and Labor amendment, as amended, to Engrossed House Bill No. 1396.

The motion by Senator Lee carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 1 of the bill, line 1 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 51.32.050, 51.32.180, 51.32.080, 51.32.090, 51.32.075, 51.44.080, 51.32.095, 51.32.250, 51.32.160, 51.08.178, and 51.32.055; amending section 2, chapter 55, Laws of 1986 (uncodified); reenacting and amending RCW 51.32.060; reenacting RCW 51.32.090; adding a new section to chapter 51.32 RCW; creating a new section; and providing effective dates."

On motion of Senator Lee, the rules were suspended, Engrossed House Bill No. 1396, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator McMullen, is the intent that the language on page 22, beginning on line 28, which establishes the wage base on any twelve successive calendar months preceding the injury, which fairly represents the claimant's employment pattern, means the claimant's current employment pattern?"

Senator McMullen: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1396, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1396, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Benitz, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Barr, Bluechel, Cantu, Craswell, McCaslin, McDonald, Sellar - 7.

ENGROSSED HOUSE BILL NO. 1396, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, by Committee on Education (originally sponsored by Representatives Peery, Betrozoff, Grimm, H. Sommers, Walker and D. Sommers)

Specifying the uses of capital funds by school districts.

The bill was read the second time.

MOTIONS

Senator Bailey moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 325, Laws of 1977 ex. sess. as last amended by section 103, chapter 2, Laws of 1987 1st ex. sess. and RCW 84.52.053 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner ~~((and for the purposes and number of years allowable under))~~ set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 79 and as thereafter amended, at a special or general election to be held in the first year in which the levy is made ~~((or, in the case of a proposition authorizing two-year levies for maintenance and operation support of a school district or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, or both, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That))~~.

(2) Additional taxes authorized by this section are limited to:

(a) Levies for a maximum of two years for the purposes of maintenance and operation support of a school district. Tax revenues from such levies shall be deposited in the district's general fund established under RCW 28A.58.441(1). Once an additional tax ((levies have)) levy has been authorized for maintenance and operation support of a school district ((for a two-year period)), no further additional tax levies for maintenance and operation support of the district for ((that period)) any year of the levy may be authorized.

(b) Levies for a maximum of six years for construction, modernization, or remodeling of school facilities. Tax revenues from such levies shall be deposited in the district's capital projects fund established under RCW 28A.58.441(2). In the case of levies authorized by the electors after February 2, 1988, such tax revenues may not be used for any additional purpose other than the purchase and installation of fixtures, fittings, furnishings, and service systems incidental to the construction, modernization, or remodeling of a facility, except to the extent that the

aggregate cost of the purchase and installation of portable equipment and furniture incidental to the construction, modernization, or remodeling of such facility does not exceed twenty percent of the total cost of the project.

(c) Levies for one year for the purposes enumerated under RCW 28A.58.441(2). Tax revenues from such levies shall be deposited in the district's capital projects fund established under RCW 28A.58.441(2).

(d) Levies for one year for the purchase or major repair of pupil transportation vehicles. Tax revenues from such levies shall be deposited in the district's transportation vehicle fund established under RCW 28A.58.428.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

(4) For the purposes of this section:

(a) "Modernization" means major structural changes in existing facilities as defined in RCW 28A.47.073.

(b) "Portable equipment or furniture" means any readily movable item, such as a personal computer and associated or peripheral software and hardware, instructional materials and equipment, or furniture, which is not a fixture.

(c) "Facility" means a building or building complex, a portion of a building, or a permanent athletic structure.

(d) "Total cost of the project" means the sum of the costs of construction, modernization, or remodeling of the facility and the aggregate cost of the purchase and installation of portable equipment and furniture incidental thereto, but shall not include costs of land acquisition and site preparation.

Sec. 2. Section 2, chapter 250, Laws of 1981 as last amended by section 13, chapter 59, Laws of 1983 and RCW 28A.58.441 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.41.143, and earnings from capital projects fund investments as authorized by RCW 28A.58.435 and 28A.58.440.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.51.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited in the capital projects fund shall include tax revenues derived from multi-year levies for construction, modernization, or remodeling of school facilities, and such revenues may only be used for those purposes described in RCW 84.52.053(2)(b).

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.58.035, and proceeds from the sale of real property as authorized by RCW 28A.58.0461.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.51.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW.

(4) An associated student body fund as authorized by RCW 28A.58.120.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Bender, the following amendment to the Committee on Education amendment was adopted:

On page 7, line 12 of the committee amendment, after "money," insert:

"(f) Relocation of portable or temporary buildings owned or leased by the district including the expense of preparation, moving, and set-up of such structure."

The President declared the question before the Senate to be the adoption of the Committee on Education amendment, as amended.

The motion by Senator Bailey carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Bailey, Engrossed Substitute House Bill No. 1655, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1655, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1655, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1684 and the pending amendment by Senators McCaslin and Pullen on page 6, line 11, to the Committee on Environment and Natural Resources amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Kreidler, the President finds that Substitute House Bill No. 1684 is a measure which directs the Department of Ecology to conduct a solid waste stream analysis and evaluation and to report to the Joint Select Committee on Preferred Solid Waste Management and the Legislature, and, with Senator Hansen's amendment, includes 'drop boxes' within the definition of 'transfer stations' and exempts certain collections of solid waste by county equipment from regulation by the Utilities and Transportation Commission.

"The amendment proposed by Senators McCaslin and Pullen to the Committee on Environment and Natural Resources amendment would require governmental

entities to have in place a waste reduction and recycling plan before contracting with a vendor or acquiring a site for a municipal solid waste energy recovery or incineration facility and would define mandatory aspects of such plans.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators McCaslin and Pullen to the Committee on Environment and Natural Resources amendment to Substitute House Bill No. 1684 was ruled out of order.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer moved to reconsider the vote by which the amendment by Senator Hansen on page 4, after line 10, to the Committee on Environment and Natural Resources amendment to Substitute House Bill No. 1684 was adopted earlier today.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator von Reichbauer to reconsider the vote by which the amendment by Senator Hansen on page 4, line 10, to the Committee on Environment and Natural Resources amendment was adopted earlier today.

The motion for reconsideration of the amendment to the committee amendment carried on a rising vote.

MOTION

Senator Vognild moved that further consideration of Substitute House Bill No. 1684 be deferred and the Senate immediately consider Engrossed House Bill No. 1273.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Vognild to defer further consideration of Substitute House Bill No. 1684.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild to defer consideration of Substitute House Bill No. 1684 failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Sailing, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hansen on page 4, after line 10, on reconsideration, to the Committee on Environment and Natural Resources amendment to Substitute House Bill No. 1684.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hansen on page 4, after line 10, on reconsideration, to the Committee on Environment and Natural Resources amendment to Substitute House Bill No. 1684.

ROLL CALL

The Secretary called the roll and the amendment, on reconsideration, to the committee amendment to Substitute House Bill No. 1684 failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Patterson, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

The President declared the question before the Senate to be the adoption of the Committee on Environment and Natural Resources amendment to Substitute House Bill No. 1684.

The Committee on Environment and Natural Resources amendment to Substitute House Bill No. 1684 was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1684, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1684, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1684, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1684, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

At 5:06 p.m., the Senate moved to the special order of business, Engrossed Substitute House Bill No. 1455, and the pending Committee on Ways and Means amendment, deferred, March 5, 1988.

MOTION

Senator Stratton moved that the following amendment by Senators Stratton, Rinehart, Niemi, Wojahn, Smith, Anderson, Lee, Craswell, Hayner, Bluechel, Fleming, Newhouse and Vognild be adopted:

On page 2, after line 16 of the committee amendment, insert:

"The appropriation in this section is subject to the following conditions and limitations: The project shall include renovation and expansion of the ladies' restroom facility on the third floor of the Senate wing of the Legislative Building."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Stratton, given your interest in the funding of capital projects, would you support a pay as you go provision for this?"

Senator Stratton: "Not unless we put one across the way, too."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stratton, Rinehart, Niemi, Wojahn, Smith, Anderson, Lee, Craswell, Hayner, Bluechel, Fleming, Newhouse and Vognild to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1455.

The motion by Senator Stratton carried and the amendment to the committee amendment was adopted.

MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman, Bauer and Smith to the Committee on Ways and Means amendment be adopted:

On page 14, after line 2, insert the following:

***NEW SECTION.** Sec. 601. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Education Center: Clark College

	Reappropriation	Appropriation
St Bldg Constr Acct		1,800,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,800,000*

Renumber sections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zimmerman, Bauer and Smith to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1455.

The motion by Senator Zimmerman carried and the amendment to the committee amendment was adopted.

MOTION

Senator Patterson moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 12, after line 26, insert the following:

***NEW SECTION.** Sec. 511. Section 536, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Todd Hall addition and renovation (88-1-011)

	Reappropriation	Appropriation
((#Ed Constr Acct))		
St Bldg Constr Acct		5,332,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	6,952,000	12,284,000*

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Patterson to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1455.

The motion by Senator Patterson carried and the amendment to the committee amendment was adopted.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild, Bailey and Bender to the Committee on Ways and Means amendment be adopted:

On page 14, line 3 of the amendment, strike "(Reserved)" insert the following:

***NEW SECTION.** Sec. 601. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Multipurpose child care center: Everett

The appropriation in this section is subject to the following conditions and limitations: The funds in this section are provided solely for a model multipurpose child care center for one hundred forty children on or near the Everett community college campus, in accordance with the findings and recommendations of the department of general administration feasibility study for state employee child care dated October 1986. The center is intended to serve a broad base of parents, including students, college and state employees, and clients of state agencies, including but not limited to participants in the department of social and health services family independence program. Additionally, the center may be used as a training facility for students in early childhood education or other appropriate disciplines, and for child care providers. Planning and construction of this facility shall be coordinated with the department of social and health services and local private or government entities.

	Reappropriation	Appropriation
St Bldg Constr Acct		770,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87

Thereafter

770,000*

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Vognild, Bailey and Bender on page 14, line 3, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1455.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 24.

MOTION

On motion of Senator McDonald, the following amendment by Senators McDonald and Barr to the Committee on Ways and Means amendment was adopted:

On page 15, after line 21, insert the following:

*Sec. 702. Section 704, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Emergency water project revolving account (88-2-004)

	Reappropriation	Appropriation
State Emerg Water Proj Rev	4,000,000	((225,000))
		188,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((4,225,000))
		4,188,000

The appropriations in this section are provided solely for the planning, acquisition, construction, and improvement of water supply facilities and other appropriate measures to alleviate emergency drought conditions which may arise in 1987 through 1989, as provided in Second Substitute Senate Bill No. 6513.*

Renumber the remaining sections consecutively.

MOTION

On motion of Senator Deccio, the following amendment by Senators Deccio and Newhouse to the Committee on Ways and Means amendment was adopted:

On page 16, after line 46 of the committee amendment, insert the following:

*NEW SECTION. Sec. 707. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Washington state agricultural complex project at Yakima.

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal fifty percent of the total project cost consisting of design, construction, remodeling and rehabilitation of buildings on the property upon which the Washington state agricultural trade complex project is located, and shall not exceed \$2,000,000. The remaining fifty percent project cost shall be funded by local match consisting of cash, equipment, labor and the value of land and buildings upon which the Washington state agricultural trade complex is located.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,000,000*

MOTION

Senator McMullen moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 16, after line 46 of the committee amendment, insert the following:

"NEW SECTION, Sec. 707. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Larrabee: Acquisition of Clayton beach, health and safety improvements

	Reappropriation	Appropriation
St Bldg Constr Acct		1,600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,600,000"

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McMullen on page 16, after line 46, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1455.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 25; nays, 23; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 23.

Absent: Senator Anderson - 1.

MOTION

On motion of Senator Owen, the following amendment by Senators Owen, Conner, Metcalf, DeJarnatt and McDonald to the Committee on Ways and Means amendment was adopted:

On page 19, after line 13 of the amendment, insert the following:

"NEW SECTION, Sec. 809. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Aberdeen lake fish hatchery expansion

	Reappropriation	Appropriation
Wynoochee Riv Mit Acct		819,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		819,000

For purposes of this section, "Wynoochee Riv Mit Acct" means the Wynoochee River Mitigation Account."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1455.

The Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 1455 was adopted.

MOTION

On motion of Senator Vognild, the following title amendments were considered simultaneously and adopted:

On page 1, line 3 of the title, after "projects;" strike the remainder of the title and insert "amending section 106, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 107, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 151, chapter 6, Laws of 1987

1st ex. sess. (uncodified); amending section 151, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 155, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 157, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 202, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 216, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 236, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 316, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 322, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 407, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 408, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 409, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 529, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 530, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 560, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 566, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 577, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 702, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 704, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 705, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 706, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 712, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 727, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 875, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 879, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 880, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 882, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 893, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 890, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 895, chapter 6, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 6, Laws of 1987 1st ex. sess. (uncodified); creating new sections; repealing section 317, chapter 6, Laws of 1987 1st ex. sess. (uncodified); repealing section 410, chapter 6, Laws of 1987 1st ex. sess. (uncodified); repealing section 716, chapter 6, Laws of 1987 1st ex. sess. (uncodified); repealing section 871, chapter 6, Laws of 1987 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

On page 20, line 21 of the title amendment, after "insert " insert "amending section 106, chapter 6, Laws of 1987 1st ex. sess. (uncodified)."

On page 21, line 5 of the title amendment, after "(uncodified);" insert "amending section 704, chapter 6, Laws of 1987 1st ex. sess. (uncodified)."

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 1455, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1455, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1455, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Johnson, Kiskaddon, Kreidler, Madsen, McMullen, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warmke, Wojahn, Zimmerman - 29.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Garrett, Hansen, Hayner, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Pullen, Sellar, West, Williams - 20.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1455, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, may I raise the issue of Article VIII, Section 1 (h) of the Constitution, which says, 'the Legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section including: The purposes for which debt may be contracted by a favorable vote of three-fifths of the members elected to each house.' I would think that we are talking

about the matters for which debt may be contracted and it should require a sixty percent vote."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President. My recollection is the President has ruled that when it is a bond bill, which is indeed a bill relating to debt that Senator Newhouse is correct, that sixty percent is required, but the expenditure of that money in a capitol budget, my recollection is that the President has always ruled that twenty-five votes are required--a simple majority. There is no debt issuance in this particular bill and, therefore, the super majority would not be required."

REMARKS BY SENATOR NELSON

Senator Nelson: "I would like the President to consider, that with the Patterson amendment dealing with the higher education account, which is now changed and does have bonding in it, that this measure does have a bonding source that requires the sixty percent affirmative vote of this body. Had there not been that amendment, this particular measure would have gone on fifty percent."

RULING BY THE PRESIDENT

President Cherberg: "To the best of my knowledge, there are no bonds in this particular measure. Therefore, twenty-five votes are all that are necessary."

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1660 and the pending amendment by Senators Owen, Wojahn and Nelson on page 3, line 26, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McCaslin, the President finds that Substitute House Bill No. 1660 is a measure establishing the motorcycle skills education program by the Department of Licensing.

"The amendment proposed by Senators Owen, Wojahn and Nelson requires persons who ride motorcycles or motor-driven cycles to wear protective helmets.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Owen, Wojahn and Nelson to Substitute Senate Bill No. 1660 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1660, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1660, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1660, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 1660, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, March 7, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 7, 1988

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bender, Bluechel, Cantu, McMullen, Moore, Rasmussen, Rinehart, Smith, Warnke, West, Williams and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Leah Durant and Mike Kreidler, presented the Colors. Reverend Ronald Gadde, pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9175, Marjorie Trevarthen, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF MARJORIE TREVARTHEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 13.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Meicall, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Zimmerman - 36.

Absent: Senators Anderson, Bender, Bluechel, Cantu, McMullen, Moore, Rasmussen, Rinehart, Smith, Warnke, West, Williams, Wojahn - 13.

MOTION

At 9:11 a.m., on motion of Senator Hayner, the Senate was declared to be at ease.

The Senate was called to order at 9:41 a.m. by President Cherberg.

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

MESSAGE FROM THE HOUSE

March 1, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5595 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This chapter shall be known as the "Washington self-service storage facility act."

NEW SECTION, Sec. 2. For the purposes of this chapter, the following terms shall have the following meanings:

(1) "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property on a self-service basis, but does not include a garage or other storage area in a private residence. No occupant may use a self-service storage facility for residential purposes.

(2) "Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, his or her agent, or any other person authorized by him or her to manage the facility, or to receive rent from an occupant under a rental agreement.

(3) "Occupant" means a person, or his or her sublessee, successor, or assign, who is entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

(4) "Rental agreement" means any written agreement or lease which establishes or modifies the terms, conditions, rules or any other provision concerning the use and occupancy of a self-service storage facility.

(5) "Personal property" means movable property not affixed to land, and includes, but is not limited to, goods, merchandise, furniture, and household items.

(6) "Last known address" means that address provided by the occupant in the latest rental agreement, or the address provided by the occupant in a subsequent written notice of a change of address.

NEW SECTION, Sec. 3. The owner of a self-service storage facility and his or her heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at a self-service storage facility for rent, labor, or other charges, present or future, incurred pursuant to the rental agreement, and for expenses necessary for the preservation, sale, or disposition of personal property subject to this chapter. The lien may be enforced consistent with this chapter. However, any lien on a motor vehicle or boat which has attached and is set forth in the documents of title to the motor vehicle or boat shall have priority over any lien created pursuant to this chapter.

NEW SECTION, Sec. 4. When any part of the rent or other charges due from an occupant remains unpaid for six consecutive days, and the rental agreement so provides, an owner may deny the occupant access to the storage space at a self-service storage facility.

NEW SECTION, Sec. 5. When any part of the rent or other charges due from an occupant remains unpaid for fourteen consecutive days, an owner may terminate the right of the occupant to the use of the storage space at a self-service storage facility by sending a notice to the occupant's last known address, and to the alternative address specified in section 15(2) of this act, by first class mail, postage prepaid, containing all of the following:

(1) An itemized statement of the owner's claim showing the sums due at the time of the notice and the date when the sums become due.

(2) A statement that the occupant's right to use the storage space will terminate on a specified date (not less than fourteen days after the mailing of the notice) unless all sums due and to become due by that date are paid by the occupant prior to the specified date.

(3) A notice that the occupant may be denied or continue to be denied, as the case may be, access to the storage space after the termination date if the sums are not paid, and that an owner's lien, as provided for in section 3 of this act may be imposed thereafter.

(4) The name, street address, and telephone number of the owner, or his or her designated agent, whom the occupant may contact to respond to the notice.

NEW SECTION, Sec. 6. A notice in substantially the following form shall satisfy the requirements of section 5 of this act:

"PRELIMINARY LIEN NOTICE
to _____
(occupant)
_____ (address)
_____ (state)

You owe and have not paid rent and/or other charges for the use of storage (space number) at (name and address of storage facility).

Charges that have been due for more than fourteen days and accruing on or before (date) are itemized as follows:

DUE DATE	DESCRIPTION	AMOUNT TOTAL \$ _____
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IF this sum is not paid in full before
(date at least fourteen days from mailing)

your right to use the storage space will terminate, you may be denied, or continue to be denied, access and an owner's lien on any stored property will be imposed. You may pay the sum due and contact the owner at:

(Name) _____
(Address) _____
(State) _____
(Telephone) _____
(Date) _____

(Owner's Signature) _____

NEW SECTION, Sec. 7. If a notice has been sent, as required by section 5 of this act, and the total sum due has not been paid as of the date specified in the preliminary lien notice, the lien imposed by this chapter attaches as of that date and the owner may deny an occupant access to the space, enter the space, and remove any property found therein to a place of safe keeping. The owner shall then send to the occupant, addressed to the occupant's last known address and to the alternative address specified in section 15(2) of this act by certified mail, postage prepaid, all of the following:

(1) A notice of lien sale which shall state all of the following:

(a) That the occupant's right to use the storage space has terminated and that the occupant no longer has access to the stored property.

(b) That the stored property is subject to a lien, and the amount of the lien accrued and to accrue prior to the date required to be specified in (c) of this subsection.

(c) That the property may be sold to satisfy the lien after a specified date which is not less than fourteen days from the date of mailing the notice unless the amount of the lien is paid or the occupant executes and returns by certified mail a declaration under penalty of perjury in opposition to the lien sale in the form set forth in subsection (2) of this section.

(d) That any excess proceeds of the sale over the lien amount and costs of sale and any personal papers and personal effects will be retained by the owner and may be reclaimed by the occupant, or claimed by another person, at any time for a period of one year from the sale and that thereafter the proceeds and personal papers and effects will be turned over to the state as abandoned property.

(e) That the occupant within one year after the date of the sale may repurchase from any purchaser any of the occupant's property sold pursuant to section 10 of this act at the price paid by the purchaser.

(2) A blank declaration in opposition to the lien sale which shall be substantially the following form:

***DECLARATION IN OPPOSITION TO LIEN SALE**

I, _____ (occupant's name), have received the notice of lien sale of the property stored at _____ (location and space). I oppose the lien sale of the property. My address is:

_____ (address)

_____ (city)

_____ (state)

_____ (zip)

I understand that the lienholder may file an action in court against me, and if a judgment is given in his or her favor, I may be liable for the court costs. I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was signed by me on _____ (date) at _____ (place).

_____ (signature of occupant)

NEW SECTION, Sec. 8. If a declaration in opposition to the lien sale, executed under penalty of perjury, is not received prior to the date of sale set forth in the notice of lien sale, and if the reasonable aggregate value of the property is less than one hundred dollars, the owner may donate the property to a charitable organization exempt from federal income tax under the federal internal revenue code.

NEW SECTION, Sec. 9. If a declaration in opposition to the lien sale, executed under penalty of perjury, is not received prior to the date of sale set forth in the notice of lien sale, the owner may, subject to sections 11 and 12 of this act, sell the property upon complying with the requirements set forth in section 10 of this act.

NEW SECTION, Sec. 10. (1) After the expiration of the time given in the notice of lien sale pursuant to section 7 of this act, an advertisement of the sale shall be published once a week for two weeks consecutively in a newspaper of general circulation in the county, city, or town where the self-service storage facility is located and the sale is to be held. The advertisement shall include a general description of the goods, the name of the person on whose account they are being stored, the space number of the occupant, and the name and the location of the storage facility. If there is no newspaper of general circulation in the county, city, or town where the self-service storage facility is located and where the sale is to be held, the advertisement shall be posted at least ten days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale.

(2) The sale shall be conducted in a commercially reasonable manner, and, after deducting the amount of the lien and costs of sale, the owner shall retain any excess proceeds of the sale on the occupant's behalf. The occupant, or any other person having a court order or other judicial process against the property, may claim the excess proceeds, or a portion thereof sufficient to satisfy the particular claim, at any time within one year of the date of sale.

(3) No employee or owner, or family member of an employee or owner, may acquire, directly or indirectly, the property sold at a lien sale authorized under this chapter.

(4) After the sale has been completed, the owner shall provide an accounting of the disposition of the proceeds of the sale to the occupant at the occupant's last known address and at the alternative address.

NEW SECTION, Sec. 11. Any person who has a perfected security interest under Article 62A.9 RCW of the uniform commercial code may claim any personal property subject to the security interest and subject to a lien pursuant to this chapter by paying the total amount due, as specified in the lien notices, for the storage of the property, if no declaration of opposition to the lien sale is executed and returned by the occupant. Upon payment of the total amount due, the owner shall deliver possession of the particular property subject to the security interest to the person who paid the total amount due. The owner shall not be liable to any person for any action taken pursuant to this section if the owner has fully complied with sections 6 and 7 of this act.

NEW SECTION, Sec. 12. Prior to any sale pursuant to section 9 of this act, any person claiming a right to the goods may pay the amount necessary to satisfy the lien and the reasonable

expenses incurred for particular actions taken pursuant to this chapter. In that event, the goods shall not be sold, but shall be retained by the owner subject to the terms of this chapter pending a court order directing a particular disposition of the property.

NEW SECTION, Sec. 13. If a declaration in opposition to the lien sale is received prior to the date set forth in the notice of lien sale, the owner may enforce the lien as follows:

(1) A civil action to enforce the owner's lien shall be commenced by the filing of a verified complaint setting forth the facts upon which the claim of lien is based. The summons and complaint shall be served in the manner provided for by court rule.

(2) If the occupant has not responded to the complaint by answer within the time allowed after service is completed, the court, upon application of the owner, shall enter the default of the occupant, and thereafter, the owner may apply to the court for judgment in the amount of the lien, including costs.

(3) Any judgment entered on the action on the lien in favor of the owner may be enforced by sale of the property by the owner. The sale shall be conducted in a commercially reasonable manner, and shall take place ten days or more from the entry of judgment, unless within that time period, or at any time prior to the sale, the occupant pays to the owner the full amount of the judgment.

(4) Enforcement of the judgment may be stayed, pending appeal, by the posting of a bond by the occupant in an amount one and one-half times the amount of the judgment, in which case the property may be released to the occupant.

NEW SECTION, Sec. 14. A purchaser in good faith of goods sold to enforce a lien or judgment entered on the lien in favor of the owner on goods stored at a self-service storage facility takes the goods free of any rights of persons against whom the lien was claimed, despite non-compliance by the owner of the storage facility with this chapter. However, the purchaser shall return the goods to the owner of the property if the owner tenders the purchase price plus any costs incurred by the purchaser within one year of the date of the purchase.

NEW SECTION, Sec. 15. (1) Each contract for the rental or lease of individual storage space in a self-service storage facility shall be in writing and shall contain, in addition to the provisions otherwise required or permitted by law to be included, a statement requiring the occupant to disclose any lienholders or secured parties who have an interest in the property that is or will be stored in the self-service storage facility, a statement that the occupant's property will be subject to a claim of lien and may even be sold to satisfy the lien if the rent or other charges due remain unpaid for fourteen consecutive days, and that such actions are authorized by this chapter.

(2) This chapter shall not apply, and the lien authorized by this chapter shall not attach, unless the rental agreement requests, and provides space for, the occupant to give the name and address of another person to whom the preliminary lien notice and subsequent notices required to be given under this chapter may be sent. Notices sent pursuant to section 5 or 7 of this act shall be sent to the occupant's address and the alternative address, if both addresses are provided by the occupant. Failure of an occupant to provide an alternative address shall not affect an owner's remedies under this chapter or under any other provision of law.

NEW SECTION, Sec. 16. Any insurance protecting the personal property stored within the storage space against fire, theft, or damage must be provided by the occupant and shall not be the responsibility of the owner.

NEW SECTION, Sec. 17. Nothing in this chapter may be construed to impair or affect the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement. The rights provided by this chapter shall be in addition to all other rights provided by law to a creditor against his or her debtor.

NEW SECTION, Sec. 18. This chapter shall only apply to rental agreements entered into, extended, or renewed after the effective date of this section. Rental agreements entered into before the effective date of this section which provide for monthly rental payments but providing no specific termination date shall be subject to this chapter on the first monthly rental payment date next succeeding the effective date of this section.

NEW SECTION, Sec. 19. All rental agreements entered into before the effective date of this section, and not extended or renewed after that date, or otherwise made subject to this chapter pursuant to section 18 of this act, and the rights, duties, and interests flowing from them, shall remain valid, and may be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this state.

NEW SECTION, Sec. 20. If an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to Article 62A.7 RCW (commencing with RCW 62A.7-101) of the uniform commercial code and this chapter does not apply.

Sec. 21. Section 6, chapter 205, Laws of 1982 as amended by section 4, chapter 324, Laws of 1986 and RCW 18.11.070 are each amended to read as follows:

(1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

(2) This chapter does not apply to:

- (a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;
- (b) An auction conducted by or under the direction of a public authority;
- (c) An auction held under judicial order in the settlement of a decedent's estate;
- (d) An auction which is required by law to be at auction;
- (e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation; ((or))
- (f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter; or
- (g) An auction held under chapter 19.-- RCW (sections 1 through 20 of this 1988 act).

Sec. 22. Section 3, chapter 252, Laws of 1941 as last amended by section 9, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.110 are each amended to read as follows:

This chapter shall not apply to (1) any person who purchases property and/or a business opportunity for his own account, or that of a group of which he is a member, or who, as the owner or part owner of property, and/or a business opportunity, in any way disposes of the same; nor, (2) any duly authorized attorney in fact, or an attorney at law in the performance of his duties; nor, (3) any receiver, trustee in bankruptcy, executor, administrator, guardian, or any person acting under the order of any court, or selling under a deed of trust; nor, (4) any secretary, bookkeeper, accountant, or other office personnel who does not engage in any conduct or activity specified in any of the definitions under RCW 18.85.010; nor, (5) any owner of rental or lease property, members of the owner's family whether or not residing on such property, or a resident manager of a complex of residential dwelling units wherein such manager resides; nor, (6) any person who manages residential dwelling units on an incidental basis and not as his principal source of income so long as that person does not advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged; nor, (7) only with respect to the rental or lease of individual storage space; any person who owns or manages a self-service storage facility as defined under chapter 19.-- RCW (sections 1 through 20 of this 1988 act).

NEW SECTION. Sec. 23. A new section is added to chapter 63.29 RCW to read as follows:

The personal papers and personal effects held by the owner and the excess proceeds of a sale conducted pursuant to section 10 of this act by an owner of a self-storage facility to satisfy the lien and costs of storage which are not claimed by the occupant of the storage space or any other person which remains unclaimed for more than one year are presumed abandoned.

NEW SECTION. Sec. 24. Sections 1 through 20 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.11.070 and 18.85.110; adding a new section to chapter 63.29 RCW; and adding a new chapter to Title 19 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5595 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6124 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds and declares that the social and economic well-being of the people of rural areas of Washington is closely related to the state's rural health care delivery system. Demographic, economic, and financial changes have greatly affected the viability of rural health care providers. These providers include, but are not limited to, hospitals, health clinics, community clinics, nursing homes, home health providers, and individual providers. The problems faced by rural health care providers include erratic fluctuations or general decline in rural economies, the aging of the rural population, older physical plants, lack of health care professionals, and inappropriate or burdensome regulations, facility standards, and licensure requirements.

(2) Rural health providers help ensure access to and the availability of preventive, primary, and emergency health care services to rural residents and tourist populations in rural

areas. A large percentage of rural health resources are used to provide services to government-sponsored patients. The availability of health care services in rural areas is essential to the integrity of the medicare and medicaid programs;

(3) Rural health providers affect the economic well-being of rural areas. Not only are these facilities a source of employment for rural residents, but also the existence of health care services in a rural community is important to its economic development and ability to attract businesses;

(4) Government regulations and standards for facility and professional licensure and certification are typically appropriate to urban facilities and are, in some cases, inordinately burdensome for rural health care facilities. Such regulations and standards can create barriers to the delivery of innovative, efficient, and cost-effective health care services to better meet the health needs of the rural communities; and

(5) The changing environment in health care delivery has changed how and where health care is provided and includes an increased emphasis on outpatient services, preventive care, home health care, and community-based care. Rural communities need to consider restructuring the delivery of health care services to insure continued availability of adequate community-based health care. Coordination among providers is essential to facilitate the planning necessary to maintain a viable health care delivery system within rural areas of the state.

NEW SECTION. Sec. 2. (1) There is created the Washington rural health care commission composed of eleven members; two members shall be the chair and ranking minority member from the senate health care and corrections committee and two members shall be the chair and ranking minority member from the house of representatives health care committee.

(2) The legislative members of the commission shall select seven public members, to serve on the commission, that are representative of rural health care professionals, rural health care providers, those directly involved in the purchase, provision, or delivery of rural health care services, industry, consumers, and those knowledgeable of the ethical issues involved with rural health care public policy. The chairs of the senate health care and corrections committee and the house of representatives health care committee shall jointly chair the commission. The ranking minority members of these committees shall jointly vice-chair the commission. The legislative members shall serve as the executive committee.

(3) The commission may hire staff or contract for professional assistance with funds made available for their activities. To the extent possible, the department of social and health services, the department of community development, the house of representatives, and the senate shall provide staff support. The commission may apply for and receive and accept grants, gifts, and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs or access to health care.

(4) The public members of the commission shall receive no compensation for their service as members, but shall be reimbursed for their expenses while attending any meetings of the commission in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

(5) The commission may establish ad hoc technical advisory committees to assist it with any particular matters deemed necessary and any person serving in such capacity may be reimbursed for their expenses while attending any meetings of such committee or the commission in the same manner as public members of the commission. To the extent possible, the department of social and health services, the department of community development, the department of trade and economic development, the department of employment security, the state health coordinating council, and other state agencies shall assist the commission in performing its responsibilities.

(6) The commission shall:

(a) Review current statutes and regulations governing the provision of rural health services, including the licensure, certification, and operation of rural health providers, including hospitals, health districts, rural health clinics, rural community health centers, and rural ambulatory surgical centers. The purpose of the review shall be to identify barriers to cost-effective and efficient health care delivery that are created by statute or regulation. The review shall include, but not be limited to:

(i) Licensure and certification survey processes conducted by both federal and state agencies;

(ii) Processes for review and approval of proposed facility construction or remodeling or establishing new services;

(iii) Mandated personnel requirements; and

(iv) Mandatory information gathering and reporting requirements;

(b) Review issues that affect the current delivery of rural health care. This review shall include, but not be limited to:

(i) Determination of basic health care services to be available to rural residents;

(ii) The need for and availability of emergency and nonemergency transportation to medical care facilities;

- (iii) The need for and availability of appropriate health care providers;
- (iv) Health care financing;
- (v) Coordination among private and public health care providers on a local, regional, and state-wide basis; and
- (vi) Use of modern telecommunications between rural and regional and urban medical care centers to facilitate better diagnosis and treatment of patients in rural facilities and for use in training rural health care providers;
- (c) Establish operational guidelines or standards for a model alternative rural health facility. The standards shall include, but are not limited to:
 - (i) The basic array of health services that is appropriate in rural areas;
 - (ii) Minimum staffing requirements for safe, efficient, and effective operation of these services, commensurate with community practice standards; and
 - (iii) Other such requirements for operation as the commission deems appropriate to establish minimum standards for licensure;
- (d) Develop measurements of the economic impact of rural health care facilities on the communities that they serve. The purpose of the study shall be to establish the role health facilities play in determining the economic viability and development of rural communities;
- (e) Review the impact of existing government payment policies and methods on rural health facilities. The purpose of the review shall be to identify current payment practices or standards, make recommendations for change as appropriate, and establish guidelines for payment to model rural health facilities as described in this section; and
- (f) Recommend, as deemed appropriate by the commission, that the department of social and health services convey to the federal health care financing administration interest in testing new models of institutional health care delivery in rural areas, and seek such waivers as may be necessary and appropriate to such demonstrations.
- (7) The commission shall coordinate its activities with the study of trauma care services authorized by Second Substitute House Bill No. 1713 and other health care policy studies conducted during the commission's term.
- (8) The commission shall submit a report to the appropriate committees of the legislature by December 1, 1988. The report shall include such findings of the commission as are related to the responsibilities identified in this section. The report shall make recommendations to the legislature regarding changes to licensure, certification, and payment systems that will enhance the likelihood that high quality rural health care delivery occurs in a cost-effective and efficient manner.

NEW SECTION. Sec. 3. A new section is added to chapter 70.14 RCW to read as follows:

The department of social and health services shall compile and make available to the public information regarding medicare health care facility certification options available to hospitals licensed under this title that desire to convert to nonhospital health care facilities. The information provided shall include standards and requirements for certification and procedures for acquiring certification.

NEW SECTION. Sec. 4. The department of community development, department of trade and economic development, department of employment security, and department of social and health services are expected to use their present resources and staffing to carry out the requirements of this act.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act shall expire on December 31, 1988.

NEW SECTION. Sec. 6. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "health care;" strike the remainder of the title and insert "adding a new section to chapter 70.14 RCW; creating new sections; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 6124 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 6124.

The motion by Senator Newhouse carried and the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6124 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6157 with the following amendments:

On page 1, line 10, after "~~develop~~)" strike "may" and insert "shall"

On page 1, line 14 after "programs" insert ": PROVIDED, That each school within the district, as a part of the self-study process, shall review the district learning objectives for each course of study and may identify additional or special learning objectives which are applicable to the particular school".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 6157 and asks the House for a conference thereon.

Debate ensued.

MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6157.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Talmadge that the Senate do concur in the House amendments to Substitute Senate Bill No. 6157.

The motion by Senator Talmadge failed on a rising vote.

MOTION

Senator Newhouse moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 6157 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do not concur in the House amendments to Substitute Senate Bill No. 6157.

The motion by Senator Newhouse carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6157 and asks the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry. By the defeat of the positive motion, Mr. President, to concur, that means the Senate has simply not concurred in the House amendments to the bill. There's no request for a conference thereon, as a result?"

REPLY BY THE PRESIDENT

President Cherberg: "That is correct, yes."

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6160 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 212, chapter 525, Laws of 1987 and RCW 28A.70.040 are each amended to read as follows:

(1) The state board of education shall adopt rules providing that all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.04.120 (1) and (2); PROVIDED, That the state board of education shall develop baccalaureate degree equivalency standards for certification of vocational instructors. However, candidates for grades preschool through six certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in

early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

(2) The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.

(3) The initial certificate shall be valid for two years.

(4) Certificate holders may renew the certificate for a three-year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two-year extension period. Under no circumstances may an initial certificate be valid for a period of more than seven years.

Sec. 2. Section 215, chapter 525, Laws of 1987 and RCW 28A.70.042 are each amended to read as follows:

(1) The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.

(2) The state board of education shall develop and adopt rules establishing masters degree equivalency standards for vocational instructors performing instructional duties and acquiring professional level certification after August 31, 1992.

On page 1, line 2 of the title, after "instructors;" strike the remainder of the title and insert "and amending RCW 28A.70.040 and 28A.70.042."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6160 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6220 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the unavailability of capital to viable firms that do not meet current commercial bank or venture capital criteria for loans or equity investments can have a devastating impact on the state's economic development efforts. Without reasonable access to financing, talented and aggressive entrepreneurs are cut out of the economic system and the overall economy of the state suffers.

The process of job creation and economic development requires readily available capital for small and young companies that are the major source of innovations and new jobs. To ensure the availability of capital to entrepreneurs in Washington state, the legislature hereby eliminates unnecessary restrictions which have discouraged the formation of business and industrial development corporations under current law.

Sec. 2. Section 1, chapter 162, Laws of 1963 and RCW 31.24.010 are each amended to read as follows:

~~((As used in this chapter, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows))~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) Corporation means a Washington business and industrial development corporation created under this chapter.

(2) Financial institution means any banking corporation or trust company, national banking association, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

~~(3) ((Member means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this chapter, upon its call, and in accordance with the provisions of this chapter.~~

~~(4))~~ Board of directors means the board of directors of the corporation created under this chapter.

~~((5) Loan limit means for any member, the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this chapter.))~~

(4) Business means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, cooperative, corporation, or any other organization operating in this state, and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.

(5) Associate means, if used with respect to a corporation:

(a) A controlling person, director, officer, agent, or advisor of that corporation.

(b) A director, officer, or partner of a person referred to in (a) of this subsection.

(c) A person who controls, is controlled by, or is under common control with a person referred to in (a) of this subsection directly or indirectly through one or more intermediaries.

(d) Any close relative of any person referred to in (a) of this subsection.

(e) A person of which a person referred to in (a) through (d) of this subsection is a director or officer.

(f) A person in which a person referred to in (a) through (d) of this subsection, or any combination of those persons acting in concert, owns or controls, directly or indirectly, a twenty percent or greater equity interest.

For the purposes of this subsection (5)(f), a person who is in a relationship referred to in this subsection within six months before or after a corporation provides financing assistance shall be considered to be in that relationship as of the date that corporation provides that financing assistance.

If a corporation, in order to protect its interests, designates a person to serve as a director of, officer of, or in any capacity in the management of a business to which that corporation provides financing assistance, that person shall not, on that account, be considered to have a relationship with that business. This exception does not apply if the person has, directly or indirectly, any other financial interest in the business or if the person, at any time before the corporation provides the financing assistance, served as a director of, officer of, or in any other capacity in the management of the business for a period of thirty days or more.

(6) Close relative means a parent, child, sibling, spouse, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law, sister-in-law, grandparent, or grandchild.

(7) Supervisor means the state supervisor of banking.

Sec. 3. Section 2, chapter 162, Laws of 1963 as amended by section 1, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.020 are each amended to read as follows:

~~((Fifteen or more))~~ At least seven but not more than twenty-one persons, a majority of whom shall be residents of this state, who may desire to create ((am)) a business and industrial development corporation under the provisions of this chapter, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(1) The name of the corporation, which shall include the words "Business and Industrial Development Corporation of Washington."

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(3) The purposes for which the corporation is founded, which shall be to ((promote, stimulate, develop and advance the business prosperity and economic welfare of Washington and its citizens; to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state; provide maximum opportunities for employment; encourage thrift; and improve the standard of living of citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state)) provide moderate risk financing and management assistance to businesses operating primarily in Washington state to increase job opportunities for Washington citizens and the prosperity of the state.

(4) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than ~~((fifty thousand))~~ one million dollars, except as otherwise provided in this chapter. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than five natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this chapter.

~~The secretary of state shall not approve articles of incorporation for a corporation organized under this chapter until ((a total of at least ten national banks, state banks, savings banks, industrial savings banks, federal savings and loan associations, domestic building and loan associations, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state))~~ the state supervisor of banking has certified the corporation as eligible to operate as a business and industrial development corporation under this chapter.

A person transacting business in this state shall not use a name or title which indicates that the person is a business and industrial development corporation including, but not limited to, use of the term "BIDCO," and a person shall not otherwise represent that the person is a business and industrial development corporation until the person has been certified as a business and industrial development corporation.

A corporation shall be certified by the supervisor of banking as eligible to operate under this chapter upon meeting the following conditions:

(a) The corporation has paid a three thousand dollar certification fee to the state supervisor of banking and such other fees or costs as the supervisor establishes by rule;

(b) The corporation has submitted a business plan which includes at least three years of detailed financial projections and other relevant information;

(c) The corporation has provided information about the character and competence of each director and officer of the corporation; and

(d) The supervisor finds that the corporation's officers and directors are capable of running the corporation competently, has a net worth and lendable funds sufficient to provide financing assistance, and that the directors and officers of the corporation have agreed to comply with the terms of this chapter and its intent to facilitate the availability of moderate risk financing to firms in Washington. In making the finding under this subsection, the supervisor of banking shall:

(i) Consult with the director of trade and economic development and the director of community development; and

(ii) Require a minimum net worth of one million dollars and an additional one million dollars in lendable funds or an enforceable pledge for one million dollars in lendable funds, unless the supervisor finds that special circumstances render lesser amounts of net worth or lendable funds adequate for the corporation to meet the intent of this chapter and operate according to its business plan.

Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by ~~((him))~~ the secretary and all taxes, fees and charges, have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Sec. 4. Section 3, chapter 162, Laws of 1963 as last amended by section 42, chapter 466, Laws of 1985 and RCW 31.24.030 are each amended to read as follows:

The business of a corporation shall be to provide financing and management assistance to businesses operating primarily in Washington state. In furtherance of its ((purposes)) business and in addition to the powers now or hereafter conferred on business corporations by the provisions of Title 23A RCW, ((the)) each corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation((-PROVIDED, That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner)).

(2) To borrow money (~~from its members and the small business administration and any other similar federal agency;~~) for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidence of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder (~~or member~~) approval(~~(-PROVIDED, That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner).~~).

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith(~~(-PROVIDED, That the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution).~~).

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, (~~including, but not restricted to, any~~) if the real or personal property is for the corporation's use in operating its business, or if the real or personal property is acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) (~~To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments;~~) To determine the form and the terms and conditions for financing assistance provided by the corporation to a business including, but not limited to forms such as loans; purchase of debt instruments; straight equity investments, such as purchase of common stock or preferred stock; debt with equity features such as warrants to purchase stock, convertible debentures, or receipt of a percent of net income or sales; royalty based financing; guaranteeing of debt; or leasing of property. A corporation may purchase securities of a business either directly or indirectly through an underwriter. A corporation may participate in the program of the small business administration pursuant to section 7(a) of the small business act, (Public Law 85-536, 15 U.S.C. Sec. 636(a)), or any other government program for which the corporation is eligible and which has as its function the provision or facilitation of financing or management assistance to businesses. If a corporation participates in a program referred to in this section, the corporation shall comply with the requirements of that program. Financing assistance provided by a corporation to a business shall be for the business purposes of that business.

(6) (~~To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon;~~) To provide management assistance to a business which may encompass both management or technical advice and management or technical services. Management assistance provided by a corporation to a business shall be for the business purposes of that business.

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsection(~~(s)~~) (4)(~~;~~) or (5)(~~-or(6)~~) of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce(~~(-the department of trade and economic development);~~) and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To make donations for charitable, educational, research, or similar purposes.

(10) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 5, Section 4, chapter 162, Laws of 1963 and RCW 31.24.040 are each amended to read as follows:

Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

~~((†)) Any person including all domestic corporations organized for the purpose of carrying on business within this state and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trustees, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this chapter(~~PROVIDED, That a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation;~~~~

~~(2) All financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein; and~~

~~(3) Each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state: PROVIDED, That the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten percent of the loan limit of such member).~~

The amount of capital stock of the corporation which any ~~((member))~~ financial institution is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such ~~((member))~~ financial institution may otherwise be authorized to acquire.

Sec. 6. Section 7, chapter 162, Laws of 1963 and RCW 31.24.070 are each amended to read as follows:

The stockholders ~~((and the members))~~ of the corporation shall have the following powers of the corporation:

- (1) To determine the number of and elect directors as provided in RCW 31.24.090;
- (2) To make, amend and repeal bylaws;
- (3) To amend this charter as provided in RCW 31.24.080;
- (4) To dissolve the corporation as provided in RCW 31.24.150;
- (5) To do all things necessary or desirable to secure aid, assistance, loans and other financing from any financial institutions, and from any agency established under the small business investment act of 1958, public law 85-699, 85th congress, or other similar federal laws now or hereafter enacted.

(6) To exercise such other of the powers of the corporation consistent with this chapter as may be conferred on the stockholders ~~((and the members))~~ by the bylaws.

As to all matters requiring action by the stockholders ~~((and the members))~~ of the corporation, said stockholders ~~((and said members))~~ shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled ~~((and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled)).~~

~~((Each))~~ Stockholders shall have one vote, in person or by proxy, for each share of capital stock held ~~((by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars shall have one additional vote, in person or by proxy, for each additional one thousand dollars which such member is authorized to have outstanding on loans to the corporation at any one time as determined under subsection (3)(b) of RCW 31.24.050)).~~

Sec. 7. Section 8, chapter 162, Laws of 1963 and RCW 31.24.080 are each amended to read as follows:

The articles of incorporation may be amended by the votes of the stockholders ~~((and the members of the corporation)),~~ voting separately by classes, and such amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders ~~((shall be entitled and two-thirds of the votes to which the members))~~ shall be entitled: PROVIDED, That no amendment of the articles of incorporation which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the state supervisor of banking to examine the corporation or the obligation of the corporation to make reports as provided in RCW 31.24.120, shall be made~~(PROVIDED, FURTHER, That no amendment of the articles of incorporation which increases the obligation of a member to make loans to the corporation, or makes any charge in the principal amount, interest rate, maturity date, or in the security or credit position of an outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided herein, or affects a member's voting rights as provided herein, shall be made without the consent of each membership affected by such amendment)).~~

Within thirty days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state, who shall examine them and if ~~((he))~~ the secretary finds that they conform to the requirements of this chapter, shall so certify and endorse his or her approval thereon. Thereupon, the articles of amendment shall be filed in the office of the secretary of state and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Sec. 8. Section 9, chapter 162, Laws of 1963 as amended by section 3, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.090 are each amended to read as follows:

The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than ~~((eleven))~~ seven nor more than twenty-one, as shall be determined in the first instance by the incorporators and thereafter annually by ~~((the members and))~~ the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders ~~((or members))~~ and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, the day and month of which shall be established by the bylaws of the corporations, or, if no annual meeting shall be held in the year of incorporation, then within ninety days after the approval of the articles of incorporation at a special meeting as hereinafter provided. ~~((At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors.))~~ The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director ~~((elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders))~~ shall be filled by the directors ~~((elected by the stockholders))~~.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the wilful misconduct of such directors and officers.

NEW SECTION. Sec. 9. A new section is added to chapter 31.24 RCW to read as follows:

(1) A corporation shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition. The supervisor of banking shall revoke the certification of a corporation if the supervisor finds that the corporation has failed to operate or maintain itself in a safe and sound manner or has failed to comply with the intent of this chapter, and the corporation may not transact business as a business and industrial development corporation until such time as the supervisor recertifies the corporation consistent with RCW 31.24.020(8). The secretary of state shall remove from the active files the incorporation records of a corporation with its certification revoked until such time as the supervisor of banking has recertified the corporation.

(2) In determining whether a corporation is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the supervisor shall consider the risk of a provision of financing assistance to a business firm, within the context of the anticipated higher risks associated with the purposes of corporations organized under this chapter.

(3) Subsection (2) of this section does not limit the authority of the supervisor to:

(a) Determine that a corporation's financing assistance to a single business or group of affiliated firms is in violation of subsection (1) of this section if the amount of that financing assistance is unduly large in relation to the total assets or the total shareholder's equity of the corporation;

(b) Require that a corporation maintain a reserve in the amount of anticipated losses; and

(c) Require that a corporation have a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The supervisor shall not require that a corporation adopt a financing assistance policy that contains standards which prevent the corporation from exercising flexibility in meeting the capital needs of the individual firms.

Sec. 10. Section 12, chapter 162, Laws of 1963 and RCW 31.24.120 are each amended to read as follows:

The corporation shall be examined at least ~~((once annually))~~ every eighteen months by the state supervisor of banking and shall make quarterly reports of its condition ~~((not less than annually))~~ to said state supervisor of banking and more frequently upon call of the state supervisor of banking, who in turn shall make copies of such reports available to the state insurance commissioner and the governor; and the corporation shall also furnish such other

information as may from time to time be required by the state supervisor of banking and secretary of state. The corporation shall pay the actual cost of said examinations. The state supervisor of banking shall exercise the same power and authority over corporations organized under this chapter as is now exercised over banks and trust companies by the provisions of the Title 30 RCW, where the provisions of Title 30 RCW are not in conflict with this chapter.

The state supervisor of banking shall publish annually and provide to the senate economic development and labor committee, the house trade and economic development committee, and the senate and house ways and means committees information on the impact of this chapter in promoting economic development in Washington. At the minimum, the information shall include aggregate statistics on each of the following:

(1) The number and locations of corporations operating under this chapter;

(2) The number of instances and dollar amount of financing and management assistance given by corporations operating under this chapter to:

(a) All individual businesses assisted;

(b) Types of businesses classified using the standard industrial classification manual;

(c) Minority and women-owned businesses; and

(d) Businesses located in distressed areas;

(3) The number of jobs created or retained by:

(a) All individual businesses assisted;

(b) Types of businesses classified using the standard industrial classification manual;

(c) Minority and women-owned businesses;

(d) Businesses located in distressed areas; and

(e) The wage rates paid to the employees hired or retained; and

(4) The percentage of each business's total contributions or payments for unemployment insurance made to the state of Washington.

Sec. 11. Section 13, chapter 162, Laws of 1963 and RCW 31.24.130 are each amended to read as follows:

The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk; by the adoption of bylaws, by the election by ballot of directors; and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. ~~((Ten))~~ Five of the incorporators shall be a quorum for the transaction of business.

NEW SECTION, Sec. 12. A new section is added to chapter 31.24 RCW to read as follows:

The director of trade and economic development is authorized to provide assistance and advice to persons forming corporations under this chapter.

Sec. 13. Section 14, chapter 162, Laws of 1963 and RCW 31.24.140 are each amended to read as follows:

Unless otherwise provided in the articles of incorporation, the period of duration of the corporation shall be perpetual, subject, however, to the right of the stockholders ~~((and the members))~~ to dissolve the corporation prior to the expiration of said period as provided in RCW 31.24.150.

Sec. 14. Section 15, chapter 162, Laws of 1963 as amended by section 52, chapter 3, Laws of 1983 and RCW 31.24.150 are each amended to read as follows:

The corporation may upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled ~~((and two-thirds of the votes to which the member shall be entitled))~~ dissolve said corporation as provided by Title 23A RCW, insofar as Title 23A RCW is not in conflict with the provisions of this chapter. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the ~~((members))~~ creditors of the corporation ~~((as creditors thereof))~~ have been paid in full.

NEW SECTION, Sec. 15. A new section is added to chapter 31.24 RCW to read as follows:

(1) A corporation shall not provide, directly or indirectly, financing assistance to:

(a) An associate of the corporation;

(b) Discharge, or to free other money for use in discharging, in whole or in part, an obligation to an associate of that corporation. This section does not apply to a transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(c) A business to which an associate of that corporation provides financing assistance, either contemporaneously with, or within one year before or after, the providing of financing assistance by the corporation, if the terms on which the corporation provides financing assistance are less favorable to the corporation than the terms on which the associate provides financing assistance to the business. If the financing assistance provided by the associate of the corporation is of a different kind from the financing assistance provided by the corporation, the

burden shall be on the corporation to prove that the terms on which the corporation provided financing assistance were at least as favorable to the corporation as the terms on which the associate provided financing assistance to the business.

This subsection (1)(c) does not apply to any of the following:

(i) If the associate is a controlling person of the corporation and is also the only shareholder of the corporation:

(ii) If the associate is a subsidiary of the corporation; or

(iii) A transaction effected by an associate of a corporation in the normal course of that associate's business involving a line of credit or short-term financing assistance.

(2) For the purposes of this section and section 16 of this act:

(a) "Person" means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization. If used with respect to acquiring control of or controlling a specified person, person includes a combination of two or more persons acting in concert:

(b) "Control" means, if used with respect to a specified person, the power to direct or cause the direction of, directly or indirectly through one or more intermediaries, the management and policies of that specified person, whether through the ownership of voting securities; by contract, other than a commercial contract for goods or nonmanagement services; or otherwise. A natural person shall not be considered to control a person solely on account of being a director, officer, or employee of that person. A person who, directly or indirectly, owns of record or beneficially holds with power to vote, or holds proxies with discretionary authority to vote, twenty percent or more of the then outstanding voting securities issued by a corporation shall be rebuttably presumed to control that corporation; and

(c) "Controlling person" means, if used with respect to a specified person, a person who controls that specified person, directly or indirectly through one or more intermediaries.

NEW SECTION, Sec. 16. A new section is added to chapter 31.24 RCW to read as follows:

An associate of a corporation shall not receive, directly or indirectly, from a person to whom that corporation provides financing assistance, compensation in connection with the providing of that financing assistance or anything of value for procuring, influencing, or attempting to procure or influence the corporation's action with respect to the providing of the financing assistance. This section does not apply to the receipt of fees by an associate of a corporation for bona fide closing services performed by that associate if all of the following are true:

(1) The associate, with the consent and knowledge of the person to whom the financing assistance is provided, is designated by the corporation to perform the services;

(2) The services are appropriate and necessary in the circumstances;

(3) The fees for the services are approved as reasonable by the corporation; and

(4) The fees for the services are collected by the corporation on behalf of the associate.

Sec. 17. Section 16, chapter 162, Laws of 1963 and RCW 31.24.160 are each amended to read as follows:

Under no circumstances shall the credit of the state of Washington be pledged to any corporation organized under the provisions of this chapter. The state of Washington shall not be subject to or responsible for any claim, debt, obligation, liability, or undertaking arising from the formation, operation, activities, or dissolution of a corporation organized under this chapter, and shall be immune from suit thereon. All debt and equity instruments, including but not limited to bonds, debentures, securities, notes, and shares, issued by corporations organized under this chapter shall indicate on the face of each such document as issued that it does not constitute an obligation of the state of Washington.

NEW SECTION, Sec. 18. A new section is added to chapter 31.24 RCW to read as follows:

The insurance commissioner, the state supervisor of banking, the state supervisor of savings and loan associations, and the utilities and transportation commission shall each adopt such rules as may be necessary to allow those insurers, banks, savings and loan associations, and public service companies subject to regulation by state law to participate as investors in corporations organized under this chapter in a manner consistent with state regulatory requirements and the requirements imposed under this chapter.

NEW SECTION, Sec. 19. A new section is added to chapter 31.24 RCW to read as follows:

Industrial development corporations operating under this chapter before January 1, 1988, may continue to operate under this chapter as it existed before the effective date of this act.

Sec. 20. Section 2, chapter 107, Laws of 1987 and section 1, chapter 337, Laws of 1987 and section 16, chapter 370, Laws of 1987 and section 1, chapter 404, Laws of 1987 and section 10, chapter 411, Laws of 1987 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

- (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
- (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
- (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
- (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
- (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
- (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
- (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
- (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
- (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.
- (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.
- (m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.
- (n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.
- (o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.
- (p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.
- (q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
- (r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.31, 43.63A, and 43.168 RCW.
- (s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.
- (t) Except as provided under section 2 of this 1987 act (1987 c 404 § 2), all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.
- (v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.
- (w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION, Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 162, Laws of 1963, section 1, chapter 90, Laws of 1973 1st ex. sess., section 2, chapter 16, Laws of 1974 ex. sess. and RCW 31.24.050;

(2) Section 6, chapter 162, Laws of 1963 and RCW 31.24.060; and

(3) Section 10, chapter 162, Laws of 1963 and RCW 31.24.100.

NEW SECTION, Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "corporations;" strike the remainder of the title and insert "amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.070, 31.24.080, 31.24.090, 31.24.120, 31.24.130, 31.24.140, 31.24.150, and 31.24.160; reenacting and amending RCW 42.17.310; adding new sections to chapter 31.24 RCW; creating a new section; repealing RCW 31.24.050, 31.24.060, and 31.24.100; and prescribing penalties."

MOTION

Senator Lee moved that the Senate do not concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6220 and asks the House to recede therefrom.

MOTION

Senator Moore moved that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6220.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Moore that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6220.

The motion by Senator Moore failed.

The President declared the question before the Senate to be the motion by Senator Lee that the Senate do not concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6220.

The motion by Senator Lee carried and the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6220 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6235 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The long-range health and environmental goals for the state of Washington require the protection of the state's surface and underground waters for the health, safety, use, enjoyment, and economic benefit of its people. It is the purpose of this chapter to provide an account to receive federal capitalization grants to provide financial assistance to the state and to local governments for the planning, design, acquisition, construction, and improvement of water pollution control facilities and related activities in the achievement of state and federal water pollution control requirements for the protection of the state's waters.

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

(1) "Department" means the department of ecology.

(2) "Eligible cost" means the cost of that portion of a water pollution control facility or activity that can be financed under this chapter.

(3) "Fund" means the water-pollution control revolving fund in the custody of the state treasurer.

(4) "Water pollution control facility" or "water pollution control facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, combined sewer overflows, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To control nonpoint sources of water pollution; (b) to develop and implement a comprehensive management plan for estuaries; and (c) to maintain or improve water quality through the use of water pollution control facilities or other means.

(6) "Public body" means the state of Washington or any agency, county, city or town, other political subdivision, municipal corporation or quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Federal capitalization grants" means grants from the federal government provided by the water quality act of 1987 (P.L. 100-4).

NEW SECTION. Sec. 3. (1) The water pollution control revolving fund is hereby established in the custody of the state treasurer. Moneys in this fund are not subject to legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) All state matching funds appropriated or authorized by the legislature;

(c) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;

(d) All repayments of moneys borrowed from the fund;

(e) All interest payments made by borrowers from the fund;

(f) Any other fee or charge levied in conjunction with administration of the fund; and

(g) Any new funds as a result of leveraging.

(3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.

NEW SECTION. Sec. 4. The department of ecology shall use the moneys in the water pollution control revolving fund to provide financial assistance as provided in the water quality act of 1987:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized not later than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; and

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act.

(3) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

(4) The department shall present a progress report on the use of moneys from the fund to the chairs of the ways and means committees of the senate and the house of representatives no later than November 30 of each year. This report shall consist of a list of each loan recipient, a project description, total loan amount, financial arrangement and interest rate, repayment schedule, and source of repayment.

(5) The department may not use the moneys in the water pollution control revolving fund for grants.

NEW SECTION. Sec. 5. Moneys deposited in the water pollution control revolving fund shall be administered by the department of ecology. In administering the fund, the department shall:

(1) Allocate funds for loans in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act amendments of 1987 and estuary programs developed under section 320 of that act; and

(7) Comply with provisions of the water quality act of 1987.

NEW SECTION. Sec. 6. Any public body receiving a loan from the fund shall:

(1) Appear on the annual project priority list to be identified for funding under section 212 of the federal water pollution control act amendments of 1987 or be eligible under sections 319 and 320 of that act;

(2) Submit an application to the department;

(3) Establish and maintain a dedicated source of revenue or other acceptable source of revenue for the repayment of the loan; and

(4) Demonstrate to the satisfaction of the department that it has sufficient legal authority to incur the debt for which it is applying.

NEW SECTION. Sec. 7. If a public body defaults on payments due to the fund, the state may withhold any amounts otherwise due to the public body and direct that such funds be applied to the indebtedness and deposited into the account.

NEW SECTION. Sec. 8. The department shall establish by rule policies for establishing loan terms and interest rates for loans made from the fund that assure that the objectives of this chapter are met and that adequate funds are maintained in the fund to meet future needs.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 10. (1) In addition to and not in lieu of any other appropriation, the sum of five million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the water quality account to the water pollution control revolving fund to provide a match at twenty percent of each federal capitalization grant received by the department of ecology in accordance with congressional appropriations. The department shall transfer money from the water quality account to the water pollution revolving fund at intervals consistent with the timing of deposits of federal capitalization grant money.

The amounts transferred are not to exceed the match required for each federal deposit. The total of such transfers during the biennium is not to exceed the amount appropriated in this section.

(2) This is the first year of a six-year program. After the state receives all of the federal money it is entitled to under this program, state matching funds from the water quality account are no longer required. The federal authorization expires at the end of the six-year program.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 4 of the title, after "activities;" strike the remainder of the title and insert "adding a new chapter to Title 90 RCW; making an appropriation; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6235 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6238 with the following amendment:

On page 1, line 27, beginning with "No" strike all material down to and including "health," on page 2, line 5..

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6238 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed SENATE BILL NO. 6297 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 11, chapter 3, Laws of 1981 as amended by section 4, chapter 219, Laws of 1981 and RCW 43.33A.110 are each amended to read as follows:

The state investment board may make appropriate rules and regulations for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk. However, until July 1, 1989, in the case of the department of labor and industries' accident, medical aid, and reserve funds, the board shall establish investment policies and procedures designed to attempt to limit fluctuations in industrial insurance premiums and, subject to this purpose, to maximize return at a prudent level of risk. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter 42.18 RCW. Rules adopted by the board shall be adopted pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 2. At the start of the 1989 regular legislative session, the state investment board shall present to the economic development and labor committee of the senate and the commerce and labor committee of the house of representatives, or the appropriate successor committees, a report recommending, where necessary, changes in current investment policies. The report shall study current investment needs of the department of labor and industries and casualty insurance industry investment policies; analyze statutory and regulatory constraints and the need to encourage stability in Washington's industrial insurance rates; and recommend investment policies for determination of asset allocation. The report shall include recommendations for appropriate accounting policies that will allow stabilization of rates and maximization of investment return and a plan making recommendations for investment of state industrial insurance funds in both equity and fixed investments.

NEW SECTION. Sec. 3. There is appropriated from the medical aid fund and the accident fund in equal parts one hundred thousand dollars, or so much thereof as may be necessary, to the state investment board for the biennium ending June 30, 1989, for the purposes of this act."

On page 1, line 2 of the title, after "industries;" strike the remainder of the title and insert "amending RCW 43.33A.110; creating a new section; and making appropriations."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator von Reichbauer, the Senate refuses to concur in the House amendments to Senate Bill No. 6297 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6316 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that: Drug offenses and crimes resulting from illegal drug use are destructive to society; the nature of drug trafficking results in many property crimes and crimes of violence; state and local governmental agencies incur immense expenses in the investigation, prosecution, adjudication, incarceration, and treatment of drug-related offenders and the compensation of their victims; drug-related offenses are difficult to eradicate because of the profits derived from the criminal activities, which can be invested in legitimate assets and later used for further criminal activities; and the forfeiture of real assets where a substantial nexus exists between the commercial production or sale of the substances and the real property will provide a significant deterrent to crime by removing the profit incentive of drug trafficking, and will provide a revenue source that will partially defray the large costs incurred by government as a result of these crimes. The legislature recognizes that seizure of real property is a very powerful tool and should not be applied in cases in which a manifest injustice would occur as a result of forfeiture of an innocent spouse's community property interest.

Sec. 2. Section 15, chapter 2, Laws of 1983 as last amended by section 9, chapter 124, Laws of 1986 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, ~~((or))~~ acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used to transport, or are used, or intended for use, in any manner to facilitate the sale, transfer, or receipt of property described in paragraphs (1) or (2), ~~((but))~~ except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission ~~((established by the owner thereof to have been))~~ committed or omitted without ~~((his))~~ the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW, the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia; ~~((and))~~

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible property, intangible property, proceeds, or assets acquired in whole or in part with proceeds traceable to ((such)) an exchange or series of exchanges in violation of this chapter or chapter 69.41 or

69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW; PROVIDED, That no property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission (~~which that owner establishes was~~) committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property. However:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until the hearing on the forfeiture is held, whichever is later. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Notice of seizure of real property or of personal property of a value of ten thousand dollars or more shall be by personal service upon the owner. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) ((or)), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. However, no real property may be forfeited pursuant to this section, to the extent of a person's community property interest in the real property, by reason of any act or omission committed or omitted without the person's knowledge or consent.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) ((or)), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and

ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the ~~((person claiming to be the lawful owner or the person claiming to have the lawful right to possession of items specified in subsection (a)(4) or (a)(7) of this section))~~ law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) ~~((or)), (a)(7), or (a)(8)~~ of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

~~((Fifty)) (A) Seventy-five percent of the money ((remaining after payment of such expenses)) shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency((;)) and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources; and~~

~~((fifty)) (B) Twenty-five percent shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;~~

(C) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(i) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be entered by the seizing agency in the county auditor's records in the county in which the real property is located.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate do not concur in the House amendment to Engrossed Substitute Senate Bill No. 6316 and asks the House for a conference thereon.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do not concur in the House amendment to Engrossed Substitute Senate Bill No. 6316 and requests a conference thereon.

The motion by Senator Pullen carried and the Senate refuses to concur in the House amendment to Engrossed Substitute Senate Bill No. 6316 and asks the House for a conference thereon.

EDITOR'S NOTE: See Conference Committee appointments to Engrossed Substitute Senate Bill No. 6316 later on in the day.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6376 with the following amendments:

On page 1, line 24, after "vehicle," insert "Provided, however, that the additional excise tax imposed in this subsection shall become permanent if a permanent revenue source equal in value to the additional excise tax imposed by this subsection is not enacted by July 1, 1989."

On page 2, line 13, after "include" strike ", but not limited to."

On page 2, line 24, after "committee," strike all material through "committee." on line 26 and insert "The directors of the office of financial management and the department of licensing and the secretary of the department of transportation shall each appoint one employee of their respective departments to serve on the joint committee. The committee shall sunset on November 30, 1988."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Patterson moved that the Senate do concur in the House amendment on page 2, line 13, but refuse to concur in the House amendments on page 1, line 24, and page 2, line 24, to Substitute Senate Bill No. 6376, and asks the House to recede therefrom.

MOTION

Senator Owen moved that the Senate do concur in all of the House amendments to Substitute Senate Bill No. 6376.

MOTION

On motion of Senator Patterson, the question was divided.

The President declared the question before the Senate to be the motion to concur in the House amendment on page 2, line 13, to Substitute Senate Bill No. 6376.

The Senate concurred in the House amendment on page 2, line 13, to Substitute Senate Bill No. 6376.

The President declared the question before the Senate to be the motion by Senator Owen to concur in the House amendment on page 2, line 24, to Substitute Senate Bill No. 6376.

The Senate concurred in the House amendment on page 2, line 24, to Substitute Senate Bill No. 6376.

The President declared the question before the Senate to be the motion by Senator Owen to concur in the House amendment on page 1, line 24, to Substitute Senate Bill No. 6376.

Debate ensued.

The motion to concur in the House amendment on page 1, line 24, to Substitute Senate Bill No. 6376 failed on a rising vote.

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate do not concur in the House amendment on page 1, line 24, to Substitute Senate Bill No. 6376.

The motion by Senator Patterson carried and the Senate did not concur in the House amendment on page 1, line 24, to Substitute Senate Bill No. 6376.

The Senate concurred in the House amendments on page 2, line 13, page 2, line 24, but refuses to concur in the House amendment on page 1, line 24, to Substitute Senate Bill No. 6376 and asks the House to recede therefrom.

APPOINTMENT OF CONFERENCE COMMITTEE
ENGROSSED SUBSTITUTE SENATE BILL NO. 6316

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6316 and the House amendments thereto: Senators Pullen, Taimadge and McCaslin.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 10:15 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Cherberg.

MESSAGES FROM THE HOUSE

March 7, 1988

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4446, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089,

SUBSTITUTE HOUSE BILL NO. 1329,

HOUSE BILL NO. 1371,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388,

HOUSE BILL NO. 1694,

HOUSE BILL NO. 1813, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5451,

SECOND SUBSTITUTE SENATE BILL NO. 5720,

SUBSTITUTE SENATE BILL NO. 6200,

SUBSTITUTE SENATE BILL NO. 6350,

SUBSTITUTE SENATE BILL NO. 6402,

SUBSTITUTE SENATE BILL NO. 6462,

SENATE BILL NO. 6600,

SENATE BILL NO. 6667,

SUBSTITUTE SENATE BILL NO. 6736, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5669,

SENATE BILL NO. 6093,

SENATE BILL NO. 6119,
 SENATE BILL NO. 6136,
 SUBSTITTUTE SENATE BILL NO. 6181,
 SENATE BILL NO. 6227,
 SUBSTITTUTE SENATE BILL NO. 6290,
 SENATE BILL NO. 6313,
 SENATE BILL NO. 6339,
 SENATE BILL NO. 6354,
 SENATE BILL NO. 6371,
 SENATE BILL NO. 6374,
 SENATE BILL NO. 6375,
 SENATE BILL NO. 6412,
 SUBSTITTUTE SENATE BILL NO. 6433,
 SUBSTITTUTE SENATE BILL NO. 6534,
 SUBSTITTUTE SENATE BILL NO. 6536,
 SENATE BILL NO. 6537,
 SENATE BILL NO. 6608,
 SUBSTITTUTE SENATE BILL NO. 6631,
 SUBSTITTUTE SENATE BILL NO. 6742,
 SENATE CONCURRENT RESOLUTION NO. 8434, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGES FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed:
 SUBSTITTUTE SENATE BILL NO. 5943,
 SUBSTITTUTE SENATE BILL NO. 6147,
 SENATE BILL NO. 6245,
 SUBSTITTUTE SENATE BILL NO. 6404,
 SENATE BILL NO. 6418,
 SUBSTITTUTE SENATE BILL NO. 6498,
 SUBSTITTUTE SENATE BILL NO. 6512,
 SUBSTITTUTE SENATE BILL NO. 6548, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

March 7, 1988

Mr. President:

The Speaker has signed:
 HOUSE BILL NO. 1304,
 SUBSTITTUTE HOUSE BILL NO. 1339,
 SUBSTITTUTE HOUSE BILL NO. 1362,
 SUBSTITTUTE HOUSE BILL NO. 1377,
 HOUSE BILL NO. 1693,
 HOUSE BILL NO. 1710, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The Speaker has signed:
 SUBSTITTUTE HOUSE BILL NO. 1373,
 HOUSE BILL NO. 1560, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITTUTE HOUSE BILL NO. 1089,
 SUBSTITTUTE HOUSE BILL NO. 1329,
 HOUSE BILL NO. 1371,
 SUBSTITTUTE HOUSE BILL NO. 1388,
 HOUSE BILL NO. 1694.

HOUSE BILL NO. 1813.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5943,
 SUBSTITUTE SENATE BILL NO. 6147,
 SENATE BILL NO. 6245,
 SUBSTITUTE SENATE BILL NO. 6404,
 SENATE BILL NO. 6418,
 SUBSTITUTE SENATE BILL NO. 6498,
 SUBSTITUTE SENATE BILL NO. 6512,
 SUBSTITUTE SENATE BILL NO. 6548.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6439 with the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION. Sec. 1.** (1) The judicial council shall appoint a task force to study the effects on the administration of justice of consolidating the district and municipal courts into a single-level court of limited jurisdiction. The study shall include, but not be limited to, the following issues relating the consolidation of district and municipal courts:

(a) The extent the duplication of limited jurisdiction court services, such as jury management, probation, and case management services, can be reduced or eliminated;

(b) The level of consistency achievable through the application of uniform limited jurisdiction court rules and statutes;

(c) The responsibility for court facilities and equipment;

(d) District court locations and public accessibility to the courts;

(e) A determination of the number of judges and support staff needed for consolidation;

(f) An examination of the need for multicounty districts to achieve full-time courts;

(g) The state assumption or partial assumption of district court judicial salaries and the financial impact of consolidation on the state, counties, and municipalities;

(h) The authority for appointment of judges;

(i) The distribution of revenue resulting from violations of ordinances;

(j) The role of city traffic violation bureaus;

(k) The impact on ancillary agencies, such as law enforcement, prosecution, and defense;

and

(l) An examination of concurrent jurisdiction between district and superior courts.

(2) The task force appointed under subsection (1) of this section shall consist of the following members:

(a) Two members of the Washington state magistrates association, one of whom is a district court judge and one of whom is a municipal court judge;

(b) Two members appointed by the Washington association of counties;

(c) Two members appointed by the association of Washington cities;

(d) One member appointed by the Washington association of prosecuting attorneys;

(e) One member appointed by the Washington association of municipal attorneys;

(f) Two members appointed by the Washington association of sheriffs and police chiefs, one of whom is a sheriff and one of whom is a city police chief; and

(g) One member appointed by the administrator for the courts.

(3) The judicial council shall report its findings and recommendations, including proposed legislation, to the law and justice committee of the senate and the judiciary committee of the house of representatives by September 30, 1989."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6439 and requests a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6439 and the House amendment thereto: Senators Pullen, Talmadge and Nelson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SENATE BILL NO. 6574 with the following amendment:

On page 1, line 28, after "commission," insert "Nothing in this section shall prevent the liability of the commission for injuries sustained by a user by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. A road covered with snow and groomed for the purposes of winter recreation consistent with this chapter and chapter 46.10 RCW shall not be presumed to be a known dangerous artificial latent condition for the purposes of this chapter."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do not concur in the House amendment to Senate Bill No. 6574 and asks the House to recede therefrom.

MOTION

Senator Halsan moved that the Senate do concur in the House amendment to Senate Bill No. 6574.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Halsan that the Senate do concur in the House amendment to Senate Bill No. 6574.

The motion by Senator Halsan failed.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate do not concur in the House amendment to Senate Bill No. 6574.

The motion by Senator Metcalf carried and the Senate refuses to concur in the House amendment to Senate Bill No. 6574 and asks the House to recede therefrom.

MOTION

At 1:15 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:40 p.m. by President Cherberg.

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

MOTION

On motion of Senator Conner, the following resolution was adopted:

SENATE RESOLUTION 1988-8727

by Senators Conner, DeJarnatt and Rasmussen

WHEREAS, Wrestling is one of the world's most popular sports; and

WHEREAS, Wrestling provides an excellent opportunity for our youth to develop discipline and team and individual athletic skills; and

WHEREAS, The Hoquiam High School wrestling team has proven itself to be the best in the state by winning the Washington State Men's AA Wrestling Title; and

WHEREAS, It is the first time in the history of Hoquiam High School that the wrestling team has won the state championship; and

WHEREAS, The Hoquiam High School wrestling team has proven to be among the top contenders of the state, winning three consecutive regional championships; and

WHEREAS, The team's remarkable string of victories over league rivals numbers thirteen wins and one defeat; and

WHEREAS, The community and residents of Hoquiam have contributed to team spirit and support; and

WHEREAS, Head Coach Ron Baze and assistant Coaches John J. Wahl and Ken Ashlock have dedicated themselves to training, sacrifice, determination, teamwork, and the belief that any goal is attainable;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salutes and applauds the triumph of team varsity AA state champion members, Chris Jensen, David Nguyen, Josh Earley, Steve Green, Ken Lyle, Roy Whisenhunt, Mike Cummings, Sev Hoiness, Tracy Harvill, and Jon Pasckvale; and

BE IT FURTHER RESOLVED, That the Washington State Senate salutes and applauds other team members, Paul Harris, Brian Kalenius, Zac Austin, Jason Barnacascel, Gary Butcher, Thor Dahlstrom, John Downing, Jose Galeana, Ken Huff, Jael Jex, Justin McCrea, John Newbury, Eddie Olson, Bob Reick, Curtis Standiser, Rob Whisenhunt, Brandon Biggs, Tod Bowman, Jim Browrigg, Ramon Watson, Rick Sudderth, Bill Merrill, Les Lutton, Rich Fry, John Clements, John Hauge, Chris Johnson, Denny Larsen, James Martin, Dean Morgan, Jack Parshall, G.J. Shedd, Kent Stansell, Jesse Blood, Stacy Harvill, Jason Hatley, Jason Johnson, Bob Merrill, J.T. Spradlin, Phong Vu, Rob Cleland, and Dan Earley, for their individual team contributions; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the coaches and members of the Hoquiam High School Wrestling Team.

Senator DeJarnatt spoke to Senate Resolution 1988-8727.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Hoquiam High School championship wrestling team and their coaches who were seated in the gallery.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced that Dr. Robert Waldo, executive director of the Council of Presidents, and his family were present in the Senate Chamber. The President appointed Senators Pullen, Anderson, Kreidler and Wojahn to escort Dr. Waldo and his family to the Senate Rostrum.

MOTION

On motion of Senator McDonald, the following resolution was adopted:

SENATE RESOLUTION 1988-8731

by Senators McDonald, Saling, Rinehart, Gaspard, Hayner, Patterson, Anderson, Cantu, Deccio, Zimmerman, Fleming, Smitherman, Conner and Rasmussen

WHEREAS, Dr. Robert Waldo has dedicated nearly four decades to public higher education in the state of Washington; and

WHEREAS, Dr. Robert Waldo has completed more than thirty-two years of service to the University of Washington in a variety of increasingly responsible positions from his 1946 post as a student counselor to dean of men, assistant to the president, director of planning and development, director and later vice-president for university relations, vice-provost and dean of continuing education, and a ten-year assignment as director of government relations; and

WHEREAS, Dr. Robert Waldo has donated years of community service to a number of organizations ranging from the Public Broadcasting Service to the American Society for Public Administration, from the Council for Advancement and Support of Education to the National University Extension Association; and

WHEREAS, Dr. Robert Waldo has devoted his professional career to successfully advocating for and persuasively articulating the needs of public higher education; and

WHEREAS, Dr. Robert Waldo has skillfully, gracefully, and diplomatically contributed to our legislative deliberations for more than fourteen years; and

WHEREAS, Dr. Robert Waldo has capped his distinguished career with a four-year appointment as executive director of the Council of Presidents; and

WHEREAS, Dr. Robert Waldo has announced his retirement from the Council of Presidents effective August 31, 1988;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the members of the Senate on behalf of the citizens of this state express their enduring appreciation, infinite admiration, and lasting gratitude to Dr. Robert Waldo for his tenacious persistence, endless patience, and innumerable and invaluable contributions to the past, the present, and the future students of public higher education in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Dr. Robert Waldo and his wife, Joan.

Senators Saling, Rinehart and Zimmerman spoke to Senate Resolution 1988-8731.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Dr. Robert Waldo, his wife, Joan, and his children, Margery and Steve.

With permission of the Senate, business was suspended to permit Dr. Waldo to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

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

MESSAGE FROM THE HOUSE

February 10, 1988

Mr. President:

The House has passed SENATE BILL NO. 5016 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 124, Laws of 1909 as amended by section 10, chapter 81, Laws of 1971 and RCW 2.24.050 are each amended to read as follows:

All of the acts and proceedings of court commissioners hereunder shall be subject to revision by the superior court. Any party in interest may have such revision upon demand made by written motion, filed with the clerk of the superior court, within ten days after the entry of any order or judgment of the court commissioner. Such revision shall be upon the records of the case, and the findings of fact and conclusions of law entered by the court commissioner, and unless a demand for revision is made within ten days from the entry of the order or judgment of the court commissioner, ~~((the))~~ the orders and judgments shall be and become the orders and judgments of the superior court, and ~~((from same an appeal may be taken to the supreme court or the court of appeals in all cases where an appeal will lie from))~~ appellate review thereof may be sought in the same fashion as review of like orders and judgments entered by the judge.

Sec. 2. Section 24, chapter 127, Laws of 1893 and RCW 4.32.250 are each amended to read as follows:

A notice or other paper is valid and effectual though the title of the action in which it is made is omitted, or it is defective either in respect to the court or parties, if it intelligently refers to such action or proceedings; and in furtherance of justice upon proper terms, any other defect or error in any notice or other paper or proceeding may be amended by the court, and any mischance, omission or defect relieved within one year thereafter; and the court may enlarge or extend the time, for good cause shown, within which by statute any act is to be done, proceeding had or taken, notice or paper filed or served, or may, on such terms as are just, permit the same to be done or supplied after the time therefor has expired ~~((except that the time for bringing a writ of error or appeal shall in no case be enlarged, or a party permitted to bring such writ of error or appeal after the time therefor has expired))~~.

Sec. 3. Section 3, chapter 95, Laws of 1895 as last amended by section 3, chapter 126, Laws of 1986 and RCW 4.92.030 are each amended to read as follows:

The attorney general or an assistant attorney general shall appear and act as counsel for the state. The action shall proceed in all respects as other actions. ~~((Appeals may be taken to the supreme court or court of appeals of the state))~~ Appellate review may be sought as in other actions or proceedings, but in case ((an appeal shall be taken on behalf of)) review is sought by the state, no bond shall be required of the appellant.

Sec. 4. Section 35, chapter 65, Laws of 1895 as amended by section 30, chapter 81, Laws of 1971 and RCW 7.16.350 are each amended to read as follows:

From a final judgment in the superior court, in any such proceeding, ~~((an appeal shall lie to))~~ appellate review by the supreme court or the court of appeals may be sought as in other actions.

Sec. 5. Section 680, page 171, Laws of 1869 as last amended by section 70, chapter 258, Laws of 1984 and RCW 7.20.140 are each amended to read as follows:

Either party to a judgment in a proceeding for a contempt, may ~~((appeal therefrom))~~ seek appellate review of the judgment in like manner and with like effect as from judgment in an action, but such ~~((appeal))~~ review shall not have the effect to stay the proceedings in any other action, suit or proceeding, or upon any judgment, decree or order therein, concerning which, or wherein such contempt was committed.

Sec. 6. Section 2, chapter 213, Laws of 1955 as amended by section 33, chapter 81, Laws of 1971 and RCW 8.04.070 are each amended to read as follows:

At the time and place appointed for hearing the petition, or to which the hearing may have been adjourned, if the court has satisfactory proof that all parties interested in the lands, real estate, premises or other property described in the petition have been duly served with the notice, and is further satisfied by competent proof that the contemplated use for which the lands, real estate, premises, or other property are sought to be appropriated is really necessary for the public use of the state, it shall make and enter an order, to be recorded in the minutes of the court, and which order shall be final unless appellate review thereof ~~((to the supreme court or the court of appeals of the state))~~ is ~~((taken))~~ sought within five days after entry thereof, adjudicating that the contemplated use for which the lands, real estate, premises or other property are sought to be appropriated is really a public use of the state.

Sec. 7. Section 7, chapter 74, Laws of 1891 as last amended by section 35, chapter 81, Laws of 1971 and RCW 8.04.130 are each amended to read as follows:

Upon the entry of judgment upon the verdict of the jury or the decision of the court awarding damages, the state may make payment of the damages and the costs of the proceedings by depositing them with the clerk of the court, to be paid out under the direction of the court or judge thereof; and upon making such payment into court of the damages assessed and allowed for any land, real estate, premises, or other property mentioned in the petition, and of the costs, the state shall be released and discharged from any and all further liability therefor, unless upon appeal the owner or party interested recovers a greater amount of damages; and in that case the state shall be liable only for the amount in excess of the sum paid into court and the costs of appeal.

In the event ~~((of an appeal to the supreme court or the court of appeals of the state))~~ appellate review is sought by any party to the proceedings, the moneys paid into the superior court by the state pursuant to this section shall remain in the custody of the court until the final determination of the proceedings by the supreme court or the court of appeals.

Sec. 8. Section 9, chapter 74, Laws of 1891 as amended by section 36, chapter 81, Laws of 1971 and RCW 8.04.150 are each amended to read as follows:

Either party may ~~((appeal from))~~ seek appellate review of the judgment for damages entered in the superior court ~~((to the supreme court or the court of appeals of the state;))~~ within thirty days after the entry of judgment as aforesaid, and such ~~((appeal))~~ review shall bring before the supreme court or the court of appeals the propriety and justice of the amount of damages in respect to the parties to the ~~((appeal))~~ review: PROVIDED HOWEVER, That upon such ~~((appeal))~~ review no bond shall be required: AND PROVIDED FURTHER, That if the owner of land, the real estate or premises accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively ~~((an appeal to the supreme court or the court of appeals;))~~ appellate review, and final judgment by default may be rendered in the superior court as in other cases: PROVIDED FURTHER, That no ~~((appeal))~~ review shall operate so as to prevent the said state of Washington from taking possession of such property pending ~~((such appeal))~~ review after the amount of said award shall have been paid into court.

Sec. 9. Section 8, chapter 79, Laws of 1949 as amended by section 38, chapter 81, Laws of 1971 and RCW 8.08.080 are each amended to read as follows:

Either party may ~~((appeal from))~~ seek appellate review of the judgment for compensation of the damages awarded in the superior court ~~((to the supreme court or the court of appeals;))~~ within thirty days after the entry of judgment as aforesaid, and such ~~((appeal))~~ review shall bring before the supreme court or the court of appeals the propriety and justice of the amount of damage in respect to the parties to the ~~((appeal))~~ review: PROVIDED, That upon such ~~((appeal))~~ review no bonds shall be required: AND PROVIDED FURTHER, That if the owner of land, real estate, or premises accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively ~~((an appeal to the supreme court or the court of appeals;))~~ appellate review, and final judgment by default may be rendered in the superior court as in other cases.

Sec. 10. Section 16, chapter 84, Laws of 1893 as last amended by section 39, chapter 81, Laws of 1971 and RCW 8.12.200 are each amended to read as follows:

Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases, provided that in case any defendant recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and

conclusive as to the damages caused by such improvement unless ~~((appealed from))~~ appellate review is sought, and ~~((no appeal from))~~ review of the same shall delay proceedings under said ordinance, if such city shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such city, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties ~~((so appealing in))~~ seeking review of said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of ~~((an appeal to))~~ review by the supreme court or the court of appeals of the state by any party to the proceedings the money so paid into the superior court by such city, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively ~~((an appeal to the supreme court or the court of appeals))~~ appellate review and final judgment may be rendered in the superior court as in other cases.

Sec. 11. Section 49, chapter 153, Laws of 1907 as last amended by section 40, chapter 81, Laws of 1971 and RCW 8.12.530 are each amended to read as follows:

At any time within six months from the date of rendition of the last judgment awarding compensation for any such improvement in the superior court, or if ~~((any appeal be taken))~~ appellate review is sought, then within two months after the final determination of the ~~((appeal))~~ proceeding in the supreme court or the court of appeals, any such city may discontinue the proceedings by ordinance passed for that purpose before making payment or proceeding with the improvement by paying or depositing in court all taxable costs incurred by any parties to the proceedings up to the time of such discontinuance. If any such improvement be discontinued, no new proceedings shall be undertaken therefor until the expiration of one year from the date of such discontinuance.

Sec. 12. Section 13, page 375, Laws of 1909 as amended by section 41, chapter 81, Laws of 1971 and RCW 8.16.130 are each amended to read as follows:

Either party may ~~((appeal from))~~ seek appellate review of the judgment for compensation awarded for the property taken, entered in the superior court, to the supreme court or the court of appeals of the state within sixty days after the entry of the judgment, and such ~~((appeal))~~ review shall bring before the supreme court or the court of appeals the justness of the compensation awarded for the property taken, and any error occurring on the hearing of such matter, prejudicial to the party appealing: PROVIDED, HOWEVER, That if the owner or owners of the land taken accepts the sum awarded by the jury or court, he or they shall be deemed thereby to have waived ~~((their right of appeal to the supreme court or the court of appeals))~~ appellate review.

Sec. 13. Section 7, page 299, Laws of 1890 as amended by section 42, chapter 81, Laws of 1971 and RCW 8.20.100 are each amended to read as follows:

Upon the entry of judgment upon the verdict of the jury or the decision of the court or judge thereof, awarding damages as hereinbefore prescribed, the petitioner, or any officer of, or other person duly appointed by said corporation, may make payment of the damages assessed to the parties entitled to the same, and of the costs of the proceedings, by depositing the same with the clerk of said superior court, to be paid out under the direction of the court or judge thereof; and upon making such payment into the court of the damages assessed and allowed, and of the costs, to any land, real estate, premises or other property mentioned in said petition, such corporation shall be released and discharged from any and all further liability therefor, unless upon ~~((appeal))~~ appellate review the owner or other person or party interested shall recover a greater amount of damages; and in that case only for the amount in excess of the sum paid into said court, and the costs of ~~((appeal))~~ appellate review: PROVIDED, That in case of ~~((an appeal to))~~ review by the supreme court or the court of appeals of the state by any party to the proceedings, the money so paid into the superior court by such corporation as aforesaid, shall remain in the custody of said court until the final determination of the proceedings by the said supreme court or the court of appeals.

Sec. 14. Section 9, page 300, Laws of 1890 as amended by section 43, chapter 81, Laws of 1971 and RCW 8.20.120 are each amended to read as follows:

Either party may ~~((appeal from))~~ seek appellate review of the judgment for damages entered in the superior court ~~((to the supreme court or the court of appeals of the state,))~~ within thirty days after the entry of judgment as aforesaid and such ~~((appeal))~~ review shall bring before the supreme court or the court of appeals the propriety and justness of the amount of damages in respect to the parties to the ~~((appeal))~~ review: PROVIDED, HOWEVER, That no bond shall be required of any person interested in the property sought to be appropriated by such corporation, but in case the corporation appropriating such land, real estate, premises or other property is appellant, it shall give a bond like that prescribed in RCW 8.20.130, to be executed, filed and approved in the same manner: AND PROVIDED FURTHER, That if the owner of the land, real estate, premises or other property accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively ~~((an appeal to the~~

~~supreme court or the court of appeals~~) appellate review, and final judgment by default may be rendered in the superior court as in other cases.

Sec. 15. Section 7, chapter 133, Laws of 1955 as last amended by section 36, chapter 136, Laws of 1981 and RCW 9.95.060 are each amended to read as follows:

When a convicted person (~~appeals from~~) seeks appellate review of his or her conviction and is at liberty on bond pending the determination of the ((appeal)) proceeding by the supreme court or the court of appeals, credit on his or her sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified to the department of corrections, the Washington state board of prison terms and paroles, and the prosecuting attorney of the county in which such convicted person was convicted and sentenced, by the sheriff of such county. If such convicted person does not (~~appeal from his~~) seek review of the conviction, but is at liberty for a period of time subsequent to the signing of the judgment and sentence, or becomes a fugitive, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified as provided in this section. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Sec. 16. Section 23, chapter 117, Laws of 1973 1st ex. sess. as amended by section 18, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.230 are each amended to read as follows:

Either party may (~~appeal to the court of appeals~~) seek appellate review of the judgment of any hearing held pursuant to the provisions of this chapter.

Sec. 17. Section 15, chapter 138, Laws of 1981 and RCW 10.95.150 are each amended to read as follows:

In all cases in which a sentence of death has been imposed, the ((~~appeal~~)) appellate review, if any, and sentence review to or by the supreme court of Washington shall be decided and an opinion on the merits shall be filed within one year of receipt by the clerk of the supreme court of Washington of the verbatim report of proceedings and clerk's papers filed under RCW 10.95.110. If this time requirement is not met, the chief justice of the supreme court of Washington shall state on the record the extraordinary and compelling circumstances causing the delay and the facts supporting such circumstances. A failure to comply with the time requirements of this subsection shall in no way preclude the ultimate execution of a sentence of death.

Sec. 18. Section 11.52.016, chapter 145, Laws of 1965 as amended by section 1, chapter 80, Laws of 1972 ex. sess. and RCW 11.52.016 are each amended to read as follows:

The order of judgment of the court making the award or awards provided for in RCW 11.52.010 through 11.52.024 shall be conclusive and final, except on ((~~appeal~~)) appellate review and except for fraud. The awards in RCW 11.52.010 through 11.52.024 provided shall be in lieu of all homestead provisions of the law and of exemptions. The said property, when set aside as herein provided, shall be exempt from all claims for the payment of any debt of the deceased or of the surviving spouse existing at the time of death, whether such debt be individual or community. Under RCW 11.52.010 through 11.52.024, the court shall not award more property than could be awarded under the law in effect at the time of the granting of the award.

Sec. 19. Section 17, chapter 31, Laws of 1985 and RCW 11.96.160 are each amended to read as follows:

Any interested party may (~~appeal to the supreme court or the court of appeals from~~) seek appellate review of any final order, judgment, or decree of the court, and such ((appeals)) review shall be in the manner and way provided by law for appeals in civil actions.

Sec. 20. Section 124, chapter 30, Laws of 1985 and RCW 11.110.110 are each amended to read as follows:

When the attorney general requires the attendance of any person, as provided in RCW 11.110.100, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall be subject to review by the supreme court or the court of appeals (~~by certiorari or other appropriate proceeding~~).

Sec. 21. Section 14, chapter 125, Laws of 1929 as amended by section 56, chapter 81, Laws of 1971 and RCW 17.04.230 are each amended to read as follows:

Any interested party may appeal from the decision and order of the board of directors of such district to the superior court of the county in which such district is located, by serving written notice of appeal on the chairman of the board of directors and by filing in the office of

the clerk of the superior court a copy of said notice of appeal with proof of service attached, together with a good and sufficient cost bond in the sum of two hundred dollars, said cost bond to run to such district and in all respects to comply with the laws relating to cost bonds required of nonresident plaintiffs in the superior court. Said notice must be served and filed within ten days from the date of the decision and order of such board of directors, and said bond must be filed within five days after the filing of such notice of appeal. Whenever notice of appeal and the cost bond as herein provided shall have been filed with the clerk of the superior court, the clerk shall notify the board of directors of such district thereof, and such board shall forthwith certify to said court all notices and records in said matters, together with proof of service, and a true copy of the order and decision pertaining thereto made by such board. If no appeal be perfected within ten days from the decision and order of such board, the same shall be deemed confirmed and the board shall certify the amount of such charges to the county treasurer who shall enter the same on the tax rolls against the land. When an appeal is perfected the matter shall be heard in the superior court de novo and the court's decision shall be conclusive on all persons served under this chapter: PROVIDED, That ~~((an appeal may be taken to the supreme court or the court of appeals from))~~ appellate review of the order or decision of the superior court in the manner provided by existing laws, and upon the conclusion of such ~~((appeal))~~ review, the amount of charges and costs adjudged to be paid shall be certified by the clerk of the superior court to the county treasurer and said treasurer shall proceed to enter the same on his rolls against the lands affected.

Sec. 22. Section 12, chapter 140, Laws of 1921 as amended by section 57, chapter 81, Laws of 1971 and RCW 17.16.110 are each amended to read as follows:

Any person feeling himself aggrieved at the decision and order of the board of county commissioners approving the amount of such expenses and establishing the same as a tax against the land involved may appeal therefrom to the superior court of the county, by serving a written notice of appeal on the board and by filing a copy of same with proof of service attached, together with a good and sufficient cost bond to be approved by the county clerk in the sum of two hundred dollars, said cost bond to run to the county and in all other respects to comply with the laws relating to cost bonds required of nonresident plaintiffs in the superior court. Said notice of appeal must be served and filed within ten days from the date of the decision and order of the board approving the amount of said expense and establishing the same as a tax against the land involved, and said appeal must be brought on for hearing upon a certified copy of the records in the matter without further pleadings, at the next term of court thereafter. ~~((An appeal from))~~ Appellate review of the judgment of the superior court in the matter may be ~~((taken to the supreme court or the court of appeals of the state))~~ sought as in other cases ~~((on appeal))~~. Upon the final conclusion of any ~~((appeal))~~ review so taken, the county clerk shall certify to the county treasurer the result of such ~~((appeal))~~ review.

Sec. 23. Section 10, chapter 211, Laws of 1955 as last amended by section 185, chapter 35, Laws of 1982 and RCW 19.77.100 are each amended to read as follows:

Any person who believes he will be damaged by a registration of a trademark by the secretary of state may request cancellation of such registration by filing with the secretary of state in duplicate a verified petition setting forth the facts in support of such request, accompanied by a fee of fifty dollars payable to the revolving fund of the secretary of state. To each copy of said petition for cancellation there shall be attached a copy of each of the trademarks or trade names, or the personal name, portrait, or signature, of the petitioner, or other exhibits of like character relied on in the petition. Thereafter the secretary of state shall mail to the registrant or his agent for service of record with the secretary of state a copy of said petition, addressed to the last known address of the registrant or such agent according to the files of the secretary of state, accompanied by a notice that said registrant may, within twenty days if the registrant is a resident of the state of Washington, or within sixty days if the registrant is a non-resident of the state of Washington, file in duplicate a verified answer to said petition. Thereafter the secretary of state shall forward a copy of said answer to said petitioner, accompanied by a notice that said petitioner may, within a specified time, not less than twenty days, file in duplicate a verified statement as to any further facts which are pertinent to issues raised by said answer, and the secretary of state shall in like manner forward a copy thereof to said registrant or such agent. The secretary of state shall then fix a hearing date not less than thirty days from the last day that the petitioner may file a statement of further facts. Written notice of such hearing shall be served on the parties by the secretary of state not less than fifteen days before the hearing in the same manner as the petition and answer were forwarded. Additional relevant testimony or other evidence may be introduced by the parties, and the secretary of state may subpoena such witnesses as he deems necessary. The parties shall have the right to be represented by counsel. On conclusion of the hearing the secretary of state shall grant or deny the petitioner's request for cancellation of the registration as the facts shall warrant and shall send a copy of his decision to the petitioner and to the registrant or such agent. If the secretary of state finds that the trademark should not have been registered, or is in violation of the common law rights of the petitioner, or if the secretary of state receives no answer from the registrant within the time limits specified hereinabove, he shall cancel said registration from the register, unless a petition for review of such decision is filed as provided hereinafter.

Either the petitioner or the registrant may, within sixty days after mailing of the copy of the decision by the secretary of state, file in the superior court of the state of Washington for Thurston county, and mail to the secretary of state and the other party or such agent at his last known address according to the files of the secretary of state, a petition for review of the decision of the secretary of state. The court shall review such decision on the basis of the record before the secretary of state for the purpose of determining the reasonableness and lawfulness of such decision and, subject to ~~((the right of appeal to))~~ appellate review by the supreme court or the court of appeals of the state, the decree of the superior court shall be binding upon the secretary of state with respect to the granting or denial of the petitioner's request for cancellation. In any such petition for review the secretary of state shall be a necessary party, and the petitioner for cancellation and the registrant shall be proper parties.

Sec. 24. Section 20, chapter 139, Laws of 1959 as amended by section 66, chapter 81, Laws of 1971 and RCW 20.01.200 are each amended to read as follows:

~~((An appeal shall lie to the supreme court or the court of appeals from))~~ Appellate review of the judgment of the superior court may be sought as provided in other civil cases.

Sec. 25. Section 28, chapter 115, Laws of 1921 as amended by section 68, chapter 81, Laws of 1971 and RCW 24.32.360 are each amended to read as follows:

Every order, decision or other official act of the director of agriculture shall be subject to review, and any party aggrieved by such order, decision or act of the director of agriculture may appeal therefrom to the superior court of the county of Thurston by serving upon the director of agriculture a notice of such appeal, specifying the order, decision of act appealed from, and filing the same with the clerk of the superior court of the county of Thurston within sixty days after the date of such order, decision or official act. Whereupon the director of agriculture shall, within ten days after filing of such notice of appeal, make and certify a transcript of all the records and papers on file in his office affecting or relating to the order, decision or act appealed from, and upon the payment of the fee therefor by the appellant, the director of agriculture shall file the same in the office of the clerk of said superior court. Upon the hearing of such appeal the burden of proof shall be upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the director of agriculture from which appeal is taken. Any party ~~((to such appeal to the superior court who is))~~ aggrieved by the judgment of ~~((said court rendered upon such appeal may prosecute an appeal to the supreme court or the court of appeals of the state of Washington. The general laws relating to bills of exception, statements of fact and appeals to the supreme court or the court of appeals, shall apply to all appeals taken to the supreme court or the court of appeals under this chapter))~~ the superior court may seek appellate review of the judgment as in other civil cases; PROVIDED, That no supersedeas of the judgment of the superior court shall be allowed, except at the discretion of said superior court. If supersedeas is allowed, it shall be upon such bond and with such conditions as the superior court may require by its order.

Sec. 26. Section 28A.58.500, chapter 223, Laws of 1969 ex. sess. as amended by section 71, chapter 81, Laws of 1971 and RCW 28A.58.500 are each amended to read as follows:

Either party to the proceedings in the superior court may ~~((appeal))~~ seek appellate review of the decision ((to the supreme court or the court of appeals of this state)) as any other civil action ~~((is appealed))~~.

Sec. 27. Section 16, chapter 36, Laws of 1969 ex. sess. as amended by section 72, chapter 81, Laws of 1971 and RCW 28B.16.160 are each amended to read as follows:

(1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. ~~((Appeal shall be available to the supreme court or the court of appeals from))~~ Appellate review of the order of the superior court may be sought as in other civil cases.

Sec. 28. Section 29.79.170, chapter 9, Laws of 1965 and RCW 29.79.170 are each amended to read as follows:

The decision of the superior court refusing to grant a writ of mandate, may be reviewed by the supreme court ~~((on a writ of certiorari sued out))~~ within five days after the decision of the superior court. The review shall be considered an emergency matter of public concern, and shall be heard and determined with all convenient speed, and if the supreme court decides that the petitions are legal in form and apparently contain the requisite number of signatures of legal voters, and were filed within the time prescribed in the Constitution, it shall issue its mandate directing the secretary of state to file the petition in his office as of the date of submission.

Sec. 29. Section 29.79.210, chapter 9, Laws of 1965 and RCW 29.79.210 are each amended to read as follows:

Any citizen dissatisfied with the determination of the secretary of state that an initiative or referendum petition contains or does not contain the requisite number of signatures of legal voters may, within five days after such determination, apply to the superior court of Thurston county for a citation requiring the secretary of state to submit the petition to said court for examination, and for a writ of mandate compelling the certification of the measure and petition, or for an injunction to prevent the certification thereof to the legislature, as the case may be. Such application and all proceedings had thereunder shall take precedence over other cases and shall be speedily heard and determined.

The decision of the superior court granting or refusing to grant the writ of mandate or injunction may be reviewed by the supreme court (~~on a writ of certiorari sued out~~) within five days after the decision of the superior court, and if the supreme court decides that a writ of mandate or injunction, as the case may be, should issue, it shall issue the writ directed to the secretary of state; otherwise, it shall dismiss the proceedings. The clerk of the supreme court shall forthwith notify the secretary of state of the decision of the supreme court.

Sec. 30. Section 29.82.160, chapter 9, Laws of 1965 as amended by section 10, chapter 170, Laws of 1984 and RCW 29.82.160 are each amended to read as follows:

The superior court of the county in which the officer subject to recall resides has original jurisdiction to compel the performance of any act required of any public officer or to prevent the performance by any such officer of any act in relation to the recall not in compliance with law.

The supreme court has like original jurisdiction in relation to state officers and revisory jurisdiction over the decisions of the superior courts. Any proceeding to compel or prevent the performance of any such act shall be begun within ten days from the time the cause of complaint arises, and shall be considered an emergency matter of public concern and take precedence over other cases, and be speedily heard and determined. (~~Any proceeding to~~) Appellate review of a decision of any superior court shall be begun and perfected within fifteen days after its decision in a recall election case and shall be considered an emergency matter of public concern by the supreme court, and heard and determined within thirty days after the decision of the superior court.

Sec. 31. Section 23, chapter 208, Laws of 1941 as amended by section 81, chapter 81, Laws of 1971 and RCW 31.08.260 are each amended to read as follows:

Whenever the supervisor shall deny an application for a license or shall revoke or suspend a license issued pursuant to this chapter, or shall issue any specific order or demand, then such applicant or licensee thereby affected may, within thirty days from the date of service of notice as provided for in this chapter, appeal to the superior court of the state of Washington for Thurston county. The appeal shall be perfected by serving a copy of the notice of appeal upon the supervisor and by filing it, together with proof of service, with the clerk of the superior court of Thurston county. Whereupon the supervisor shall, within fifteen days after filing of such notice of appeal, make and certify a transcript of the evidence and of all the records and papers on file in his office relating to the order appealed from, and the supervisor shall forthwith file the same in the office of the clerk of said superior court. The reasonable costs of preparing such transcript shall be assessed by the court as part of the costs. A trial shall be had in said superior court de novo. The applicant or licensee, as the case may be, shall be deemed the plaintiff and the state of Washington the defendant. Each party shall be entitled to subpoena witnesses and produce evidence to sustain or reverse the findings and order or demand of the supervisor. During the pendency of any appeal from the order of revocation or suspension of a license, the order of revocation theretofore entered by the supervisor shall be stayed and any other order or demand appealed from may be stayed in the discretion of the court. Either party may (~~appeal from~~) seek appellate review of the judgment of said superior court (~~to the supreme court or the court of appeals of the state of Washington~~) as in other civil actions.

Sec. 32. Section 115, chapter 235, Laws of 1945 as amended by section 84, chapter 81, Laws of 1971 and RCW 33.04.060 are each amended to read as follows:

An association may petition the superior court of the state of Washington for Thurston county for the review of any decision, ruling, requirement or other action or determination of the supervisor, by filing its complaint, duly verified, with the clerk of the court and serving a copy thereof upon the supervisor. Upon the filing of the complaint, the clerk of the court shall docket the same as a cause pending therein.

The supervisor may answer the complaint and the petitioner reply thereto, and the cause shall be heard before the court as in other civil actions. Both the petitioner and the supervisor may (~~appeal from~~) seek appellate review of the decision of the court to the supreme court or the court of appeals of the state of Washington.

Sec. 33. Section 8, chapter 235, Laws of 1945 as last amended by section 85, chapter 81, Laws of 1971 and RCW 33.08.070 are each amended to read as follows:

The supervisor, not later than six months after receipt of the proposed articles and bylaws shall endorse upon each copy thereof the word "approved" or "refused" and the date thereof. In case of refusal, he shall forthwith return one copy of the articles and bylaws to the incorporators, and the refusal shall be final unless the incorporators, or a majority of them, within thirty

days after the refusal, appeal to the superior court of Thurston county. The appeal may be accomplished by the incorporators preparing a notice of appeal, serving a copy of it upon the supervisor, and filing the notice with the clerk of the court, whereupon the clerk, under the direction of the judge, shall give notice to the appellants and to the supervisor of a date for the hearing of the appeal. The appeal shall be tried de novo by the court. At the hearing a record shall be kept of the evidence adduced, and the decision of the court shall be final unless ~~((an appeal therefrom is taken to the supreme court or the court of appeals))~~ appellate review is sought as in other cases.

Sec. 34. Section 113, chapter 235, Laws of 1945 as last amended by section 72, chapter 3, Laws of 1982 and RCW 33.40.120 are each amended to read as follows:

The court, upon notice and hearing, may remove the liquidator for cause. ~~((From such)) Appellate review of the order of removal ((the liquidator may appeal to the supreme court or the court of appeals by giving notice of appeal and posting bond for costs as in other appeals)) may be sought as in other civil cases.~~

During the pendency of any appeal, the director of general administration shall act as liquidator of the association, without giving any additional bond for the performance of the duties as such liquidator.

If such order of removal shall be affirmed, the director of general administration shall name another liquidator for the association, which nominee, upon qualifying as required for receivers generally, shall succeed to the position of liquidator of the association.

Sec. 35. Section 14, chapter 234, Laws of 1959 as amended by section 87, chapter 81, Laws of 1971 and RCW 34.04.140 are each amended to read as follows:

An aggrieved party may secure ~~((a))~~ appellate review of any final judgment of the superior court under this chapter by ~~((appeal to))~~ the supreme court or the court of appeals. Such ~~((appeal))~~ review shall be ~~((taken))~~ secured in the manner provided by law for ~~((appeals from the))~~ review of superior court decisions in other civil cases.

Sec. 36. Section 35.44.260, chapter 7, Laws of 1965 as amended by section 91, chapter 81, Laws of 1971 and RCW 35.44.260 are each amended to read as follows:

~~((An appeal shall lie to the supreme court or the court of appeals from))~~ Appellate review of the judgment of the superior court may be obtained as in other cases if ((taken)) sought within fifteen days after the date of the entry of the judgment in the superior court. ((The record and the opening brief of the appellant must be filed in the supreme court or the court of appeals within sixty days after the filing of the notice of appeal. PROVIDED: That the time for filing the record and the serving and filing of briefs may be extended by order of the superior court or by stipulation of the parties concerned.))

Sec. 37. Section 35.44.270, chapter 7, Laws of 1965 as amended by section 92, chapter 81, Laws of 1971 and RCW 35.44.270 are each amended to read as follows:

A certified copy of the decision of the superior court pertaining to assessments for local improvements shall be filed with the officer having custody of the assessment roll and he shall modify and correct the assessment roll in accordance with the decision. In ~~((case of appeal to the supreme court or the court of appeals))~~ the event appellate review of the decision is sought, a certified copy of ((its)) the court's order shall be filed with the officer having custody of the assessment roll and ((he)) the officer shall thereupon modify and correct the assessment roll in accordance with the order.

Sec. 38. Section 35.55.080, chapter 7, Laws of 1965 as amended by section 94, chapter 81, Laws of 1971 and RCW 35.55.080 are each amended to read as follows:

Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. ~~((Appeal shall lie to the supreme court or the court of appeals))~~ Appellate review of the superior court's decision may be sought as in other causes.

Sec. 39. Section 35.56.090, chapter 7, Laws of 1965 as amended by section 95, chapter 81, Laws of 1971 and RCW 35.56.090 are each amended to read as follows:

Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council or commission to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city

clerk within ten days after the equalization of the assessments by the council or commission. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars, and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff, and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. ~~((An appeal shall lie to the supreme court or the court of appeals))~~ Appellate review of the superior court's decision may be sought as in other causes.

Sec. 40. Section 16, chapter 189, Laws of 1967 as last amended by section 8, chapter 477, Laws of 1987 and RCW 36.93.160 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. Notice as provided in this subsection shall include any territory which the board has determined to consider adding in accordance with RCW 36.93.150(2).

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal.

The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or

(f) Arbitrary or capricious.

An aggrieved party may ~~((secure a))~~ seek appellate review of any final judgment of the superior court ~~((by appeal to the supreme court or the court of appeals. Such appeal shall be taken))~~ in the manner provided by law ~~((for appeals from the superior court))~~ as in other civil cases.

Sec. 41. Section 29, chapter 72, Laws of 1967 as amended by section 98, chapter 81, Laws of 1971 and RCW 36.94.290 are each amended to read as follows:

The decision of the board of county commissioners upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of the board of county commissioners and with the clerk of the superior court within ten days after the resolution confirming such assessment roll shall have become published, and such notice shall describe the property and set forth the objections of such appellant to such assessment. Within the ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the board of county commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the board of county commissioners and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the clerk of the board of county commissioners that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such county and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. ~~((An appeal shall lie to the supreme court or the court of appeals from))~~ Appellate review of the judgment of the superior court ~~((;))~~ may be sought as in other cases ~~((;))~~. However, ~~((such appeal))~~ review must be ~~((taken))~~ sought within fifteen days after the date of the entry of the judgment of such superior court ~~((; and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this section. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court or by stipulation of the parties concerned))~~. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 42. Section 15, chapter 311, Laws of 1981 and RCW 41.64.140 are each amended to read as follows:

(1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. ~~((Appeal shall be available to the employee to the supreme court or the court of appeals from))~~ Appellate review of the order of the superior court may be sought as in other civil cases.

Sec. 43. Section 49, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.190 are each amended to read as follows:

Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, or within thirty days after an appeal has been denied after an informal hearing, such interested party aggrieved by the decision and order of the hearings board may appeal to the superior court. In all appeals involving a

decision or an order of the hearings board after an informal hearing, the petition shall be filed in the superior court for the county of the petitioner's residence or principal place of business, or in the absence of a residence or principal place of business, for Thurston county. Such appeal may be perfected by filing with the clerk of the superior court a notice of appeal, and by serving a copy thereof by mail, or personally on the director, the air pollution control boards or authorities, established pursuant to chapter 70.94 RCW or on the board as the case may be. The hearings board shall serve upon the appealing party, the director, the air pollution control board or authorities established pursuant to chapter 70.94 RCW, or the board, as the case may be, and on any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified copy of the hearings board's decision and order. ~~(Every appeal from)~~ Appellate review of a decision of the superior court ~~((shall go directly to the supreme court, notwithstanding RCW 2.06.030))~~ may be sought as in other civil cases. No bond shall be required on appeals to the superior court or on ~~((appeals to))~~ review by the supreme court unless specifically required by the judge of the superior court.

Sec. 44. Section 43.52.430, chapter 8, Laws of 1965 as last amended by section 10, chapter 184, Laws of 1977 ex. sess. and RCW 43.52.430 are each amended to read as follows:

Any party in interest deeming itself aggrieved by any order of the director of the department of ecology may appeal to the superior court of Thurston county by serving upon the director and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The director shall, within ten days after service of the notice of appeal, file with the clerk of the court a return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. ~~((Appeal may be had to the supreme court or the court of appeals as in the case of civil appeals.))~~ Appellate review of the superior court's decision may be sought as in other civil cases.

Sec. 45. Section 47.32.060, chapter 13, Laws of 1961 as amended by section 180, chapter 7, Laws of 1984 and RCW 47.32.060 are each amended to read as follows:

At the time and place appointed for hearing upon the complaint, which hearing shall be by summary proceedings, if the court or judge thereof finds that due notice has been given by posting and publication and that the order of the department was duly made, and is further satisfied and finds that the state highway or portion thereof described is legally a state highway having the width of right of way specified in the order and that the structure, buildings, improvements, or other means of occupancy of the state highway or portion thereof as stated in the certificate of the department do in fact encroach, or that any portion thereof encroach, upon the state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements, and other means of occupancy specified in the order is unlawfully maintained within the right of way and is subject to confiscation and sale and that they be forthwith confiscated, removed from the right of way, and sold, and providing that six days after the entry of the order, a writ shall issue from the court directed to the sheriff of the county, commanding the sheriff to seize and remove from the right of way of the state highway each such structure, building, improvement, or other means of occupancy specified in the order forthwith on receipt of a writ based on the order and to take and hold the property in his custody for a period of ten days, unless redelivered earlier as provided for by law, and if not then so redelivered to sell the property at public or private sale and to pay the proceeds thereof into the registry of the court within sixty days after the issuance of the writ, and further in such action, including costs of posting original notices of the department, the costs of posting and publishing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and credited to the motor vehicle fund. The order shall be filed with the clerk of the court and recorded in the minutes of the court, and is final unless appellate review thereof is ~~((taken to the supreme court of the state))~~ sought within five days after filing of the order.

Sec. 46. Section .31.19, chapter 79, Laws of 1947 as last amended by section 13, chapter 241, Laws of 1969 ex. sess. and RCW 48.31.190 are each amended to read as follows:

(1) Proceedings under this chapter involving a domestic insurer shall be commenced in the superior court for the county in which is located the insurer's home office. Proceedings under this chapter involving other insurers shall be commenced in the superior court for Thurston county.

(2) The commissioner shall commence any such proceeding, the attorney general representing him, by an application to the court or to any judge thereof, for an order directing the insurer to show cause why the commissioner should not have the relief prayed for.

(3) Upon a showing of an emergency or threat of imminent loss to policyholders of the insurer the court may issue an ex parte order authorizing the commissioner immediately to take over the premises and assets of the insurer, the commissioner then to preserve the status quo, pending a hearing on the order to show cause, which shall be heard as soon as the court calendar permits in preference to other civil cases.

(4) In response to any order to show cause issued under this chapter the insurer shall have the burden of going forward with and producing evidence to show why the relief prayed for by the commissioner is not required.

(5) On the return of such order to show cause, and after a full hearing, the court shall either deny the relief sought in the application or grant the relief sought in the application together with such other relief as the nature of the case and the interest of policyholders, creditors, stockholders, members, subscribers, or the public may require.

(6) No ~~((appeal taken from))~~ appellate review of a superior court order, entered after a hearing, granting the commissioner's petition to rehabilitate an insurer or to carry out an insolvency proceeding under this chapter, shall stay the action of the commissioner in the discharge of his responsibilities under this chapter, pending a decision by the appellate court in the matter.

(7) In any proceeding under this chapter the commissioner and his deputies shall be responsible on their official bonds for the faithful performance of their duties. If the court deems it desirable for the protection of the assets, it may at any time require an additional bond from the commissioner or his deputies.

Sec. 47. Section 21, chapter 37, Laws of 1957 as last amended by section 24, chapter 185, Laws of 1985 and RCW 49.60.260 are each amended to read as follows:

(1) The commission shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business for the enforcement of any final order which is not complied with and is issued by the commissioner or an administrative law judge under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in court the final order sought to be enforced. Within five days after filing such petition in court, the commission shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

(2) From the time the petition is filed, the court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such temporary relief or restraining order as it deems just and suitable.

(3) If the petition shows that there is a final order issued by the commission or administrative law judge under RCW 49.60.240 or 49.60.250 and that the order has not been complied with in whole or in part, the court shall issue an order directing the person who is alleged to have not complied with the administrative order to appear in court at a time designated in the order, not less than ten days from the date thereof, and show cause why the administrative order should not be enforced according to the terms. The commission shall immediately serve the person with a copy of the court order and the petition.

(4) The administrative order shall be enforced by the court if the person does not appear, or if the person appears and the court finds that:

(a) The order is regular on its face;

(b) The order has not been complied with; and

(c) The person's answer discloses no valid reason why the order should not be enforced, or that the reason given in the person's answer could have been raised by review under RCW 34.04.130, and the person has given no valid excuse for failing to use that remedy.

(5) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to ~~((a))~~ appellate review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. ~~((Such appeal))~~ The review shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases ~~((of appeal to the supreme court or the court of appeals, and the record so certified shall contain all that was before the lower court))~~.

Sec. 48. Section 132, chapter 35, Laws of 1945 as amended by section 121, chapter 81, Laws of 1971 and RCW 50.32.160 are each amended to read as follows:

It shall be unlawful for any attorney engaged in any appeal to the courts on behalf of an individual involving the individual's application for initial determination, or claim for waiting period credit, or claim for benefits to charge or receive any fee therein in excess of a reasonable fee to be fixed by the superior court in respect to the services performed in connection with the appeal taken thereto and to be fixed by the supreme court or the court of appeals in the event of ~~((an appeal thereto))~~ appellate review, and if the decision of the commissioner shall be reversed or modified, such fee and the costs shall be payable out of the unemployment compensation administration fund. In the allowance of fees the court shall give consideration to the provisions of this title in respect to fees pertaining to proceedings involving an individual's application for initial determination, claim for waiting period credit, or claim for benefits. In other respects the practice in civil cases shall apply.

Sec. 49. Section 1, chapter 40, Laws of 1973 as last amended by section 6, chapter 109, Laws of 1982 and RCW 51.52.110 are each amended to read as follows:

Within thirty days after a decision of the board to deny the petition or petitions for review upon such appeal has been communicated to such worker, beneficiary, employer or other person, or within thirty days after the final decision and order of the board upon such appeal has been communicated to such worker, beneficiary, employer or other person, or within thirty

days after the appeal is denied as herein provided, such worker, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court. If such worker, beneficiary, employer, or other person fails to file with the superior court its appeal as provided in this section within said thirty days, the decision of the board to deny the petition or petitions for review or the final decision and order of the board shall become final.

In cases involving injured workers, an appeal to the superior court shall be to the superior court of the county of residence of the worker or beneficiary, as shown by the department's records, or to the superior court of the county wherein the injury occurred or where neither the county of residence nor the county wherein the injury occurred are in the state of Washington then the appeal may be directed to the superior court for Thurston county. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. If the case is one involving a self-insurer, a copy of the notice of appeal shall also be served by mail, or personally, on such self-insurer. The department shall, in all cases not involving a self-insurer, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. If the case is one involving a self-insurer, such self-insurer shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed to be at issue. In such cases the department may appear and take part in any proceedings. The board shall serve upon the appealing party, the director, the self-insurer if the case involves a self-insurer, and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on ~~((appeals to))~~ review by the supreme court or the court of appeals, except that an appeal by the employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

Sec. 50. Section 9, chapter 255, Laws of 1947 as amended by section 75, chapter 230, Laws of 1984 and RCW 52.22.101 are each amended to read as follows:

~~((An appeal from))~~ Appellate review of an order granting or refusing a new trial, or from the judgment, in the special proceedings must be taken by the party aggrieved within thirty days after the entry of the order or the judgment.

Sec. 51. Section 17, chapter 390, Laws of 1955 as last amended by section 123, chapter 81, Laws of 1971 and RCW 54.16.160 are each amended to read as follows:

Before approval of the roll, a notice shall be published once each week for two successive weeks in a newspaper of general circulation in the county, stating that the roll is on file and open to inspection in the office of the secretary, and fixing a time not less than fifteen nor more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing shall be held by the commission on the protests. After the hearing the commission may alter any and all assessments shown on the roll and may, by resolution, approve it, but if an assessment is raised, a new notice, similar to the first, shall be given, and a hearing had thereon, after which final approval of the roll may be made. Any person aggrieved by the assessments shall perfect an appeal to the superior court of the county within ten days after the approval, in the manner provided for appeals from assessments levied by cities of the first class. In the event such an appeal shall be taken, the judgment of the court shall confirm the assessment insofar as it affects the property of the appellant unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the commission thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant. In the same manner as provided with reference to cities of the first class ~~((an appeal shall lie to the supreme court or the court of appeals from))~~ appellate review of the judgment of the superior court may be sought, as in other cases, ~~((if taken))~~ within fifteen days after the date of the entry of the judgment in the superior court. Engineering, office, and other expenses necessary or incident to the improvement shall be borne by the public utility district: PROVIDED, That when a municipal corporation included in the public utility district already owns or operates a utility of a character like that for which the assessments are levied hereunder, all such engineering and other expenses shall be borne by the local assessment district.

Sec. 52. Section 1, chapter 142, Laws of 1959 as amended by section 124, chapter 81, Laws of 1971 and RCW 54.16.165 are each amended to read as follows:

Whenever any land against which there has been levied any special assessment by any public utility district shall have been sold in part or subdivided, the board of commissioners of such public utility district shall have the power to order a segregation of the assessment.

Any person owning any part of the land involved in a special assessment and desiring to have such special assessment against the tracts of land segregated to apply to smaller parts thereof shall apply in writing to the board of commissioners of the public utility district which levied the assessment. If the commissioners determine that a segregation should be made they shall do so as nearly as possible on the same basis as the original assessment was levied and the total of the segregated parts of the assessment shall equal the assessment before segregation.

The commission shall then send notice thereof by mail to the several owners interested in the tract, as shown on the general tax rolls. If no protest is filed within twenty days from date of mailing said notice, the commission shall then by resolution approve said segregation. If a protest is filed, the commission shall have a hearing thereon, after mailing to the several owners at least ten days notice of the time and place thereof. After the hearing, the commission may by resolution approve said segregation, with or without change. Within ten days after the approval, any person aggrieved by the segregation may perfect an appeal to the superior court of the county wherein the property is situated and (~~therefrom to the supreme court or the court of appeals~~) hereafter seek appellate review, all as provided for appeals from assessments levied by cities of the first class. The resolution approving said segregation shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part, and shall order the county treasurer to make segregation on the original assessment roll as directed in the resolution. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered. The board of commissioners may require as a condition to the order of segregation that the person seeking it pay the public utility district the reasonable engineering and clerical costs incident to making the segregation. Unless otherwise provided in said resolution, the county treasurer shall apportion amounts paid on the original assessment in the same proportion as the segregated assessments bear to the original assessment. Upon segregation being made by the county treasurer, as aforesaid, the lien of the special assessment shall apply to the segregated parcels only to the extent of the segregated part of such assessment.

Sec. 53. Section 13, chapter 114, Laws of 1929 as last amended by section 18, chapter 17, Laws of 1982 1st ex. sess. and RCW 57.16.090 are each amended to read as follows:

The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court, a transcript consisting of the assessment roll and the appellant's objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to the assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by the secretary of the water district commission certified by the secretary to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the secretary of such water district, that such transcript is filed. The notice shall state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in the court, except proceedings under an act relating to eminent domain and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, who shall modify and correct such assessment roll in accordance with such decision. (~~An appeal shall lie to the supreme court or the court of appeals from~~) Appellate

~~review of the judgment of the superior court(;) may be sought as in other civil cases(;-PROVIDED, HOWEVER, That such appeal must be taken)). However, the review must be sought within fifteen days after the date of the entry of the judgment of such superior court(;-and the record and opening brief of the appellant in the cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant)). A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.~~

Sec. 54. Section 49, chapter 231, Laws of 1909 as amended by section 127, chapter 81, Laws of 1971 and RCW 58.28.490 are each amended to read as follows:

~~((Appeals and writs of review may be prosecuted to the supreme court or the court of appeals from a superior court from)) Appellate review of the judgment or orders of the superior court in all cases arising under this chapter or said acts of congress may be sought as in other civil cases ((and the general statutes as to the commencement of actions, bringing the same to trial, making an entry of judgment, the taking and perfecting appeals, and the making up of the records on appeal and relating to writs of review in the superior court, court of appeals, and supreme court, and all other procedure in the superior court, court of appeals, and supreme court shall be applicable to actions under this chapter and under said acts of congress)).~~

Sec. 55. Section 22, chapter 96, Laws of 1891 as amended by section 128, chapter 81, Laws of 1971 and RCW 59.12.200 are each amended to read as follows:

~~((if either)) A party ((feels)) aggrieved by the judgment ((he)) may ((appeal to the supreme court or the court of appeals;)) seek appellate review of the judgment as in other civil actions: PROVIDED, That if the defendant appealing desires a stay of proceedings pending ((such appeal; he)) review, the defendant shall execute and file a bond, with two or more sufficient sureties to be approved by the judge, conditioned to abide the order of the court ((on such appeal)), and to pay all rents and other damages justly accruing to the plaintiff during the pendency of the ((appeal)) proceeding.~~

Sec. 56. Section 27, chapter 250, Laws of 1907 as amended by section 132, chapter 81, Laws of 1971 and RCW 65.12.175 are each amended to read as follows:

If the court, after hearing, finds that the applicant has title, whether as stated in his application or otherwise, proper for registration, a decree of confirmation of title and registration shall be entered. Every decree of registration shall bind the land, and quiet the title thereto, except as herein otherwise provided, and shall be forever binding and conclusive upon all persons, whether mentioned by name in the application, or included in "all other persons or parties unknown claiming any right, title, estate, lien or interest in, to, or upon the real estate described in the application herein", and such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law, or in equity, for reversing judgments or decrees, except as herein especially provided. ~~((An appeal may be taken to the supreme court or the court of appeals of the state of Washington, within the same time, upon like notice, terms and conditions as are now provided for the taking of appeals from the superior court to the supreme court or the court of appeals of the state of Washington)) Appellate review of the court's decision may be sought as in other civil actions.~~

Sec. 57. Section 72.33.240, chapter 28, Laws of 1959 as last amended by section 61, chapter 80, Laws of 1977 ex. sess. and RCW 72.33.240 are each amended to read as follows:

Any parent, guardian, limited guardian, or other court appointed personal representative feeling aggrieved by an adverse decision pertaining to admission, placement, or discharge of his ward may apply to the secretary in writing within thirty days of notification of the decision for a review and reconsideration of the decision. An administrative hearing shall be held within ten days from the date of receipt of the written request for review. In the event of an unfavorable ruling by the secretary, such parent, guardian, limited guardian, or other court appointed personal representative may institute proceedings in the superior court of the state of Washington in the county of residence of such parent or guardian, otherwise in Thurston county, and have such decision reviewed and its correctness, reasonableness, and lawfulness decided in an appeal heard as in initial proceeding on an original application. Said parent, guardian, limited guardian, or other court appointed personal representative ~~((shall have the right to appeal from)) may seek appellate review of the decision of the superior court ((to the supreme court or the court of appeals of the state of Washington;)) as in other civil cases.~~

Sec. 58. Section 74.08.080, chapter 26, Laws of 1959 as last amended by section 136, chapter 81, Laws of 1971 and RCW 74.08.080 are each amended to read as follows:

In the event an appellant feels himself aggrieved by the decision rendered in the hearing provided for in RCW 74.08.070, he shall have the right to petition the superior court for judicial review in accordance with the provisions of chapter 34.04 RCW, as now or hereafter amended.

Either party may ~~((appeal from))~~ seek appellate review of the decision of the superior court ((to the supreme court or the court of appeals of the state)); PROVIDED, That no filing fee shall be collected of the appellant and no bond shall be required on any ~~((appeal))~~ review under this chapter. In the event that the superior court, the court of appeals, or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorney's fees and costs. If a decision of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Sec. 59. Section 125, chapter 255, Laws of 1927 as amended by section 139, chapter 81, Laws of 1971 and RCW 79.01.500 are each amended to read as follows:

Any applicant to purchase, or lease, any public lands of the state, or any valuable materials thereon, and any person whose property rights or interests will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of state land commissioners, or the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county in which such lands or materials are situated, by serving upon all parties who have appeared in the proceedings in which the order or decision was made, or their attorneys, a written notice of appeal, and filing such notice, with proof, or admission, of service, with the board, or the commissioner, within thirty days from the date of the order or decision appealed from, and at the time of filing the notice, or within five days thereafter, filing a bond to the state, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the secretary of the board, or the commissioner, conditioned that the appellant shall pay all costs that may be awarded against him on appeal, or the dismissal thereof. Within thirty days after the filing of notice of appeal, the secretary of the board, or the commissioner, shall certify, under official seal, a transcript of all entries in the records of the board, or the commissioner, together with all processes, pleadings and other papers relating to and on file in the case, except evidence used in such proceedings, and file such transcript and papers, at the expense of the applicant, with the clerk of the court to which the appeal is taken. The hearing and trial of said appeal in the superior court shall be de novo before the court, without a jury, upon the pleadings and papers so certified, but the court may order the pleadings to be amended, or new and further pleadings to be filed. Costs on appeal shall be awarded to the prevailing party as in actions commenced in the superior court, but no costs shall be awarded against the state, the board, or the commissioner. Should judgment be rendered against the appellant, the costs shall be taxed against him and his sureties on the appeal bond, except when the state is the only adverse party, and shall be included in the judgment, upon which execution may issue as in other cases. Any party feeling himself aggrieved by the judgment of the superior court may ~~((appeal therefrom to the supreme court or the court of appeals of the state, in the manner, and within the time, for appealing from judgments in actions at law))~~ seek appellate review as in other civil cases. Unless ~~((appeal be taken from))~~ appellate review of the judgment of the superior court is sought, the clerk of said court shall, on demand, certify, under his hand and the seal of the court, a true copy of the judgment, to the board, or the commissioner, which judgment shall thereupon have the same force and effect as if rendered by the board, or the commissioner. In all cases of appeals from orders or decisions of the commissioner of public lands involving the prior right to purchase tidelands of the first class, if the appeal be not prosecuted, heard and determined, within two years from the date of the appeal, the attorney general shall, after thirty days' notice to the appellant of his intention so to do, move the court for a dismissal of the appeal, but nothing herein shall be construed to prevent the dismissal of such appeal at any time in the manner provided by law.

Sec. 60. Section 80.04.190, chapter 14, Laws of 1961 as amended by section 4, chapter 107, Laws of 1971 ex. sess. and RCW 80.04.190 are each amended to read as follows:

The commission, any public service company or any complainant may, after the entry of judgment in the superior court in any action of review, ~~((prosecute an appeal to the supreme court or the court of appeals of the state of Washington))~~ seek appellate review as in other cases.

Sec. 61. Section 80.04.260, chapter 14, Laws of 1961 as amended by section 140, chapter 81, Laws of 1971 and RCW 80.04.260 are each amended to read as follows:

Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this title, it shall direct the attorney general to commence an action or proceeding in the superior court of the state of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the state of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for the appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of

the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. ~~((An appeal may be taken to the supreme court or the court of appeals from such))~~ Appellate review of the final judgment may be sought in the same manner and with the same effect as ~~((appeals from))~~ review of judgments of the superior court in actions to review orders of the commission. All provisions of this chapter relating to the time of ~~((appeal))~~ review, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court or the court of appeals under the provisions of this section.

Sec. 62. Section 14, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 64, Laws of 1981 and RCW 80.50.140 are each amended to read as follows:

(1) A final decision pursuant to RCW 80.50.100 on an application for certification shall be subject to judicial review pursuant to provisions of chapter 34.04 RCW and this section. Petitions for review of such a decision shall be filed in the Thurston county superior court. All petitions for review of a decision under RCW 80.50.100 shall be consolidated into a single proceeding before the Thurston county superior court. The Thurston county superior court shall certify the petition for review to the supreme court upon the following conditions:

- (a) Review can be made on the administrative record;
- (b) Fundamental and urgent interests affecting the public interest and development of energy facilities are involved which require a prompt determination;
- (c) ~~((An appeal to))~~ Review by the supreme court would likely be ((made)) sought regardless of the determination of the Thurston county superior court; and
- (d) The record is complete for review.

The Thurston county superior court shall assign a petition for review of a decision under RCW 80.50.100 for hearing at the earliest possible date and shall expedite such petition in every way possible. If the court finds that review cannot be limited to the administrative record as set forth in subparagraph (a) of this subsection because there are alleged irregularities in the procedure before the council not found in the record, but finds that the standards set forth in subparagraphs (b), (c), and (d) of this subsection are met, the court shall proceed to take testimony and determine such factual issues raised by the alleged irregularities and certify the petition and its determination of such factual issues to the supreme court. Upon certification, the supreme court shall assign the petition for hearing at the earliest possible date, and it shall expedite its review and decision in every way possible.

(2) Objections raised by any party in interest concerning procedural error by the council shall be filed with the council within sixty days of the commission of such error, or within thirty days of the first public hearing or meeting of the council at which the general subject matter to which the error is related is discussed, whichever comes later, or such objection shall be deemed waived for purposes of judicial review as provided in this section.

(3) The rules and regulations adopted by the council shall be subject to judicial review pursuant to the provisions of chapter 34.04 RCW.

Sec. 63. Section 81.04.190, chapter 14, Laws of 1961 as amended by section 5, chapter 107, Laws of 1971 ex. sess. and RCW 81.04.190 are each amended to read as follows:

The commission, any public service company or any complainant may, after the entry of judgment in the superior court in any action of review, ~~((prosecute an appeal to the supreme court or the court of appeals of the state of Washington))~~ seek appellate review as in other cases.

Sec. 64. Section 81.04.260, chapter 14, Laws of 1961 as amended by section 143, chapter 81, Laws of 1971 and RCW 81.04.260 are each amended to read as follows:

Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this title, it shall direct the attorney general to commence an action or proceeding in the superior court of the state of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the state of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition,

within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. ~~((An appeal may be taken to the supreme court or the court of appeals from such))~~ Appellate review of the final judgment may be sought in the same manner and with the same effect as ~~((appeals from))~~ review of judgments of the superior court in actions to review orders of the commission. All provisions of this chapter relating to the time of ~~((appeal))~~ review, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court or the court of appeals under the provisions of this section.

Sec. 65. Section 81.53.130, chapter 14, Laws of 1961 as amended by section 144, chapter 81, Laws of 1971 and RCW 81.53.130 are each amended to read as follows:

In the construction of new railroads across existing highways, the railroads shall do or cause to be done all the work of constructing the crossings and road changes that may be required, and shall acquire and furnish whatever property or easements may be necessary, and shall pay, as provided in RCW 81.53.100 through 81.53.120, the entire expense of such work including all compensation or damages for property or property rights taken, damaged or injuriously affected. In all other cases the construction work may be apportioned by the commission between the parties who may be required to contribute to the cost thereof as the parties may agree, or as the commission may consider advisable. All work within the limits of railroad rights of way shall in every case be done by the railroad company owning or operating the same. The cost of acquiring additional lands, rights or easements to provide for the change of existing crossings shall, unless the parties otherwise agree, in the first instance be paid by the municipality or county within which the crossing is located; or in the case of a state road or parkway, shall be paid in the manner provided by law for paying the cost of acquiring lands, rights or easements for the construction of state roads or parkways. The expense accruing on account of property taken or damaged shall be divided and paid in the manner provided for dividing and paying other costs of construction. Upon the completion of the work and its approval by the commission, an accounting shall be had, and if it shall appear that any party has expended more than its proportion of the total cost, a settlement shall be forthwith made. If the parties shall be unable to agree upon a settlement, the commission shall arbitrate, adjust and settle the account after notice to the parties. In the event of failure and refusal of any party to pay its proportion of the expense, the sum with interest from the date of the settlement may be recovered in a civil action by the party entitled thereto. In cases where the commission has settled the account, the finding of the commission as to the amount due shall be conclusive in any civil action brought to recover the same if such finding has not been reviewed or appealed from as herein provided, and the time for review or appeal has expired. If any party shall seek review ~~((or appeal from))~~ of any finding or order of the commission apportioning the cost between the parties liable therefor, the superior court, the court of appeals, or the supreme court, as the case may be, shall cause judgment to be entered in such review proceedings for such sum or sums as may be found lawfully or justly due by one party to another.

Sec. 66. Section 81.53.170, chapter 14, Laws of 1961 as amended by section 145, chapter 81, Laws of 1971 and RCW 81.53.170 are each amended to read as follows:

Upon the petition of any party to a proceeding before the commission, any finding or findings, or order or orders of the commission, made under color of authority of this chapter, except as otherwise provided, may be reviewed in the superior court of the county wherein the crossing is situated, and the reasonableness and lawfulness of such finding or findings, order or orders inquired into and determined, as provided in this title for the review of the commission's orders generally. ~~((An appeal may be taken to the supreme court or the court of appeals from))~~ Appellate review of the judgment of the superior court may be sought in like manner as provided in said utilities and transportation commission law for ~~((appeals to))~~ review by the supreme court or the court of appeals.

Sec. 67. Section 82.32.180, chapter 15, Laws of 1961 as last amended by section 148, chapter 81, Laws of 1971 and RCW 82.32.180 are each amended to read as follows:

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24 RCW, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston county, within the time limitation for a refund provided in chapter 82.32 RCW. In the appeal the taxpayer shall set forth the amount of the tax imposed upon him which he concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the department within the time herein specified and by filing the original thereof with proof of service with the clerk of the

superior court of Thurston county. Within ten days after filing notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

The trial in the superior court on appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by him is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party (~~shall be allowed to appeal to the supreme court or the court of appeals~~) may seek appellate review in the same manner as other civil actions are appealed to those courts.

It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the director for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

The provisions of this section shall not apply to any tax payment which has been the subject of an appeal to the board of tax appeals with respect to which appeal a formal hearing has been elected.

Sec. 68. Section 84.28.080, chapter 15, Laws of 1961 as last amended by section 152, chapter 81, Laws of 1971 and RCW 84.28.080 are each amended to read as follows:

Whenever the department or the department of revenue shall enter an order or decision with respect to classification or declassification of forest lands under this chapter, the owner of such lands, the department, the county assessor of the county in which such lands are located, or the taxpayers in a case arising under RCW 84.28.060, may, within thirty days following the entry of such order or decision, appeal to the superior court of the county within which such lands are situated for a review of the order or decision of the department or of the department of revenue. The appeal shall be perfected in the same manner as is provided by law for appeals from decisions of the department of revenue. Upon such appeal, the superior court shall sit without a jury, shall receive evidence de novo and shall determine the correct classification of the lands involved in accordance with the requirements of this chapter. The decision of the superior court shall be subject to (~~appeal and~~) appellate review (~~in the supreme court or the court of appeals~~) in the same manner (~~and by the same procedure~~) as appeals are taken and perfected in civil actions at law. Upon (~~appeal from~~) review of any order or decisions of the department or the department of revenue and pending the dismissal or final determination of such (~~appeal~~) review, the lands involved shall be assessed and taxed in the same manner as they were assessed and taxed prior to the effective date of such order or decision.

Sec. 69. Section 84.28.110, chapter 15, Laws of 1961 as last amended by section 153, chapter 81, Laws of 1971 and RCW 84.28.110 are each amended to read as follows:

Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this chapter, the owner of such lands shall, on or before the fifteenth day of February of each year, report under oath to the assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same were cut. If no such report of cutting is made, or if the assessor shall believe the report to be inaccurate, incorrect or mistaken, the assessor may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. As soon as the report is filed, if the assessor is satisfied with the accuracy of the report, or if dissatisfied, as soon as the assessor shall have determined the amount of timber or forest crop cut as herein provided, the assessor shall determine the full current stumpage rates for the timber or forest crop cut and shall thereupon compute, and there shall become due and payable from the owner, a yield tax equal to twelve and one-half percent of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the assessor: PROVIDED, Whenever within the period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of one percent for each year that has expired from the date of such classification until such cutting: PROVIDED, FURTHER, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop.

Whenever the owner is dissatisfied with the determination of the amount cut as made by the assessor, or with the full current stumpage rates as fixed by the assessor, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which

the owner alleges to be correct. In any such action the county involved and the county assessor of the county, shall be joined as parties defendant, but in case a recovery is allowed, judgment shall be entered against the county only, to be charged against the funds to which the collected tax was paid. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate. The judgment of the superior court shall be subject to ~~((appeal to the supreme court or the court of appeals))~~ appellate review in the same manner and by the same procedure as appeals are taken and perfected in civil actions at law.

Sec. 70. Section 84.64.120, chapter 15, Laws of 1961 as amended by section 154, chapter 81, Laws of 1971 and RCW 84.64.120 are each amended to read as follows:

~~((Appeals from))~~ Appellate review of the judgment of the superior court may be ~~((taken to the supreme court or the court of appeals at any time))~~ sought as in other civil cases. However, review must be sought within thirty days after the ~~((rendition of said))~~ entry of the judgment ~~((by giving notice thereof orally in open court at the time of the rendition of the judgment, or by giving written notice thereof at any time thereafter, and within thirty days from the date of the rendition of such judgment;))~~ and the party taking such appeal shall execute, serve and file a bond payable to the state of Washington, with two or more sureties, to be approved by the court, in an amount to be fixed by the court, conditioned that the appellant shall prosecute his said appeal with effect, and will pay the amount of any taxes, interest and costs which may be finally adjudged against the real property involved in the appeal by any court having jurisdiction of the cause, which bond shall be so served and filed at the time of the service of said notice of appeal, and the respondent may, within five days after the service of such bond, object to the sureties thereon, or to the form and substance of such bond, in the court in which the action is pending, and if, upon hearing of such objections to said bond, it is determined by the court that the sureties thereon are insufficient for any reason, or that the bond is defective for any other reason, the court shall direct a new bond to be executed with sureties thereon, to be justified as provided by law, but no appeal shall be allowed from any judgment for the sale of land or lot for taxes, and no bond given on appeal as herein provided shall operate as a supersedeas, unless the party taking such appeal shall before the time of giving notice of such appeal, and within thirty days herein allowed within which to appeal, deposit with the county treasurer of the county in which the land or lots are situated, an amount of money equal to the amount of the judgment and costs rendered in such cause by the trial court. If, in case of an appeal, the judgment of the lower court shall be affirmed, in whole or in part, the supreme court or the court of appeals shall enter judgment for the amount of taxes, interest and costs, with damages not to exceed twenty percent, and shall order that the amount deposited with the treasurer as aforesaid, or so much thereof as may be necessary, be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The clerk of the supreme court or the clerk of the division of the court of appeals in which the appeal is pending shall transmit to the county treasurer of the county in which the land or lots are situated a certified copy of the order of affirmance, and it shall be the duty of such county treasurer upon receiving the same to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of the supreme court, and to account for the same as collected taxes. If the judgment of the superior court shall be reversed and the cause remanded for a rehearing, and if, upon a rehearing, judgment shall be rendered for the sale of the land or lots for taxes, or any part thereof, and such judgment be not appealed from, as herein provided, the clerk of such superior court shall certify to the county treasurer the amount of such judgment, and thereupon it shall be the duty of the county treasurer to certify to the county clerk the amount deposited with him, as aforesaid, and the county clerk shall credit such judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the county treasurer shall be chargeable and accountable for the amount so credited as collected taxes. Nothing herein shall be construed as requiring an additional deposit in case of more than one appeal being prosecuted in said proceeding. If, upon a final hearing, judgment shall be refused for the sale of the land or lots for the taxes, penalties, interest and costs, or any part thereof, in said proceedings, the county treasurer shall pay over to the party who shall have made such deposit, or his legally authorized agent or representative, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the land or lots in respect to which such deposit shall have been made.

Sec. 71. Section 84.64.400, chapter 15, Laws of 1961 as amended by section 155, chapter 81, Laws of 1971 and RCW 84.64.400 are each amended to read as follows:

Any person aggrieved by the judgment rendered in such action ~~((shall have the right to appeal from))~~ may seek appellate review of the part of said judgment objectionable to him ~~((to the supreme court or the court of appeals of the state substantially))~~ in the manner and within the time prescribed for appeals in RCW 84.64.120.

Sec. 72. Section 10, chapter 153, Laws of 1915 as amended by section 156, chapter 81, Laws of 1971 and RCW 85.05.079 are each amended to read as follows:

Either the dike commissioners or any landowner who has appealed to the superior court in accordance with the provisions of this act (~~shall have a right to appeal to the supreme court or the court of appeals~~) may seek appellate review within the time and in the manner prescribed by existing law.

Sec. 73. Section 6, chapter 342, Laws of 1955 as amended by section 158, chapter 81, Laws of 1971 and RCW 85.05.470 are each amended to read as follows:

Any protestant who filed a protest prior to the final order of the board, may appeal from such final order, but to do so must within ten days from the date said order was entered, bring direct action in the superior court in the county wherein such district or portion thereof is situated, against such board of commissioners in their official capacity, which action shall be prosecuted under the procedure of civil actions, with (~~right of appeal to the supreme court or the court of appeals~~) appellate review as provided in civil actions. In any such action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings, and all other matters, except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary or unreasonable action of the board.

Sec. 74. Section 9, chapter 67, Laws of 1903 and RCW 85.06.630 are each amended to read as follows:

From any final order entered by the said superior court as above provided for, any party to said proceeding feeling himself aggrieved thereby may (~~take an appeal to the supreme court of the state of Washington~~) seek appellate review, as provided by the general appeal law of this state.

Sec. 75. Section 3, chapter 170, Laws of 1935 as amended by section 160, chapter 81, Laws of 1971 and RCW 85.06.660 are each amended to read as follows:

Whenever the board of commissioners of any district desire to exercise any of the foregoing powers under this act, it shall pass a resolution declaring its intention to do so, which shall describe in general terms the proposed improvement to be undertaken. The resolution shall set a date upon which the board shall meet to determine whether such work shall be done. Thereafter a copy of such declaratory resolution and a notice of hearing shall be posted by the secretary or member of the board, in three public places in such district at least ten days before the date of hearing. The notice shall state the time and place of hearing and that plans therefor are on file with the secretary of the board subject to inspection by any party interested.

Any property owner affected by such proposed improvement, or any property owner within such district, may appear at said hearing and object to said proposed improvement by filing a written protest against the proposed action of the board. The protest shall clearly state the basis thereof. At such hearing, which shall be public, the board shall give full consideration to the proposed project and all protests filed, and on said date or any adjourned date, take final action thereon. If protests be filed before said hearing by owners of more than forty percent of the property in said district, the board shall not have power to make the proposed improvement nor again initiate the same for one year. If the board determines to proceed with such project in its original or modified form, it shall thereupon adopt a resolution so declaring and adopt general plans therefor, which resolution may authorize the acquisition by condemnation, or otherwise, of the necessary rights and properties to complete the same. Any protestant who filed a written protest prior to said hearing may appeal from the order of the board, but to do so must, within ten days from the date of entering of such order, bring direct action in the superior court of the state of Washington in the county wherein such district is situated, against such board of directors in their official capacity, which action shall be prosecuted under the procedure for civil actions, with the right of (~~appeal to the supreme court or the court of appeals~~) appellate review, as provided in other civil actions. In any action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings and all other matters except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary, or unreasonable action of the board.

Sec. 76. Section 5, chapter 187, Laws of 1921 as amended by section 161, chapter 81, Laws of 1971 and RCW 85.06.750 are each amended to read as follows:

Upon the return of the verdict of the jury as provided in the preceding section, if it shall appear to the court that the total benefits found by the jury to have accrued to the lands of the district is equal to or exceeds the actual cost of the improvement including the increased cost of completing the same, the court shall enter its judgment in accordance therewith, as supplemental to and in lieu of the original decree fixing the benefits to the respective tracts of land, and thereafter the assessment and levy for the original cost of the construction of the improvement, including the indebtedness incurred for completing the improvement together with interest at the legal rate on the warrants issued therefor, and all assessments and levies if any, for the future maintenance of the drainage system described in the judgment shall be based upon the respective benefits determined and assessed against the respective tracts of land as specified in the judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may (~~appeal therefrom to the supreme court or the court of appeals~~) seek appellate review within thirty days after the entry thereof, and such (~~appeal~~) review shall

bring before the ~~((supreme court or the court of appeals))~~ appellate court the propriety and justness of the verdict of the jury in respect to the parties to the ~~((appeal))~~ proceeding.

Sec. 77. Section 1, chapter 157, Laws of 1921 as amended by section 162, chapter 81, Laws of 1971 and RCW 85.08.440 are each amended to read as follows:

The decision of the board of county commissioners upon any objections made within the time and in the manner prescribed in RCW 85.08.400 through 85.08.430, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of such board and with the clerk of the superior court of the county in which such drainage or diking improvement district is situated, or in case of joint drainage or diking improvement districts with the clerk of the court of the county in which the greater length of such drainage or diking improvement system lies, within ten days after the order confirming such assessment roll shall have become effective, and such notice shall describe the property and set forth the objections of such appellant to such assessment; and, within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court a transcript consisting of the assessment roll and his objections thereto, together with the order confirming such assessment roll, and the record of the board of county commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the board of county commissioners, and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court, the appellant shall execute and file with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with good and sufficient surety, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county or the drainage or diking improvement district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require; within three days after such transcript is filed in the superior court as aforesaid, the appellant shall give written notice to the prosecuting attorney of the county, and to the clerk of the board of county commissioners that such transcript is filed. Said notice shall state a time (not less than three days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court of said county shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. ~~((An appeal shall lie to the supreme court or the court of appeals from))~~ Appellate review of the judgment of the superior court may be sought as in other civil cases ~~((PROVIDED, HOWEVER, That such appeal must be taken))~~. However, the review must be sought within fifteen days after the date of the entry of the judgment of such superior court ~~((and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this chapter. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court or the court of appeals, on such appeal, may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant))~~. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 78. Section 14, chapter 184, Laws of 1967 as amended by section 163, chapter 81, Laws of 1971 and RCW 85.15.130 are each amended to read as follows:

~~((An appeal shall lie to the supreme court or the court of appeals from the superior court))~~ Appellate review may be sought as in other civil cases: PROVIDED, That ~~((such appeal must be taken))~~ review must be sought within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals may change, conform, correct, or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county treasurer having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such judgment as and if required.

Sec. 79. Section 14, chapter 26, Laws of 1949 as amended by section 164, chapter 81, Laws of 1971 and RCW 85.16.190 are each amended to read as follows:

The decision of the board upon any objections to the determination of benefits and/or apportionment of costs and/or the levy of the assessments therefor, made within the time and in the manner prescribed in RCW 85.16.130, may be reviewed by ~~((appeal to))~~ the superior court of the county in which the district is situated and thereafter ~~((to))~~ by the supreme court or the

court of appeals within the time and in the manner and upon the conditions, so far as applicable, provided in RCW 85.08.440, with respect to appeals from and appellate review of the board's apportionment of the cost of construction of the district's system of improvements. The provisions of RCW 85.08.450, shall be controlling as to the regularity, validity, and conclusiveness of all the proceedings hereunder.

Sec. 80. Section 16, chapter 26, Laws of 1949 as amended by section 165, chapter 81, Laws of 1971 and RCW 85.16.210 are each amended to read as follows:

At such hearing, which may be adjourned from time to time as may be necessary to give all persons interested or affected a reasonable opportunity to be heard, and after consideration of all evidence offered and all factors, situations and conditions bearing upon or determinative of the benefits accruing and to accrue to such pieces or parcels of property, the board shall correct, revise, raise, lower, or otherwise change or confirm the benefits as theretofore determined, in respect of such pieces or parcels of property, as to it shall seem fair, just and equitable under the circumstances, and thereafter such proceedings shall be had with respect to the confirmation or determination of the benefits and making and filing of a roll thereof, as are in RCW 85.16.130, 85.16.150 and 85.16.160 provided. Any property owner affected by any change thus made in the determination of benefits accruing to his property who shall have appeared at the hearing by the board and made written objections thereto as provided in RCW 85.16.130, may appeal from the action of the board to the superior court and ~~((thence to))~~ seek appellate review by the supreme court or the court of appeals, within the time, in the manner and upon the conditions, so far as applicable, provided in RCW 85.08.440, with respect to appeals from the order of the board confirming the apportionment of the original cost of construction.

Sec. 81. Section 15, chapter 45, Laws of 1951 as amended by section 166, chapter 81, Laws of 1971 and RCW 85.18.140 are each amended to read as follows:

~~((An appeal shall lie to the supreme court or the court of appeals from the superior court))~~ Appellate review may be sought as in other civil cases: PROVIDED, HOWEVER, That ~~((such appeal must be taken))~~ review must be sought within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals, on such appeal, may change, confirm, correct or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county auditor having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such decision if required.

Sec. 82. Section 6, chapter 225, Laws of 1909 as amended by section 167, chapter 81, Laws of 1971 and RCW 85.24.130 are each amended to read as follows:

Any person interested in any real estate affected by said assessment may, within the time fixed, appear and file objections. As to all parcels, lots or blocks as to which no objections are filed, within the time as aforesaid, the assessment thereon shall be confirmed and shall be final. On the hearing, each person may offer proof, and proof may also be offered on behalf of the assessment, and the board shall affirm, modify, change and determine the assessment, in such sum as to the board appears just and right. The commissioners may increase the assessment during such hearing upon any particular tract by mailing notice to the owner at his last known address, to be and appear within a time not less than ten days after the date of the notice, to show cause why his assessment should not be increased. When the assessment is finally equalized and fixed by the board, the secretary thereof shall certify the same to the county treasurer of each county in which the lands are situated, for collection; or if appeal has been taken from any part thereof, then so much thereof as has not been appealed from shall be certified. In case any owner of property appeals to the superior court in relation to the assessment or other matter when the amount of the assessment is determined by the court finally, either upon determination of the superior court, or ~~((appeal to))~~ review by the supreme court or the court of appeals, then the assessment as finally fixed and determined by the court shall be certified by the clerk of the proper court to the county treasurer of the county in which the lands are situated and shall be spread upon and become a part of the assessment roll hereinbefore referred to.

Sec. 83. Section 7, chapter 225, Laws of 1909 as amended by section 168, chapter 81, Laws of 1971 and RCW 85.24.140 are each amended to read as follows:

Any person who feels aggrieved by the final assessment made against any lot, block or parcel of land owned by him, may appeal therefrom to the superior court of the county in which the land is situated. Such appeal shall be taken within the time and substantially in the manner prescribed by the laws of this state for appeals from justices' courts. All notice of appeal shall be filed with the said board, and shall be served upon the prosecuting attorney of the county in which the action is brought. The secretary of the board shall, at appellant's expense, certify to the superior court so much of the record as appellant may request, and the cause shall be tried in the superior court de novo.

Any person ~~((desiring to appeal from))~~ aggrieved by any final order or judgment made by the superior court concerning any assessment authorized by this chapter, may ~~((appeal therefrom to the supreme court or the court of appeals, in accordance with the laws of this state~~

~~relative to appeals, except that all such appeals shall be taken within thirty days after the entry of such judgment)) seek appellate review of the order or judgment as in other civil cases.~~

Sec. 84. Section 21, chapter 131, Laws of 1961 as amended by section 169, chapter 81, Laws of 1971 and RCW 85.32.200 are each amended to read as follows:

~~((An appeal shall lie to the supreme court or the court of appeals from the superior court))~~ Appellate review may be sought as in other civil cases: PROVIDED, That such ~~((appeal must be taken))~~ review must be sought within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals on such ~~((appeal))~~ review may change, confirm, correct or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county auditor having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such decision, if required.

Sec. 85. Section 8, chapter 194, Laws of 1933 as amended by section 170, chapter 81, Laws of 1971 and RCW 87.03.410 are each amended to read as follows:

Any person aggrieved by the judgment rendered in such action ~~((shall have the right to appeal from))~~ may seek appellate review of the part of said judgment objectionable to him ((to the supreme court or the court of appeals of the state in the manner and within the time prescribed for appeals)) as in civil actions generally.

Sec. 86. Section 3, chapter 138, Laws of 1925 ex. sess. as amended by section 171, chapter 81, Laws of 1971 and RCW 87.03.760 are each amended to read as follows:

At the conclusion, or final adjournment, of the hearing provided for in RCW 87.03.755, the board of directors of the district shall have the power, by unanimous resolution to adopt the proposed plan, or such modification thereof as may be determined by the board, and reduce the boundaries of the district to such area as, in the judgment of the board, can be furnished with sufficient water for successful irrigation by the irrigation system of the district, and to exclude from the district all lands lying outside of such reduced boundaries, and provide for the repayment to the owners of any such excluded lands, respectively, of any sums paid for assessments levied by the district, and to cancel all unpaid assessments levied by the district against the lands excluded and release such lands from further liability therefor. Any person interested and feeling himself aggrieved by the adoption of such final resolution reducing the boundaries of the district and excluding lands therefrom, shall have a right of appeal from the action of the board to the superior court of the county in which the district is situated, which appeal may be taken in the manner provided by law for appeals from justices' courts, and if upon the hearing of such appeal it shall be determined by the court that the irrigation system of the district will not furnish sufficient water for the successful irrigation of the lands included within the reduced boundaries of the district, or that any lands have been excluded from the district unnecessarily, arbitrarily, capriciously or fraudulently or without substantial reason for such exclusion, the court shall enter a decree canceling and setting aside the proceedings of the board of directors, otherwise the court shall enter a decree confirming the action of the board. Any party to the proceedings on appeal in the superior court, feeling himself aggrieved by the decree of the superior court confirming the action of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, ~~((shall have the right of appeal therefrom to the supreme court or the court of appeals of the state of Washington))~~ may seek appellate review within thirty days after the entry of the decree of the superior court in the manner provided by law. If, at the expiration of thirty days from the entry of the final resolution of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, no appeal has been taken to the superior court of the county in which the district is situated, or if, after hearing upon appeal the superior court shall confirm the action of the district, and at the expiration of thirty days from the entry of such decree, no ~~((appeal has been taken to the supreme court or the court of appeals))~~ appellate review is sought, the boundaries of the district shall thereafter be in accordance with the resolution of the board reducing the boundaries, and all lands excluded from the district by such resolution shall be relieved from all further liability for any indebtedness of the district or any unpaid assessments theretofore levied against such lands, and the owners of excluded lands, upon which assessments have been paid, shall be entitled to warrants of the district for all sums paid by reason of such assessments, payable from a special fund created for that purpose, for which levies shall be made upon the lands remaining in the district, as the board of directors may provide.

Sec. 87. Section 4, chapter 138, Laws of 1925 ex. sess. as amended by section 172, chapter 81, Laws of 1971 and RCW 87.03.765 are each amended to read as follows:

Whenever it shall appear, to the satisfaction of the director of ecology, that the irrigation system of any irrigation district, to which the department of ecology of the state of Washington under a contract with the district for the purchase of its bonds, has advanced funds for the purpose of constructing an irrigation system for the district, has been found incapable of furnishing sufficient water for the successful irrigation of all of the lands of such district, and that the board of directors of such district has reduced the boundaries thereof and excluded from the district, as provided in RCW 87.03.750 through 87.03.760, sufficient lands to render such irrigation system adequate for the successful irrigation of the lands of the district, and that more

than thirty days have elapsed since the adoption of the resolution by the board of directors reducing the boundaries of the district and excluding lands therefrom, and no appeal has been taken from the action of the board, or that the action of the board has been confirmed by the superior court of the county in which the district is situated and no appeal has been taken to the supreme court or the court of appeals, or that upon ~~((appeal to))~~ review by the supreme court or the court of appeals the action of the board of directors of the district has been confirmed, the director of ecology shall be and he is hereby authorized to cancel and reduce the obligation of the district to the department of ecology, for the repayment of moneys advanced for the construction of an irrigation system for the district, to such amount as, in his judgment, the district will be able to pay from revenues derived from assessments upon the remaining lands of the district, and to accept, in payment of the balance of the obligation of the district, the authorized bonds of the district, in numerical order beginning with the lowest number, on the basis of the percentage of the face value thereof fixed in contracts between the district and the department of ecology, in an amount equal to said balance of the obligation of the district, in full and complete satisfaction of all claims of the department of ecology against the district.

Sec. 88. Section 11, chapter 120, Laws of 1929 as amended by section 173, chapter 81, Laws of 1971 and RCW 87.22.090 are each amended to read as follows:

~~((Appeal may be taken to the supreme court or the court of appeals from))~~ Appellate review of the judgment entered in said proceedings may be sought in the same manner as in other cases in equity. ~~((Notice of appeal need be served only on the persons who have appeared in said proceedings and on the president of the board of directors if the district is respondent, or on their respective attorneys of record in the proceedings.))~~

Sec. 89. Section 29, chapter 124, Laws of 1925 ex. sess. as amended by section 174, chapter 81, Laws of 1971 and RCW 87.56.225 are each amended to read as follows:

Any interested person feeling aggrieved at the judgment of the superior court dismissing the proceedings or determining the indebtedness of the district and the status and priority thereof and determining the plan of liquidation, may ~~((appeal from))~~ seek appellate review of such judgment ((to the supreme court or the court of appeals)) in the same manner as in other cases in equity, except that notice of appeal must be both served and filed within sixty days from the entry thereof.

Sec. 90. Section 7, chapter 236, Laws of 1907 as amended by section 175, chapter 81, Laws of 1971 and RCW 88.32.090 are each amended to read as follows:

Any person who feels aggrieved by the final assessment made against any lot, block or parcel of land owned by him may appeal therefrom to the superior court of such county. Such appeal shall be taken within the time, and substantially in the manner prescribed by the laws of this state for appeals from justice's courts. All notices of appeal shall be filed with the board of county commissioners, and served upon the prosecuting attorney of the county. The clerk of the board of county commissioners shall at appellant's expense certify to the superior court so much of the record, as appellant may request, and the cause shall be tried in the superior court de novo.

Any person ~~((desiring to appeal from))~~ aggrieved by any final order or judgment, made by the superior court concerning any assessment authorized by RCW 88.32.010 through 88.32.220, may ~~((appeal therefrom to the supreme court or the court of appeals.))~~ seek appellate review of the order or judgment in accordance with the laws of this state relative to such ~~((appeals))~~ review, except that ~~((all such appeals shall be taken))~~ review shall be sought within thirty days after the entry of such judgment.

Sec. 91. Section 23, chapter 117, Laws of 1917 as last amended by section 79, chapter 109, Laws of 1987 and RCW 90.03.200 are each amended to read as follows:

Upon the filing of the evidence and the report of the department, any interested party may, on or before five days prior to the date of said hearing, file exceptions to such report in writing and such exception shall set forth the grounds therefor and a copy thereof shall be served personally or by registered mail upon all parties who have appeared in the proceeding. If no exceptions be filed, the court shall enter a decree determining the rights of the parties according to the evidence and the report of the department, whether such parties have appeared therein or not. If exceptions are filed the action shall proceed as in case of reference of a suit in equity and the court may in its discretion take further evidence or, if necessary, remand the case for such further evidence to be taken by the department's designee, and may require further report by him. Costs, not including taxable attorneys fees, may be allowed or not; if allowed, may be apportioned among the parties in the discretion of the court. ~~((Appeal may be taken to the supreme court or the court of appeals from such))~~ Appellate review of the decree shall be in the same manner as in other cases in equity, except that ~~((notice of appeal must be both served and filed))~~ review must be sought within sixty days from the entry thereof.

Sec. 92. Section 1, chapter 103, Laws of 1921 as amended by section 80, chapter 109, Laws of 1987 and RCW 90.03.210 are each amended to read as follows:

During the pendency of such adjudication proceedings prior to judgment or upon ~~((appeal to the supreme court of the state or other))~~ review by an appellate court, the stream or other water involved shall be regulated or partially regulated according to the schedule of

rights specified in the department's report upon an order of the court authorizing such regulation: PROVIDED, Any interested party may file a bond and obtain an order staying the regulation of said stream as to him, in which case the court shall make such order regarding the regulation of the stream or other water as he may deem just. The bond shall be filed within five days following the service of notice of appeal in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court.

Sec. 93. Section 8, chapter 107, Laws of 1939 as amended by section 177, chapter 81, Laws of 1971 and RCW 90.24.070 are each amended to read as follows:

Any person aggrieved by the order of judgment of the superior court may (~~appeal to the supreme court or the court of appeals~~) seek appellate review in the same manner as in other civil actions.

Sec. 94. Section 23, chapter 23, Laws of 1911 as amended by section 180, chapter 81, Laws of 1971 and RCW 91.08.250 are each amended to read as follows:

Any final judgment rendered by said court upon the findings of the court or a jury, shall be the lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: PROVIDED, That in case any defendant recovers no award, no costs shall be taxed. Such judgment shall be final and conclusive as to the damages caused by such improvement, unless (~~appealed from~~) appellate review is sought, and no (~~appeal from the same~~) review shall delay proceedings under the order of said board if it shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs; but such board after making such payment into court shall be liable to such owner or owners, or parties interested, for the payment of any further compensation which may at any time be finally awarded to such parties (~~so appealing~~) seeking review in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of (~~an appeal to~~) review by the supreme court or the court of appeals of the state (~~by any party to the proceedings~~), the money so paid into the superior court by the board, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property, accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively (~~an appeal to the supreme court or the court of appeals~~) appellate review and final judgment may be rendered in the superior court as in other cases.

Sec. 95. Section 58, chapter 23, Laws of 1911 as amended by section 181, chapter 81, Laws of 1971 and RCW 91.08.580 are each amended to read as follows:

(~~Every defendant feeling~~) Any person aggrieved by any condemnation judgment for compensation or damages, or by any judgment confirming an assessment upon land for benefits under this chapter, may (~~appeal to the supreme court or the court of appeals of the state from such~~) seek appellate review of the judgment(~~s within thirty days after the entry thereof~~: ~~An appeal from a condemnation judgment may bring before the supreme court or the court of appeals either the legality of the proceeding as a taking for a public use, or the justness of the amount of compensation or damages awarded to the appellant; but an appeal from a judgment confirming an assessment of benefits shall bring before the supreme court or the court of appeals only the justness of the assessment against the property of the appellant. Two or more defendants may join in an appeal. The bill of exceptions or statement of facts upon such appeals shall contain only such portions of the evidence in the case as relates to the property of the appellants. Otherwise than as provided in this section such appeals shall be taken as provided by law in appeals from final judgments in actions at law~~) as in other civil cases.

NEW SECTION. Sec. 96. The following acts or parts of acts are each repealed:

- (1) Section 4, chapter 24, Laws of 1909 and RCW 2.04.160;
- (2) Section 5, chapter 24, Laws of 1909 and RCW 2.04.170;
- (3) Section 29, chapter 61, Laws of 1893, section 1, chapter 86, Laws of 1941, section 3, chapter 107, Laws of 1971 ex. sess., section 4, chapter 331, Laws of 1981 and RCW 4.88.260; and
- (4) Section 13, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.130.

NEW SECTION. Sec. 97. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, beginning on line 2 of the title, after "Procedure;" strike the remainder of the title and insert "amending RCW 2.24.050, 4.32.250, 4.92.030, 7.16.350, 7.20.140, 8.04.070, 8.04.130, 8.04.150, 8.08.080, 8.12.200, 8.12.530, 8.16.130, 8.20.100, 8.20.120, 9.95.060, 10.77.230, 10.95.150, 11.52.016, 11.96.160, 11.110.110, 17.04.230, 17.16.110, 19.77.100, 20.01.200, 24.32.360, 28A.58.500, 28B.16.160, 29.79.170, 29.79.210, 29.82.160, 31.08.260, 33.04.060, 33.08.070, 33.40.120, 34.04.140, 35.44.260, 35.44.270, 35.55.080, 35.56.090, 36.93.160, 36.94.290, 41.64.140, 43.21B.190, 43.52.430, 47.32.060, 48.31.190, 49.60.260, 50.32.160, 51.52.110, 52.22.101, 54.16.160, 54.16.165, 57.16.090, 58.28.490, 59.12.200, 65.12.175, 72.33.240, 74.08.080, 79.01.500, 80.04.190, 80.04.260, 80.50.140, 81.04.190, 81.04.260, 81.53.130, 81.53.170, 82.32.180, 84.28.080, 84.28.110, 84.64.120, 84.64.400, 85.05.079, 85.05.470, 85.06.630, 85.06.660, 85.06.750, 85.08.440, 85.15.130, 85.16.190, 85.16.210, 85.18.140, 85.24.130, 85.24.140, 85.32.200, 87.03.410, 87.03.760, 87.03.765, 87.22.090, 87.56.225,

88.32.090, 90.03.200, 90.03.210, 90.24.070, 91.08.250, and 91.08.580; and repealing RCW 2.04.160, 2.04.170, 4.88.260, and 10.77.130*.

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Senate Bill No. 5016.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Senate Bill No. 5016.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Senate Bill No. 5016.

MOTION

On motion of Senator Bender, Senators Bauer, Fleming, Gaspard and Vognild were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5016, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5016, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Deccio, Johnson, Smith - 3.

Excused: Senators Bauer, Fleming, Gaspard, Vognild - 4.

SENATE BILL NO. 5016, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5036 with the following amendments:

On page 1, line 10, after "sale," strike all material through "the" on line 11 and insert "The"

On page 1, line 13, after "Washington," insert "All sales or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5036.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5036, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5036, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen,

Rinehart, Sailing, Sellar, Smitherman, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Bender, Kreidler, Stratton - 3.

Absent: Senators Lee, McMullen, Smith - 3.

Excused: Senators Bauer, Fleming, Gaspard, Vognild - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5036, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 1988

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 5229 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 13, chapter 189, Laws of 1971 ex. sess. as amended by section 2, chapter 259, Laws of 1984 and RCW 43.20A.370 are each amended to read as follows:

There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than ~~((fifteen))~~ twenty members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. In selecting members of the committee, the governor shall provide for a reasonable age, sex, ~~((and))~~ ethnic, and geographic balance from throughout the state. A broad range of interests, including business owners, professions, labor, local government, and consumers should be considered for membership. ~~((A representative from each of the regional advisory committees established under RCW 43.20A.360 shall serve as a member of the state advisory committee.))~~ The members of the committee shall serve ~~((four))~~ three years ~~((except the terms of the regional advisory committee representatives shall be for a duration specified by the secretary not to exceed four years to facilitate their participation.))~~. Appointments to fill a vacant unexpired term shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive full terms. An unexpired term is considered a full term when one-half or more of the regular term is served. A member of the state advisory committee with two unexcused absences in a twelve-month period shall be deemed to have vacated the position held on the state advisory committee.

Sec. 2. Section 14, chapter 189, Laws of 1971 ex. sess. as amended by section 3, chapter 259, Laws of 1984 and RCW 43.20A.375 are each amended to read as follows:

The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) To ~~((biennially))~~ review and make recommendations as to the continued operation, possible consolidation, or elimination of department advisory committees ~~((other than those provided for))~~ including those required by federal law or specifically created by statute. The review shall include review of the statement of purpose for each advisory committee and the time frames during which the committee is accountable to achieve its stated purposes. The state advisory committee shall conduct the review ~~((using the criteria specified in RCW 43.131-070 and other appropriate criteria))~~ and report to the appropriate legislative committees no later than January 1, 1989.

(4) To encourage public awareness and understanding of the department of social and health services and the department's programs and services.

~~((4))~~ (5) To develop agendas to foster periodic meetings with and communication between representatives of program-specific advisory committees ~~((other than those provided for by federal law)).~~

(6) To encourage each regional advisory committee established under RCW 43.20A.360 to send a representative to regular state advisory committee meetings to foster communication between the regional advisory committees and: (a) The state advisory committee, and (b) headquarters of the department."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Kiskaddon, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5229.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5229, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5229, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Warnke, West, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Patterson, Smith, von Reichbauer - 3.

Excused: Senators Bauer, Fleming, Gaspard, Vognild - 4.

ENGROSSED SENATE BILL NO. 5229, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Gordon Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504

Dear Gordon:

It has come to my attention that I was listed as absent on March 5, 1988, for gubernatorial Appointment No. 9166 and House Bill No. 1819 and Engrossed Substitute Senate Bill No. 5229 on March 7, when in fact, I do recall voting for these, and I believe a review of the recordings will indicate that I voted for these.

With best wishes,

PETER von REICHBAUER, Senator, 30th District

EDITOR'S NOTE: This same Statement for the Journal appeared in the Journal for March 5, 1988.

MOTION

On motion of Senator Nelson, Senator Smith was excused.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5333 with the following amendments:

On page 1, line 16, after "shall" strike "only vote on issues directly affecting private" and insert "not vote on matters affecting public"

On page 1, line 18, before "schools" strike "private" and insert "public"

On page 2, beginning on line 31, strike all of section 4

Renumber the remaining section.

On page 1, line 2 of the title, after "28A.04.020," insert "and" and after "28A.04.050" strike", and 28A.04.090".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Substitute Senate Bill No. 5333.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5333, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5333, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bauer, Fleming, Gaspard, Smith, Vognild - 5.

SUBSTITUTE SENATE BILL NO. 5333, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5586 with the following amendment:

On page 1, line 12, after "employees," insert "The overtime provisions of RCW 49.28.020 shall not apply to the hours, up to forty hours per week, worked pursuant to agreements entered into under this section."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendment to Substitute Senate Bill No. 5586.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5586, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5586, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Hayner - 1.

Excused: Senators Bauer, Fleming, Gaspard, Smith, Vognild - 5.

SUBSTITUTE SENATE BILL NO. 5586, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 1988

Mr. President:

The House has passed SENATE BILL NO. 5667 with the following amendments:

On page 1, line 11 after "known," insert "which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property"

On page 2, line 8 strike ", in the judgment of the chief of police,

On page 2, line 12 strike "((and))" and insert "and"

On page 3, line 17 after "known," insert "which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property"

On page 4, line 6 strike ", in the judgment of the county sheriff,"

On page 4, line 11 strike "((and))" and insert "and".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Senate Bill No. 5667.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5667, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5667, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bauer, Fleming, Gaspard, Smith, Vognild - 5.

SENATE BILL NO. 5667, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6024 with the following amendments:

On page 5, on line 2, after "purposes" strike all material down to and including "projects" on line 5 and insert "and that"

On page 5, on line 5, after "work," insert "Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis."

On page 8, after line 2, insert the following:

"NEW SECTION, Sec. 4. In certain agricultural areas of the state the composition of the soil and the topography combine to create flood-prone conditions. Unless accumulated sand and gravel are removed from these rivers and streams on a regular basis a heavy rainstorm may cause a disastrous flood. The practices of the department of natural resources in establishing rates charged to commercial sand and gravel businesses cause the businesses to obtain their product from upland sources rather than from rivers and streams. As a consequence, sand and gravel accumulate in the streams and many communities are threatened with periodic, severe floods. These floods are more frequent and severe because of the accumulation of material in the rivers.

NEW SECTION, Sec. 5. The department of natural resources and the department of ecology shall study methods of diminishing flood risks by encouraging sand and gravel businesses to remove excess accumulation of materials from the beds of rivers and streams in agricultural areas. By December 1, 1989, the department of natural resources and the department of ecology shall report the results of this study to the appropriate legislative committees. In preparing the study and report, the departments shall work with the Washington association of conservation districts, the conservation commission, representation from the private sand and gravel industry, the department of fisheries, and the department of wildlife to identify alternative aquatic land management policies to diminish the risks of flooding and identify methods of adjusting sand and gravel prices annually to reflect local market conditions."

Remember the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "areas;" strike "and"

On page 1, line 2 of the title, after "75.20.130" insert "; and creating new sections",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendments to Substitute Senate Bill No. 6024.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6024, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6024, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn - 43.

Absent: Senator Zimmerman - 1.

Excused: Senators Bauer, Fleming, Gaspard, Smith, Vognild - 5.

SUBSTITUTE SENATE BILL NO. 6024, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SENATE BILL NO. 6101 with the following amendments:

On page 2, after line 6, insert:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2, after "members" strike "and" and on page 1, line 2, after "RCW 28B.50.050" insert ": and declaring an emergency".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Saling, the Senate concurred in the House amendments to Senate Bill No. 6101.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6101, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6101, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn - 41.

Absent: Senators Hayner, Lee, Zimmerman - 3.

Excused: Senators Bauer, Fleming, Gaspard, Smith, Vognild - 5.

SENATE BILL NO. 6101, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6118 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However, to the extent child care services are used, parents are encouraged to participate fully in the effort to improve the quality of child care services.

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

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

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

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

NEW SECTION. Sec. 2. (1) There is established a child care coordinating committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The child care coordinating committee shall be composed of not less than seventeen nor more than thirty members who shall include:

(a) One representative each from the department of social and health services, the department of community development, the office of the superintendent of public instruction, and any other agency having responsibility for regulation, provision, or funding of child care services in the state;

(b) One representative from the governor's commission on children;

(c) One representative from the department of trade and economic development;

(d) At least one representative of family home child care providers and one representative of center care providers;

(e) At least one representative of early childhood development experts;

(f) At least one representative of school districts and teachers involved in the provision of child care and preschool programs;

(g) At least one parent education specialist;

(h) At least one representative of resource and referral programs;

(i) One pediatric or other health professional;

(j) At least one representative of college or university child care providers;

(k) At least one representative of a citizen group concerned with child care;

(l) At least one representative of a labor organization;

(m) At least one representative of a head start - early childhood education assistance program agency;

(n) At least one employer who provides child care assistance to employees;

(o) Parents of children receiving, or in need of, child care, half of whom shall be parents needing or receiving subsidized child care and half of whom shall be parents who are able to pay for child care.

The named state agencies shall select their representative to the child care coordinating committee. The department of social and health services shall select the remaining members, considering recommendations from lists submitted by professional associations and other interest groups until such time as the committee adopts a member selection process. Staff support for the child care coordinating committee shall be provided within available resources by the department of social and health services on an ongoing basis. The department shall use any federal funds which may become available to accomplish the purposes of sections 1 through 3 of this act.

The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee. The secretary of social and health services shall appoint a temporary chair until the committee has adopted policies and elected a chair accordingly. Child care coordinating committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) To the extent possible within available funds, the child care coordinating committee shall:

(a) Serve as an advisory coordinator for all state agencies responsible for early childhood or child care programs for the purpose of improving communication and interagency coordination, but not to review the substance of programs. The committee shall annually review state programs and make recommendations to the agencies and the legislature which will maximize funding and promote furtherance of the policies set forth in section 1 of this act;

(b) Review and propose changes to the child care subsidy system by December 1, 1989;

(c) Review agency administration of the child care expansion grant program described in section 3 of this act;

(d) Review alternative models for child care service systems, in the context of the policies set forth in section 1 of this act, and recommend to the legislature a new child care service structure;

(e) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings; and

(f) Perform other functions to improve the quantity and quality of child care in the state, including compliance with existing and future prerequisites for federal funding.

NEW SECTION. Sec. 3. (1) The legislature recognizes that a severe shortage of child care exists to the detriment of all families and employers throughout the state. Many workers are unable to enter or remain in the work force due to a shortage of child care resources. The high costs of starting a child care business create a barrier to the creation of new slots, especially for children with special needs.

(2) A child care expansion grant fund is created in the custody of the secretary of the department of social and health services. Grants shall be awarded on a one-time only basis to persons, organizations, or schools needing assistance to start a child care center or mini-center as defined by the department by rule, or to existing licensed child care providers, including

family home providers, for the purpose of making capital improvements in order to accommodate handicapped children as defined under chapter 72.40 RCW, sick children, or infant care, or children needing night time care. No grant may exceed ten thousand dollars. Start-up costs shall not include operational costs after the first three months of business.

(3) Child care expansion grants shall be awarded on the basis of need for the proposed services in the community, within appropriated funds.

(4) The department shall adopt rules under chapter 34.04 RCW setting forth criteria, application procedures, and methods to assure compliance with the purposes described in this section.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 74.13 RCW.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "RCW;" strike the remainder of the title and insert "and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Kiskaddon, the Senate concurred in the House amendments to Substitute Senate Bill No. 6118.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6118, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6118, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Bauer, Fleming, Gaspard, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 6118, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6148 with the following amendment:

On page 4, line 20 after "chapter." insert "Copies of license applications or information on the applications may be released to law enforcement or corrections agencies."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6148.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6148, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6148, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Barr - 1.

Excused: Senators Bauer, Fleming, Gaspard, Vognilid - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6148, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6178 with the following amendment:

On page 2, after line 10, insert "(3) After considering any recommendations made under subsection (2) of this section, the director shall adopt rules, in accordance with chapter 34.04 RCW, prescribing the time, place, and method for the payment and collection of the assessment levied under this section and approved under section 3 of this act."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendment to Substitute Senate Bill No. 6178.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6178, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6178, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Conner, Lee, Warnke, West - 4.

Excused: Senators Bauer, Fleming, Gaspard, Vognilid - 4.

SUBSTITUTE SENATE BILL NO. 6178, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Warnke was excused.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SENATE BILL NO. 6182 with the following amendments:

On page 2, line 3, after "18.27.040" strike ", and that ((were))" and insert "((-and that were)) that"

On page 2, after line 4, insert the following:

"Sec. 2. Section 8, chapter 77, Laws of 1963 as amended by section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080 are each amended to read as follows:

No person engaged in the business or acting in the capacity of a contractor may bring or maintain any action in any court of this state for the collection of compensation for the performance of any work or for breach of any contract for which registration is required under this chapter without alleging and proving that he was a duly registered contractor and held a current and valid certificate of registration at the time he contracted for the performance of such work or entered into such contract. For the purposes of this section, the court shall not find a contractor in substantial compliance with the registration requirements of this chapter unless: (1) The department has on file the information required by RCW 18.27.030; (2) the contractor has a current bond or other security as required by RCW 18.27.040; and (3) the contractor has

current insurance as required by RCW 18.27.050. In determining under this section whether a contractor is in substantial compliance with the registration requirements of this chapter, the court shall take into consideration the length of time during which the contractor did not hold a valid certificate of registration.

On page 1, line 1 of the title, after "registration," insert "amending RCW 18.27.080";

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Senate Bill No. 6182.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6182, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6182, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Bauer, Warnke - 2.

SENATE BILL NO. 6182, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6195 with the following amendments:

On page 1, beginning on line 20, strike all material down to and including "thereby" on line 26 and insert the following:

"NEW SECTION. Sec. 2. Any person who is damaged by any act prohibited in section 1 of this act may bring a civil action to recover damages sustained, including a reasonable attorney's fee. A party seeking civil damages under this section may recover upon proof of a violation of the provisions of section 1 of this act by a preponderance of the evidence."

Remember the remaining section consecutively.

On page 1, line 1 of the title, after "adding" strike "a" and on line 2, strike "section" and insert "sections".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 6195.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6195, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6195, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Warnke - 1.

SUBSTITUTE SENATE BILL NO. 6195, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Williams was excused.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6207 with the following amendments:

On page 3, line 27 after "days," insert "However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement."

On page 6, line 10, after "13.34.130," insert "and if such relative appears otherwise suitable and competent to provide care and treatment".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Kiskaddon, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6207.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6207, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6207, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 47.

Absent: Senator McMullen - 1.

Excused: Senator Williams - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6207, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6212 with the following amendments:

On page 1, line 14, after "one" insert "active or retired"

On page 1, line 15, after "one" insert "active or retired"

On page 4, line 4, after "three" insert "active or retired".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6212.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6212, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6212, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Absent: Senators Fleming, Pullen, Smith, Vogt - 4.

Excused: Senator Williams - 1.

SUBSTITUTE SENATE BILL NO. 6212, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6218 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 239, Laws of 1949 as last amended by section 2, chapter 116, Laws of 1983 and RCW 18.74.010 are each amended to read as follows:

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of physical therapy created by RCW 18.74.020.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures; the performance of tests and measurements of ~~((neuro-muscular))~~ neuromuscular function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner except as provided in section 2 of this 1988 act until June 30, 1991; supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and ~~((chiropractic practices as defined by RCW 18.25.065; which include the adjustment or manipulation of the articulations of the spine and its immediate articulations or mobilization of these articulations by use of a thrusting force))~~ the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(5) "Physical therapist" means a person who practices physical therapy as defined in this chapter but does not include massage operators as defined in RCW 18.108.010.

(6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatrists, and dentists: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

NEW SECTION. Sec. 2. A new section is added to chapter 18.74 RCW to read as follows:

Notwithstanding the provisions of RCW 18.74.010(4), a consultation and periodic review by an authorized health care practitioner is not required for treatment of neuromuscular or musculoskeletal conditions: PROVIDED, That a physical therapist may only provide treatment utilizing orthoses that support, align, prevent, or correct any structural problems intrinsic to the foot or ankle by referral or consultation from an authorized health care practitioner. The legislative budget committee shall review whether the practices authorized under this section shall be continued and shall report to the legislature by January 1, 1991.

NEW SECTION. Sec. 3. A new section is added to chapter 18.74 RCW to read as follows:

(1) Physical therapists shall refer persons under their care to authorized health care practitioners if they have reasonable cause to believe symptoms or conditions are present which require services beyond the scope of their practice or for which physical therapy is contraindicated.

(2) A violation of this section is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 18.74 RCW to read as follows:

(1) Physical therapists shall not advertise that they perform spinal manipulation or manipulative mobilization of the spine.

(2) A violation of this section is unprofessional conduct under this chapter and chapter 18.130 RCW.

NEW SECTION, Sec. 5. A new section is added to chapter 18.74 RCW to read as follows:

This chapter shall not be construed to restrict the ability of any insurance entity regulated by Title 48 RCW, or any state agency or program from limiting or controlling the utilization of physical therapy services by the use of any type of gatekeeper function; nor shall it be construed to require or prohibit that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person licensed under this chapter. For the purpose of this chapter, "gatekeeper function" means any provision in a contract which establishes a threshold requirement, such as a recommendation from a case manager or a primary care provider, which must be satisfied before a covered person is eligible to receive benefits under the contract."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Deccio, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6218.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6218, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6218, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Wojahn - 46.

Voting nay: Senator Zimmerman - 1.

Absent: Senator Smith - 1.

Excused: Senator Williams - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6218, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Concurrent Resolution No. 8430, Gubernatorial Appointment No. 9129, Gubernatorial Appointment No. 9152, Gubernatorial Appointment No. 9182 and Gubernatorial Appointment No. 9213.

On motion of Senator Newhouse, the rules were suspended and Senate Concurrent Resolution No. 8430, Gubernatorial Appointment No. 9129, Gubernatorial Appointment No. 9152, Gubernatorial Appointment No. 9182 and Gubernatorial Appointment No. 9213 were placed on the second reading calendar.

MOTION

On motion of Senator Bender, Senator Moore was excused.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6240 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of agriculture.

(2) "Wild mushroom" means a mushroom that is not cultivated or propagated by artificial means.

(3) "Mushroom buyer" means any person who obtains wild mushrooms from another person for eventual conveyance to a mushroom processor.

(4) "Mushroom harvester" means a person who picks wild mushrooms for sale to a mushroom buyer or processor, or who picks wild mushrooms as an employee of a mushroom buyer or processor.

(5) "Mushroom processor" means a person, other than a restaurant or mushroom buyer, who purchases and processes wild mushrooms in any manner whatsoever for eventual resale.

NEW SECTION. Sec. 2. (1) A person may not act as a mushroom buyer or mushroom processor without an annual license. Any person applying for such a license shall file an application on a form prescribed by the department, and accompanied by the following license fee:

(a) Mushroom buyer, seventy-five dollars;

(b) Mushroom processor, three hundred seventy-five dollars.

(2) The mushroom buyer or mushroom processor shall display the license in a manner visible to the public.

NEW SECTION. Sec. 3. (1) A mushroom buyer who obtains wild mushrooms shall complete a form prescribed by the department that includes the following:

(a) The site at which the mushrooms were purchased by the buyer;

(b) The amount, by weight, of each species of mushrooms obtained;

(c) The approximate location of the harvest site;

(d) The date that the mushrooms were harvested;

(e) The price paid to the harvester;

(f) The name, address, and license number of the mushroom processor to whom the mushrooms are sold;

(g) Any additional information that the department, by rule, may require.

(2) Forms completed under this section shall be mailed or delivered to the department within fifteen days after the end of the month in which the mushrooms were delivered to the processor.

(3) Mushroom processors shall comply with the requirements of this section when obtaining wild mushrooms from any source other than a licensed mushroom buyer.

NEW SECTION. Sec. 4. (1) Mushroom processors shall annually, by December 31, complete and mail or deliver to the department a form prescribed by the department that includes for each variety of mushrooms:

(a) The quantity by weight sold within Washington, within the United States outside Washington, and to individual foreign countries;

(b) Any additional information that the department, by rule, may require.

(2) The department shall publish harvest totals in conjunction with United States department of agriculture crop reporting statistics as well as a compilation of the information received under subsection (1)(a) of this section.

NEW SECTION. Sec. 5. The department shall encourage voluntary reporting of the information prescribed under section 3(1) of this act by recreational mushroom harvesters and mycological societies.

NEW SECTION. Sec. 6. The department is authorized to issue and enforce civil infractions in the manner prescribed under chapter 7.80 RCW. Violations of this chapter or any rule adopted under this chapter constitute a class I civil infraction under chapter 7.80 RCW.

NEW SECTION. Sec. 7. The department may adopt rules for the administration of this chapter.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act shall expire June 30, 1994.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall take effect January 1, 1989. The department of agriculture may immediately take such steps as are necessary to ensure that this act is implemented on that date."

On page 1, line 2 of the title, after "penalties," strike the remainder of the title and insert "and providing an expiration date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 6240.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6240, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6240, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Absent: Senator Sellar - 1.

Excused: Senators Moore, Williams - 2.

SUBSTITUTE SENATE BILL NO. 6240, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1988

Mr. President:

The House has passed SENATE BILL NO. 6243 with the following amendments:

On page 2, after line 30, insert the following:

NEW SECTION. Sec. 2. (1) The department of employment security shall study and analyze the impact of section 1 of this act on the number of claimants receiving unemployment insurance benefits and the total amount of benefits paid, and on the type, frequency, duration, and outcome of labor disputes. In performing the study the department shall specifically address the impact of section 1(1)(b) of this act on the above subjects.

(2) In performing its duties under this section the department shall periodically convene meetings with representatives of labor and management, including but not limited to representatives of the following: A general business association; an organization broadly representing organized labor; the construction industry; construction industry organized labor; the trade industry; trade industry organized labor; the manufacturing industry; manufacturing industry organized labor; the service industry; service industry organized labor; the transportation industry; transportation industry organized labor; the communication industry; and communication industry organized labor.

(3) For the purpose of studying and analyzing the impact of section 1(1)(b) of this act the department shall periodically convene, in addition to those meetings specified in subsection (2) of this section, meetings with representatives of labor and management from industries with multi-employer bargaining units, including but not limited to representatives from a general business association; an organization broadly representing organized labor; the retail trade industry; and retail trade industry organized labor.

(4) The department shall report its findings to the governor, the senate economic development and labor committee, and the house of representatives commerce and labor committee, or the appropriate successor committees, by the commencement of the 1990 regular session of the legislature."

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

On page 1, line 2 of the title, after "50.20.090;" insert "creating a new section;"

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Senate Bill No. 6243.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6243, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6243, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Absent: Senator Vogndild - 1.

Excused: Senators Moore, Williams - 2.

SENATE BILL NO. 6243, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6255 with the following amendment:

On page 1, line 8, after "into" strike all the material down to and including "state" on line 15 and insert "an agreement or arrangement with a duly authorized representative of the state of Idaho, for the purpose of granting to operators of commercial vehicles that are properly registered in the state of Idaho, the privilege of operating their vehicles in this state within a designated area near the border of their state without the need for registration as required by chapter 81.80 RCW if the state of Idaho grants a similar privilege to operators of commercial vehicles from this state. The initial designated area shall be limited to state route 195 from the Idaho border to Lewiston, and SR 12 from Lewiston to Clarkston. The utilities and transportation commission shall submit other proposed reciprocal agreements in designated border areas to the legislative transportation committee for approval".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 6255.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6255, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6255, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Absent: Senators McMullen, Pullen - 2.

Excused: Senator Williams - 1.

SUBSTITUTE SENATE BILL NO. 6255, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1988

Mr. President:

The House has passed SENATE BILL NO. 6260 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 34, Laws of 1987 and RCW 69.38.030 are each amended to read as follows:

It is unlawful for any person, either on the person's own behalf or while an employee of another, to sell any poison without first recording in ink in a "poison register" kept solely for this purpose the following information:

- (1) The date and hour of the sale;
- (2) The full name and home address of the purchaser;
- (3) The kind and quantity of poison sold; and
- (4) The purpose for which the poison is being purchased.

The purchaser shall present to the seller identification which contains the purchaser's photograph and signature. No sale may be made unless the seller is satisfied that the purchaser's representations are true and that the poison will be used for a lawful purpose. Both the purchaser and the seller shall sign the poison register entry.

If a delivery of a poison will be made outside the confines of the seller's premises, the seller may require the business purchasing the poison to submit a letter of authorization as a

substitute for the purchaser's photograph and signature requirements. The letter of authorization shall include the unified business identifier and address of the business, a full description of how the substance will be used, and the signature of the purchaser. Either the seller or the employee of the seller delivering or transferring the poison shall affix his or her signature to the letter as a witness to the signature and identification of the purchaser. The transaction shall be recorded in the poison register as provided in this section. Letters of authorization shall be kept with the poison register and shall be subject to the inspection and preservation requirements contained in RCW 69.38.040.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendment to Senate Bill No. 6260.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6260, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6260, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 46.

Absent: Senators Gaspard, Patterson, Zimmerman - 3.

SENATE BILL NO. 6260, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8430, by Senators Talmadge, Owen, Conner and Bender

Urging the display of the prisoner-of-war and missing-in-action flag.

MOTIONS

On motion of Senator McDonald, Substitute Senate Concurrent Resolution No. 8430 was substituted for Senate Concurrent Resolution No. 8430 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Concurrent Resolution No. 8430 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, it appears to me you have an excellent concurrent resolution before us. Would you object to allowing other people's names to be added as co-sponsors to your excellent and very worthy resolution?"

Senator Talmadge: "Certainly Senator Pullen, I would encourage it. The more the merrier on this important issue."

Further debate ensued.

There being no objection, Senators Pullen, Warnke and McDonald were added as additional sponsors of Substitute Senate Concurrent Resolution No. 8430.

Substitute Senate Concurrent Resolution No. 8430 was adopted.

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

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6266 with the following amendment:

On page 1, line 19, beginning with "Any" strike all the matter down to an including "section" on line 21, and insert "The costs of monitoring and inspecting on-site sewage disposal systems or community sewage disposal systems for compliance with applicable standards and rules, and for enforcing compliance with these applicable standards and rules in aquifer protection areas created after the effective date of this 1988 act."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6266.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6266, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Conner, Lee, Patterson, Smith - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6266, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed SENATE BILL NO. 6271 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the availability of home health, hospice, and home care services has improved the quality of life for Washington's citizens. However, the delivery of these services bring risks because the in-home location of services makes their actual delivery virtually invisible. Also, the complexity of products, services, and delivery systems in today's health care delivery system challenges even informed and healthy individuals. The fact that these services are delivered to the state's most vulnerable population, the ill or disabled who are frequently also elderly, adds to these risks.

It is the intent of the legislature to protect the citizens of Washington state by licensing home health, hospice, and home care agencies. This legislation is not intended to unreasonably restrict entry into the in-home service marketplace. Standards established are intended to be the minimum necessary to ensure safe and competent care, and should be demonstrably related to patient safety and welfare.

PART I

GENERAL PROVISIONS

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

(1) "Branch office" means a location or site from which a home health, hospice, or home care agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the agency and is located sufficiently close to share administration, supervision, and services.

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

(3) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence.

(4) "Home care services" means personal care services, homemaker services, respite care services, or any other nonmedical services provided to ill, disabled, or infirm persons which

services enable these persons to remain in their own residences consistent with their desires, abilities, and safety.

(5) "Home health agency" means a private or public agency or organization that administers or provides home health aide services or two or more home health services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence.

(6) "Home health services" means health or medical services provided to ill, disabled, or infirm persons. These services may be of an acute or maintenance care nature, and include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and medical supplies or equipment services.

(7) "Home health aide services" means services provided by a home health agency or a hospice under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services needed to achieve medically desired results.

(8) "Homemaker services" means services that assist ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management.

(9) "Hospice agency" means a private or public agency or organization administering or providing hospice care directly or through a contract arrangement to terminally ill persons in places of temporary or permanent residence by using an interdisciplinary team composed of at least nursing, social work, physician, and pastoral or spiritual counseling.

(10) "Hospice care" means: (a) Palliative care provided to a terminally ill person in a place of temporary or permanent residence that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying; and (b) bereavement care provided to the family of a terminally ill person that alleviates the emotional and spiritual discomfort associated with the death of a family member. Hospice care may include health and medical services and personal care, respite, or homemaker services. Family means individuals who are important to and designated by the patient, and who need not be relatives.

(11) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.

(12) "Personal care services" means services that assist ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.

(13) "Respite care services" means services that assist or support the primary care giver on a scheduled basis.

NEW SECTION, Sec. 3. (1) After July 1, 1990, no private or public agency or organization may advertise, operate, manage, conduct, open, or maintain a home health agency without first obtaining a home health agency license from the department.

(2) After July 1, 1990, no private or public agency or organization may advertise, operate, manage, conduct, open, or maintain a hospice agency without first obtaining a hospice agency license from the department.

(3) After July 1, 1990, no public or private agency or organization may advertise, operate, manage, conduct, open, or maintain a home care agency without first obtaining a home care agency license from the department.

NEW SECTION, Sec. 4. (1) No person may use the words "home health agency," "home health care services," or "visiting nurse services" in its corporate or business name, or advertise using such words unless licensed as a home health agency under this chapter.

(2) No person may use the words "hospice agency" or "hospice care" in its corporate or business name, or advertise using such words unless licensed as a hospice agency under this chapter.

(3) No person may use the words "home care agency" or "home care services" in its corporate or business name, or advertise using such words unless licensed as a home care agency under this chapter.

NEW SECTION, Sec. 5. The following are not subject to regulation for the purposes of this chapter:

- (1) A family member;
- (2) An organization that provides only meal services in a person's residence;
- (3) Entities furnishing durable medical equipment that does not involve the delivery of professional services beyond those necessary to set up and monitor the proper functioning of the equipment and educate the user on its proper use;
- (4) A person who provides services through a contract with a licensed agency;
- (5) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;

(6) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, boarding homes under chapter 18.20 RCW, developmental disability residential programs under chapter 71.12 RCW, or other facilities and institutions, only when providing services to persons residing within the facility or institution if the delivery of the services is regulated by the state;

(7) Persons providing care to disabled persons through a contract with the department;

(8) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

(9) In-home assessments of an ill, disabled, or infirm person's ability to adapt to the home environment that does not result in regular ongoing care at home;

(10) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;

(11) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

(12) Case management services which do not include the direct delivery of home health, hospice, or home care services.

NEW SECTION. Sec. 6. Notwithstanding sections 3(2) and 4(2) of this act, a volunteer organization that provides hospice care without receiving compensation for delivery of services that does not meet the licensure requirements of this chapter for a hospice agency may use the phrase "volunteer hospice" if the volunteer organization was formed prior to January 1, 1988, and the organization notifies the department prior to July 1, 1989. This section shall not be considered an exemption from the home health agency or home care agency license provisions of this chapter.

NEW SECTION. Sec. 7. Except as exempt under section 5 (6) and (8) of this act, a nursing home licensed under chapter 18.51 RCW is not exempt from the requirements of this chapter when the nursing home is functioning as a home health, hospice, or home care agency.

NEW SECTION. Sec. 8. Except as exempt under section 5 (6) and (8) of this act, a hospital licensed under chapter 70.41 RCW is not exempt from the requirements of this chapter when the hospital is functioning as a home health, hospice, or home care agency.

NEW SECTION. Sec. 9. (1) An applicant for a home health, hospice, or home care agency license shall:

(a) File a written application on a form provided by the department;

(b) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;

(c) Cooperate with on-site review conducted by the department prior to licensure or renewal;

(d) Provide evidence of and maintain professional liability insurance in the amount of one hundred thousand dollars per occurrence or adequate self-insurance as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(e) Provide evidence of and maintain public liability and property damage insurance coverage in the sum of fifty thousand dollars for injury or damage to property per occurrence and fifty thousand dollars for injury or damage, including death, to any one person and one hundred thousand dollars for injury or damage, including death, to more than one person, or evidence of adequate self-insurance for public liability and property damage as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(f) Provide such proof as the department may require concerning organizational and governance structure, and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(g) File with the department a list of the counties in which the applicant will operate;

(h) File with the department a list of the services offered;

(i) Pay to the department a license fee as provided in section 10 of this act; and

(j) Provide any other information that the department may reasonably require.

(2) A certificate of need under chapter 70.38 RCW is not required for licensure.

(3) A license or renewal shall not be granted pursuant to this chapter if the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets, within the last five years have been found in a civil or criminal proceeding to have committed any act which reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another.

(4) A separate license is not required for a branch office.

NEW SECTION. Sec. 10. An application for a license or any renewal shall be accompanied by a fee as established by the department under RCW 43.20B.110. A surcharge no greater than fifty dollars per year may be assessed for the period of time necessary to repay the cost of implementing this chapter.

NEW SECTION. Sec. 11. Upon receipt of an application under section 9 of this act for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. All persons operating as home health, hospice, or home care agencies before July 1, 1989, shall submit their applications and application fees by July 1, 1989. In addition, issuance of a license is conditioned on the department conducting an on-site review. A license issued under this chapter shall not be transferred or assigned without thirty days prior notice to the department and the department's approval. A license, unless suspended or revoked, may be effective for a period of up to two years, at the discretion of the department. The department may establish penalty fees for failure to apply for licensure or renewal as required by this chapter.

NEW SECTION. Sec. 12. The department shall adopt rules providing for the combination of applications and licenses, and the reduction of individual license fees if an applicant applies for more than one category of license under this chapter. The department shall provide for combined licensure inspections and audits for licensees holding more than one license under this chapter.

NEW SECTION. Sec. 13. The department shall adopt rules consistent with section 1 of this act necessary to implement this chapter under chapter 34.04 RCW. In order to ensure safe and adequate care, the rules shall address at a minimum the following:

(1) Maintenance and preservation of all records relating directly to the care and treatment of persons by licensees;

(2) Establishment of a procedure for the receipt, investigation, and disposition of complaints by the department regarding services provided by licensees;

(3) Establishment and implementation of a plan for on-going care of persons and preservation of records if the licensee ceases operations;

(4) Supervision of services;

(5) Maintenance of written policies regarding response to referrals and access to services at all times;

(6) Maintenance of written personnel policies and procedures and personnel records that provide for prehire screening, minimum qualifications, regular performance evaluations, including observation in the home, participation in orientation and in-service training, and involvement in quality assurance activities. The department may not establish qualifications for licensed professionals other than those required for licensure; and

(7) Maintenance of written policies on obtaining regular reports on patient satisfaction.

NEW SECTION. Sec. 14. Licensees shall conform to the standards of RCW 69.41.030 and 69.50.308.

NEW SECTION. Sec. 15. (1) A licensee shall provide each person or designated representative with a written bill of rights affirming each person's right to:

(a) A listing of the services offered by the agency and those being provided;

(b) The name of the person supervising the care and the manner in which that person may be contacted;

(c) A description of the process for submitting and addressing complaints;

(d) A statement advising the person or representative of the right to participate in the development of the plan of care;

(e) A statement providing that the person or representative is entitled to information regarding access to the department's registry of providers and to select any licensee to provide care, subject to the patient's reimbursement mechanism or other relevant contractual obligations;

(f) Be treated with courtesy, respect, privacy, and freedom from abuse and discrimination;

(g) Refuse treatment or services;

(h) Have patient records be confidential; and

(i) Have properly trained staff and coordination of services.

(2) Upon request, a licensee shall provide each person or designated representative with a fully itemized billing statement at least monthly, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements.

NEW SECTION. Sec. 16. No licensee or employee may hold a durable power of attorney on behalf of any person who is receiving care from the licensee.

NEW SECTION. Sec. 17. In order to assist in the administration of this chapter, the department may adopt rules under chapter 34.04 RCW to provide that a home health or hospice agency certified pursuant to chapter 70.126 RCW immediately before the effective date of this section continues to operate under that certification through the expiration date of the certificate without obtaining a license under this chapter.

NEW SECTION. Sec. 18. Pursuant to chapter 34.04 RCW, the department may deny, suspend, or revoke a license under this chapter or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation in any case in which it finds that the licensee, or any applicant, officer, director, partner, managing employee, or owner of ten percent or more of the applicant's or licensee's assets:

(1) Failed or refused to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Was the holder of a license issued pursuant to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension have not been fulfilled and the licensee has continued to operate;

(3) Has knowingly or with reason to know made a false statement of a material fact in the application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department;

(4) Refused to allow representatives of the department to inspect any book, record, or file required by this chapter to be maintained or any portion of the licensee's premises;

(5) Wilfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter;

(6) Wilfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of this chapter or the rules adopted under this chapter;

(7) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after the assessment becomes final;

(8) Used advertising that is false, fraudulent, or misleading;

(9) Has repeated incidents of personnel performing services beyond their authorized scope of practice; or

(10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business.

NEW SECTION, Sec. 19. The department may at any time conduct an on-site review of a licensee or conduct in-home visits in order to determine compliance with this chapter. The department may also examine and audit records necessary to determine compliance with this chapter. The right to conduct an on-site review and audit and examination of records shall extend to any premises and records of persons whom the department has reason to believe are providing home health, hospice, or home care without a license.

Following an on-site review, in-home visit, or audit, the department shall give written notice of any violation of this chapter or the rules adopted under this chapter. The notice shall describe the reasons for noncompliance and inform the licensee that it must comply within a specified reasonable time, not to exceed sixty days. If the licensee fails to comply, the licensee is subject to disciplinary action under section 18 of this act.

NEW SECTION, Sec. 20. All information received by the department through filed reports, audits, on-site reviews, in-home visits, or as otherwise authorized under this chapter shall not be disclosed publicly in any manner that would identify persons receiving care under this chapter.

NEW SECTION, Sec. 21. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law and upon the advice of the attorney general, who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the advertising, operating, maintaining, managing, or opening of a home health, hospice, or home care agency without a license under this chapter.

NEW SECTION, Sec. 22. Any person violating section 3 of this act is guilty of a misdemeanor. Each day of a continuing violation is a separate violation.

NEW SECTION, Sec. 23. The department shall compile a registry of all licensed home health, hospice, and home care agencies, both alphabetically and by county. Copies of the registry shall be made available to members of the general public at a nominal printing charge.

PART II HOME HEALTH CARE

NEW SECTION, Sec. 24. In addition to the exemptions in section 5 of this act, a hospice agency delivering home health care integrally related to the delivery of hospice care or a health care practitioner who provides a single home health service that is not a part of a coordinated delivery of more than one service is not a home health agency for the purposes of this chapter.

NEW SECTION, Sec. 25. (1) In addition to the rules consistent with section 1 of this act adopted under section 13 of this act, the department shall adopt rules for home health agencies which address the following:

(a) Establishment of case management guidelines for acute and maintenance care patients;

(b) Establishment of guidelines for periodic review of the home health care plan of care and plan of treatment by appropriate health care professionals; and

(c) Maintenance of written policies regarding the delivery and supervision of patient care and clinical consultation as necessary by appropriate health care professionals.

(2) As used in this section:

(a) "Acute care" means care provided by a home health agency for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients

require frequent monitoring by a health care professional in order to maintain their health status.

(b) "Maintenance care" means care provided by home health agencies that is necessary to support an existing level of health and to preserve a patient from further failure or decline.

(c) "Home health plan of care" means a written plan of care established by a home health agency by appropriate health care professionals that describes maintenance care to be provided. A patient or his or her representative shall be allowed to participate in the development of the plan of care to the extent practicable.

(d) "Home health plan of treatment" means a written plan of care established by a physician licensed under chapter 18.57 or 18.71 RCW, a podiatrist licensed under chapter 18.22 RCW, or an advanced registered nurse practitioner as authorized by the board of nursing under chapter 18.88 RCW, in consultation with appropriate health care professionals within the agency that describes medically necessary acute care to be provided for treatment of illness or injury.

PART III HOSPICES

NEW SECTION. Sec. 26. (1) In addition to the rules consistent with section 1 of this act adopted under section 13 of this act, the department shall adopt rules for hospice agencies which address the following:

(a) Establishment of guidelines for periodic review of the hospice plan of care;

(b) Written policies requiring availability of twenty-four hour seven days a week hospice registered nurse consultation and in-home services as appropriate;

(c) Quality assurance activities to include the involvement of interdisciplinary professionals;

(d) Maintenance of written policies regarding interdisciplinary team communication as appropriate and necessary; and

(e) Written policies regarding the use and availability of volunteers to provide family support and respite when requested.

(2) As used in this section "hospice plan of care" means a written plan of care established by a physician and reviewed by other members of the interdisciplinary team describing hospice care to be provided.

PART IV HOME CARE

NEW SECTION. Sec. 27. In addition to the exemptions in section 5 of this act, a home health or hospice agency delivering home care as an integral part of the delivery of home health or hospice care, an individual providing home care through a direct agreement with the recipient of care, an individual providing home care through a direct agreement with a third party payor where comparable services are not readily available through a home care agency, or a volunteer organization that provides home care without compensation, is not a home care agency for the purposes of this chapter.

NEW SECTION. Sec. 28. In addition to the rules adopted under section 13 of this act, the department shall adopt rules consistent with section 1 of this act for home care agencies which address delivery of services according to a home care plan of care.

As used in this section, "home care plan of care" means a written plan of care that is established and periodically reviewed by a home care agency that describes the home care to be provided.

PART V INSURANCE

Sec. 29. Section 5, chapter 249, Laws of 1983 as amended by section 4, chapter 22, Laws of 1984 and RCW 70.126.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Hospice" means a private or public agency or organization that administers and provides hospice care and is ((certified)) licensed by the department of social and health services as a hospice care agency.

(2) "Hospice care" means care prescribed and supervised by the attending physician and provided by the hospice to the terminally ill in accordance with the standards of RCW 70.126.030.

(3) "Home health agency" means a private or public agency or organization that administers and provides home health care and is ((certified)) licensed by the department of social and health services as a home health care agency.

(4) "Home health care" means services, supplies, and medical equipment that meet the standards of RCW 70.126.020, prescribed and supervised by the attending physician, and provided through a home health agency and rendered to members in their residences when hospitalization would otherwise be required.

(5) "Home health aide" means a person employed by a home health agency or a hospice who is providing part-time or intermittent care under the supervision of a registered nurse, a physical therapist, occupational therapist, or speech therapist. Such care includes ambulation

and exercise, assistance with ~~((medications ordinarily))~~ self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or household services that are needed to achieve the medically desired results.

(6) "Home health care plan of treatment" means a written plan of care established and periodically reviewed by a physician that describes medically necessary home health care to be provided to a patient for treatment of illness or injury.

(7) "Hospice plan of care" means a written plan of care established and periodically reviewed by a physician that describes hospice care to be provided to a terminally ill patient for palliation or medically necessary treatment of an illness or injury.

(8) "Physician" means a physician licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION. Sec. 30. A new section is added to chapter 70.126 RCW to read as follows:

The provisions of this chapter apply only for the purposes of determining benefits to be included in the offering of optional coverage for home health and hospice care services, as provided in RCW 48.21.220, 48.21A.090, and 48.44.320 and do not apply for the purposes of licensure.

Sec. 31. Section 1, chapter 249, Laws of 1983 as amended by section 1, chapter 22, Laws of 1984 and RCW 48.21.220 are each amended to read as follows:

(1) Every insurer entering into or renewing group or blanket disability insurance policies governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions in addition to those set forth in chapter 70.126 RCW:

(a) The coverage may include reasonable deductibles, coinsurance provisions, and internal maximums;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospices have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and ~~((may))~~ restrict benefits to, services rendered by home health and ~~((hospices certified))~~ hospice agencies licensed by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit;

(h) The coverage may be structured so that services or supplies included in the primary contract are not duplicated in the optional home health and hospice coverage.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

(5) An insurer, as a condition of reimbursement, may require compliance with home health and hospice certification regulations established by the United States department of health and human services.

Sec. 32. Section 2, chapter 249, Laws of 1983 as amended by section 2, chapter 22, Laws of 1984 and RCW 48.21A.090 are each amended to read as follows:

(1) Every insurer entering into or renewing extended health insurance governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions in addition to those set forth in chapter 70.126 RCW:

(a) The coverage may include reasonable deductibles, coinsurance provisions, and internal maximums;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospices have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and ~~((may))~~ restrict benefits to, services rendered by home health and ~~((hospices certified)) hospice agencies licensed~~ by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit;

(h) The coverage may be structured so that services or supplies included in the primary contract are not duplicated in the optional home health and hospice coverage.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

(5) An insurer, as a condition of reimbursement, may require compliance with home health and hospice certification regulations established by the United States department of health and human services.

Sec. 33. Section 3, chapter 249, Laws of 1983 as amended by section 3, chapter 22, Laws of 1984 and RCW 48.44.320 are each amended to read as follows:

(1) Every health care service contractor entering into or renewing a group health care service contract governed by this chapter shall offer optional coverage for home health care and hospice care for persons who are homebound and would otherwise require hospitalization. Such optional coverage need only be offered in conjunction with a policy that provides payment for hospitalization as a part of health care coverage.

(2) Home health care and hospice care coverage offered under subsection (1) of this section shall conform to the following standards, limitations, and restrictions in addition to those set forth in chapter 70.126 RCW:

(a) The coverage may include reasonable deductibles, coinsurance provisions, and internal maximums;

(b) The coverage should be structured to create incentives for the use of home health care and hospice care as an alternative to hospitalization;

(c) The coverage may contain provisions for utilization review and quality assurance;

(d) The coverage may require that home health agencies and hospices have written treatment plans approved by a physician licensed under chapter 18.57 or 18.71 RCW, and may require such treatment plans to be reviewed at designated intervals;

(e) The coverage shall provide benefits for, and ~~((may))~~ restrict benefits to, services rendered by home health and ~~((hospices certified)) hospice agencies licensed~~ by the department of social and health services;

(f) Hospice care coverage shall provide benefits for terminally ill patients for an initial period of care of not less than six months and may provide benefits for an additional six months of care in cases where the patient is facing imminent death or is entering remission if certified in writing by the attending physician;

(g) Home health care coverage shall provide benefits for a minimum of one hundred thirty health care visits per calendar year. However, a visit of any duration by an employee of a home health agency for the purpose of providing services under the plan of treatment constitutes one visit;

(h) The coverage may be structured so that services or supplies included in the primary contract are not duplicated in the optional home health and hospice coverage.

(3) The insurance commissioner shall adopt any rules necessary to implement this section.

(4) The requirements of this section shall not apply to contracts or policies governed by chapter 48.66 RCW.

(5) An insurer, as a condition of reimbursement, may require compliance with home health and hospice certification regulations established by the United States department of health and human services.

PART VI MISCELLANEOUS

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 249, Laws of 1983, section 7, chapter 22, Laws of 1984 and RCW 70.126.040; and

(2) Section 9, chapter 249, Laws of 1983 and RCW 70.126.050.

NEW SECTION. Sec. 35. Sections 1 through 28 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 36. The sum of thirty-eight thousand eight hundred seventy-five dollars, or so much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1989, to the department of social and health services for the purpose of implementing this act on its effective date.

NEW SECTION. Sec. 37. This act shall take effect July 1, 1989. The department may, beginning on July 1, 1988, take such steps as are necessary to insure that this act is implemented on its effective date.

NEW SECTION. Sec. 38. Sections 2 through 28 of this act shall expire on July 1, 1993. The legislative budget committee shall conduct a program and fiscal review of the implementation of sections 2 through 28 of this act by December 31, 1992. The review shall contain recommendations regarding continuation, modification, or elimination of sections 2 through 28 of this act.

NEW SECTION. Sec. 39. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Deccio, the Senate concurred in the House amendment to Senate Bill No. 6271.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6271, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6271, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

SENATE BILL NO. 6271, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6332 with the following amendment:

On page 3, line 1, after "property" strike all material through "term" on line 3 and insert "if the property was loaned to the museum or society for an indefinite term and the property has been held by the museum or society for five years or more",

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendment to Substitute Senate Bill No. 6332.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6332, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6332, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith,

Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 6332, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6342 with the following amendments:

On page 1, line 7, after "than" strike "five" and insert "twenty"

On page 1, line 16, after "customer," insert "Taxes based upon revenue of the light and power business or gas distribution business to be listed on the customer billing need not include taxes levied by the federal government or taxes levied under chapters 54.28, 80.24 or 82.04 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6342.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6342, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6342, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Meicall, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 48.

Absent: Senator Wojahn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6342, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6357 with the following amendments:

On page 2, line 6, after "county in which" strike "the"

On page 2, line 25, after "bond or" strike "assigned account" and insert "deposit"

On page 3, line 25, after "filed" insert "and served".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Substitute Senate Bill No. 6357.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6357, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6357, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Anderson, Fleming - 2.

SUBSTITUTE SENATE BILL NO. 6357, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SENATE BILL NO. 6370 with the following amendment:

On page 5, after line 25, strike all material down through "if" on line 28 and insert the following:

"The director ~~((of conservation))~~ shall continue the study of the state power commission made in 1956 relating to the construction of a steam power electric generating plant, and if,

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendment to Senate Bill No. 6370.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6370, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6370, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 6370, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Anderson was excused.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SENATE BILL NO. 6372 with the following amendment:

On page 33, after line 27, strike all material down through page 36, line 8 and insert the following:

"Sec. 67. Section 1, chapter 130, Laws of 1939 as amended by section 1, chapter 123, Laws of 1941 and RCW 79.60.010 are each amended to read as follows:

The ~~((state forest board))~~ department of natural resources with regard to state forest board lands ~~((and the commissioner of public lands with regard to))~~ and state granted lands ~~((are))~~ is hereby authorized to enter into cooperative agreements with the United States of America, Indian tribes, and private owners of timber land providing for coordinated forest management, including time, rate and method of cutting timber and method of silvicultural practice on a sustained yield unit. ~~((Wherever applicable in this chapter, it shall be understood that the state forest board shall have complete authority over state forest board lands and the commissioner of public lands complete authority over state granted land.))~~

Sec. 68. Section 2, chapter 130, Laws of 1939 and RCW 79.60.020 are each amended to read as follows:

~~The ((state forest board and the commissioner of public lands are))~~ department of natural resources is hereby authorized and directed to determine, define and declare informally the establishment of a sustained yield unit, comprising the land area to be covered by any such

cooperative agreement and include therein such other lands as may be later acquired by the ~~((state forest board))~~ department and included under the cooperative agreement.

Sec. 69, Section 3, chapter 130, Laws of 1939 and RCW 79.60.030 are each amended to read as follows:

The state shall agree that the cutting from combined national forest and state lands will be limited to the sustained yield capacity of these lands in the management unit as determined by the contracting parties and approved by the ~~((state forest board and the))~~ commissioner of public lands for state granted lands and the board of natural resources for state forest board lands. Cooperation with the private contracting party or parties shall be contingent on limitation of production to a specified amount as determined by the contracting parties and approved by the ~~((state forest board and the))~~ commissioner of public lands for state granted lands and the board of natural resources for state forest board lands and shall comply with the other conditions and requirements of such cooperative agreement.

Sec. 70, Section 2, chapter 123, Laws of 1941 and RCW 79.60.040 are each amended to read as follows:

The private contracting party or parties shall enjoy the right of easement over state forest board lands and state granted lands included under said cooperative agreement for railway, road and other uses necessary to the carrying out of the agreement. This easement shall be only for the life of the cooperative agreement and shall be granted without charge with the provision that payment shall be made for all merchantable timber cut, removed or damaged in the use of such easement, payment to be based on the contract stumpage price for timber of like value and species and to be made within thirty days from date of cutting, removal and/or damage of such timber and appraisal thereof by the ~~((commissioner of public lands and the state forest board))~~ department of natural resources.

Sec. 71, Section 4, chapter 130, Laws of 1939 and RCW 79.60.050 are each amended to read as follows:

During the period when any such cooperative agreement is in effect, the timber on the state lands which the ~~((state forest board and the commissioner of public lands))~~ department of natural resources determines shall be included in the sustained yield unit may, from time to time, be sold at not less than its appraised value as approved by the ~~((state forest board and the))~~ commissioner of public lands for state granted lands and the board of natural resources for state forest board lands, due consideration being given to existing forest conditions on all lands included in the cooperative management unit and such sales may be made in the discretion of the ~~((state forest board and the commissioner of public lands))~~ department and the contracting party or parties in the cooperative sustained yield agreement. These sale agreements shall contain such provisions as are necessary to effectually permit the ~~((state forest board and the commissioner of public lands))~~ department to carry out the purpose of this section and in other ways afford adequate protection to the public interests involved.

Sec. 72, Section 5, chapter 130, Laws of 1939 and RCW 79.60.060 are each amended to read as follows:

The sale of timber upon state forest board land and state granted land within such sustained yield unit or units shall be made for not less than the appraised value thereof as heretofore provided for the sale of timber on state lands: PROVIDED, That, if in the judgment of the ~~((state forest board or the commissioner of public lands))~~ department, it is to the best interests of the state to do so, said timber or any such sustained yield unit or units may be sold on a stumpage or scale basis for a price per thousand not less than the appraised value thereof. The ~~((state forest board and the commissioner of public lands))~~ department shall reserve the right to reject any and all bids if the intent of this chapter will not be carried out. Permanency of local communities and industries, prospects of fulfillment of contract requirements, and financial position of the bidder shall all be factors included in this decision."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendment to Senate Bill No. 6372.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6372, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6372, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse,

Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Anderson - 1.

SENATE BILL NO. 6372, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed SENATE BILL NO. 6397 with the following amendments:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 76.04 RCW to read as follows:

Upon arriving at the scene of a forest fire, the first priority of the employees or agents of the department shall be to attempt to extinguish the fire, and attempts to conduct a survey of contiguous property to ascertain the necessity to remove individuals or property from the area of the fire shall be secondary to that responsibility. This section shall not be construed as preventing assistance to individuals in immediate danger from the fire.

NEW SECTION. Sec. 2. A new section is added to chapter 76.04 RCW to read as follows:

(1) The legislature finds and declares that forest lands within the state are increasingly being used for residential purposes; that the risk to life and property is increasing from forest fires which may destroy developed property; that the department's primary mission is to protect forest land and suppress forest fires; that a primary mission of the rural fire districts and municipal fire departments is to protect improved property and suppress structural fires; that adjustment of the geographic areas of responsibility for the respective fire control agencies has not kept pace with the increasing use of forest lands for residential purposes; and that the department should work with the state's other fire control agencies to define geographic areas of responsibility that are more consistent with their respective primary missions.

(2) To accomplish the purposes of subsection (1) of this section, the department shall establish a procedure to clarify its geographic areas of responsibility. The areas of department protection shall be called forest protection zones. The forest protection zones shall include all forest land which the department is obligated to protect but shall not include forest land within rural fire districts or municipal fire districts which affected local fire control agencies agree, by mutual consent with the department, is not appropriate for department protection. Forest land not included within a forest protection zone established by mutual agreement of the department and a rural fire district or a municipal fire district shall not be assessed under RCW 76.04.610 or 76.04.630.

(3) After the department and any affected local fire protection agencies have agreed on the boundary of a forest protection zone, the department shall establish the boundary by rule under chapter 34.04 RCW.

(4) Except by agreement of the affected parties, the establishment of forest protection zones shall not alter any mutual aid agreement.

Sec. 3. Section 35, chapter 100, Laws of 1986 and RCW 76.04.610 are each amended to read as follows:

(1) If any owner of forest land within a forest protection zone, or any owner of forest land located where fire protection responsibility has not been mutually agreed upon as provided in section 2(2) of this 1988 act, neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection, notwithstanding the provisions of RCW 76.04.630, at a cost to the owner of not to exceed twenty-one cents an acre per year on lands west of the summit of the Cascade mountains and seventeen cents an acre per year on lands east of the summit of the Cascade mountains: PROVIDED, That ((+)) (a) there shall be no assessment on ((each)) any parcel of privately owned lands of less than two acres or on ((each)) any parcel of tax-exempt lands of less than ten acres; ((#)) (b) for lands not exempt under ((+)) (a) of this proviso, the cost for any ownership parcel containing less than thirty acres shall not be less than five dollars and ten cents east of the Cascade mountains and six dollars and thirty cents west of the Cascade mountains; and ((#)) (c) an owner of two or more parcels per county, each containing less than thirty acres, may obtain a refund of the assessments paid on all such parcels over one by applying therefor within the year the assessment was due to the department ((of natural resources)), in such form as the department may require((-upon showing to the satisfaction of the department)). Verification that all assessments and property taxes on the property have been paid((-but)) shall be provided to the department by the owner. If the total acreage of the parcels exceeds thirty acres, the per-acre rate shall apply and the refund shall be computed accordingly. Application for the refund may be made by mail.

(2) For the purpose of this chapter, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place

unprotected lands under the administration of the proper district. Any amounts paid or contracted to be paid by the supervisor of the department of natural resources for protection of these lands from any funds at the supervisor's disposal shall be a lien upon the property protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of the department of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by the supervisor as adequate, shall be reported by the supervisor of the department of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor shall upon authorization from the supervisor of the department of natural resources levy the forest ((fire)) protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his or her records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

(3) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the ((supervisor of the)) department ((of natural resources)) certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of such assessments the county treasurer shall transmit them to the ((supervisor of the)) department ((of natural resources to)). Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend any sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

(4) When land against which forest ((fire)) protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment((and)). The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall forthwith remit to the ((supervisor of the)) department ((of natural resources)) the amount of the outstanding forest ((fire)) protection assessments.

(5) All nonfederal public bodies owning or administering forest land(s) included in a forest protection zone shall pay the forest ((fire)) protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest ((fire)) protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from any available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and shall be subject to interest charges ((in the same amount as other unpaid forest fire protection assessments)) at the legal rate.

(6) A public body, having failed to previously pay the forest ((fire)) protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of any costs incurred by the public body in the suppression activities.

(7) The supervisor of the department of natural resources shall furnish the surety company bond under RCW 43.30.170(6), conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

(8) The ((supervisor of the)) department ((of natural resources)) may adopt rules to implement this section, including, but not limited to, rules on ((the)) levying and collecting ((of)) forest ((fire)) protection assessments.

Sec. 4. Section 45, chapter 100, Laws of 1986 and RCW 76.04.750 are each amended to read as follows:

Any fire on or threatening any forest land burning uncontrolled and without proper action being taken to prevent its spread, notwithstanding the origin of the fire, is a public nuisance by reason of its menace to life and property. Any person engaged in any activity on such lands, having knowledge of the fire, notwithstanding the origin or subsequent spread thereof on his or her own or other forest lands, and the landowner, shall make every reasonable effort to suppress the fire. If the person has not suppressed the fire and the fire is on or threatening forest land within a forest protection zone, the department shall summarily suppress the fire. If the owner, lessee, other possessor of such land, or an agent or contractor of the owner, lessee, or possessor, having knowledge of the fire, has not made a reasonable effort to suppress the fire, the cost thereof may be recovered from the owner, lessee, or other possessor of the land and the cost of the work shall also constitute a lien upon the real property or chattels under the

person's ownership. The lien may be filed by the department in the office of the county auditor and foreclosed in the same manner provided by law for the foreclosure of mechanics' liens. The prosecuting attorney shall bring the action to recover the cost or foreclose the lien, upon the request of the department. In the absence of negligence, no costs, other than those provided in RCW 76.04.475, shall be recovered from any landowner for lands subject to the forest ((fire)) protection assessment with respect to the land on which the fire burns.

When a fire occurs in a land clearing, right of way clearing, or landowner operation it shall be fought to the full limit of the available employees and equipment, and the fire fighting shall be continued with the necessary crews and equipment in such numbers as are, in the opinion of the department, sufficient to suppress the fire. The fire shall not be left without a fire fighting crew or fire patrol until authority has been granted in writing by the department."

On page 1, line 1 of the title, after "fires;" strike the remainder of the title and insert "amending RCW 76.04.610 and 76.04.750; and adding new sections to chapter 76.04 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Senate Bill No. 6397.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6397, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6397, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Anderson - 1.

SENATE BILL NO. 6397, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SENATE BILL NO. 6408 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 144, Laws of 1985 and RCW 19.27A.030 are each amended to read as follows:

(1) The revised state energy code shall supersede all local government residential energy codes except as provided in subsections (2) and (3) of this section: PROVIDED, That cities, towns, and counties may adopt more energy efficient codes for residential construction if the builder or owner of new residential construction is reimbursed by an authorized federal agency program or authorized local utility, or both, for those additional costs to the consumer of conservation components that are attributable to the more energy efficient codes. This subsection shall not apply after January 1, ~~((1989))~~ 1990. In establishing this date it is not the legislature's intent to discourage any city, town, or county from adopting a more energy efficient code so long as the consumer is adequately reimbursed.

(2) The revised state energy code shall not preempt energy codes, adopted by a city, town, or county of the state prior to ~~((April 24, 1985))~~ January 15, 1988, or first class cities with a population over three hundred thousand which operate electrical utilities, that are designed to achieve reduction in energy consumption relative to the revised state energy code.

(3) The revised state energy code shall not preempt a less energy efficient energy code adopted by a county, city, or town if it can be shown that the revised state energy code is not cost-effective for that county, city, or town.

Sec. 2. Section 4, chapter 144, Laws of 1985 and RCW 19.27A.040 are each amended to read as follows:

(1) The University of Washington college of architecture and department of mechanical engineering shall conduct in situ testing of the annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the northwest power planning council.

(2) There shall be a committee to oversee the study. The committee shall include the director of the state energy office as chair; two members recommended by the home building industry chosen by the governor; and two members nationally renowned as experts in building energy performance chosen by the governor.

(3) The study shall include an analysis of the economic feasibility of adopting thermal performance standards for new residential construction as proposed by the northwest power planning council. The study of economic feasibility shall include but not necessarily be limited to factors which shall not require an amortization of the individual components exceeding a life cycle of seven years and a discount rate (interest) computed at the current conventional market rate of home mortgages at par.

(4) The director of the state energy office shall ((make recommendations, based on the results of the study and the residential standards demonstration program, to the legislature and the state building code advisory council regarding the cost-effectiveness of the revised state energy code developed pursuant to RCW 19.27.075 no later than January 15, 1988)) establish a scientific peer review panel to assess the validity of the results of the study, the results of the residential standards demonstration program and other relevant data sources, and any proposed recommendations based on those results. The peer review panel shall include representatives of the national laboratories, the national association of homebuilders research foundation, the electric power research institute, the gas research institute and the international conference of building officials. The director of the state energy office shall make recommendations based on the study, the residential standards demonstration program and other relevant data sources, and the conclusions of the scientific peer review panel to the legislature and the state building code council regarding the cost-effectiveness of the revised state energy code developed pursuant to RCW 19.27A.020 no later than January 15, 1989.

(5) If federal funds are not available, the study shall be funded by a surcharge on building permit fees for new building construction imposed by all local governments of the state. The department of community development, after consultation with the state energy office, shall develop and implement a method of collecting the surcharge. The surcharge shall be ten dollars on all multifamily residential building permits, fifteen dollars on all single-family residential building permits, and fifteen dollars on all other building permits. The surcharge shall terminate on June 30, 1989, or at such time as the state general fund is reimbursed for the cost of the study."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendment to Senate Bill No. 6408.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6408, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6408, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 45.

Absent: Senators Halsan, Smith, Zimmerman - 3.

Excused: Senator Anderson - 1.

SENATE BILL NO. 6408, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6419 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 348, Laws of 1955 as last amended by section 1, chapter 92, Laws of 1982 and RCW 53.08.120 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such contracts for work, the

estimated cost of which exceeds ~~((forty))~~ one hundred thousand dollars, shall be let at public bidding upon notice published in a newspaper in the district at least ten days before the letting, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder.

Each port district shall maintain a small works roster which shall be comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in the state of Washington.

Whenever work is done by contract, the estimated cost of which is ~~((forty))~~ one hundred thousand dollars or less, the managing official of the port district ~~((shall))~~ may invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors shall be invited to submit proposals on any individual contract: PROVIDED FURTHER, That whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

When awarding such a contract for work, ~~((the estimated cost of which is forty thousand dollars or less))~~ when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and amending RCW 53.08.120."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 6419.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6419, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6419, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Halsan - 1.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 6419, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6435 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 419, Laws of 1987 and RCW 18.27.114 are each amended to read as follows:

(1) Until July 1, 1989, any contractor agreeing to perform any contracting project ((subject to this chapter on real property)): (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:

"NOTICE TO CUSTOMER

This contractor is registered with the state of Washington, registration no., as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent

or improper work or breach of contract in the conduct of the contractor's business. This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."

(2) On and after July 1, 1989, any contractor agreeing to perform any contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:

"NOTICE TO CUSTOMER

This contractor is registered with the state of Washington, registration no., as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. The expiration date of this contractor's registration is This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."

(3) On and after July 1, 1989, a contractor subject to this section shall notify any consumer to whom notice is required under subsection (2) of this section if the contractor's registration has expired or is revoked or suspended by the department prior to completion or other termination of the contract with the consumer.

(4) No contractor subject to this section may bring or maintain any ((action in any court of this state for the collection of compensation for the performance of any work or for breach of)) lien claim under chapter 60.04 RCW based on any contract to which this section applies without alleging and proving that the contractor has provided the customer with a copy of the disclosure statement as required in subsection (1) or (2) of this section.

((3)) (5) This section does not apply to contracts authorized under chapter ((39-08)) 39.04 RCW (contracts for construction of more than four residential units,) or to contractors contracting with other contractors.

((4)) (6) Failure to comply with this section shall constitute an infraction under the provisions of this chapter.

((5)) (7) The department shall produce model disclosure statements, and public service announcements detailing the information needed to assist contractors and contractors' customers to comply under this section. As necessary, the department shall periodically update these education materials.

NEW SECTION. Sec. 2. Nothing in RCW 18.27.114 shall be construed to prohibit a contractor from voluntarily complying with the notification requirements of that section which take effect July 1, 1989, prior to that date."

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.114; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendments to Substitute Senate Bill No. 6435.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6435, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6435, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 6435, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1404 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1396 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1507 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1492 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1333 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1297 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 608 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives P. King, Armstrong and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate granted the request of the House for a conference on Substitute House Bill No. 608 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 608 and the Senate amendments thereto: Senators Pullen, Niemi and McCaslin.

MOTION

On motion of Senator Pullen, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1271 and asks the Senate to recede therefrom.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to recede from its amendments to Substitute House Bill No. 1271 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1271 and the Senate amendments thereto: Senators Deccio, Owen and West.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1284 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Fisher and Sanders.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Second Substitute House Bill No. 1284 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 1284 and the Senate amendments thereto: Senators Pullen, Talmadge and Smith.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1312 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Grimm, Locke and Holland.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1312 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1312 and the Senate amendments thereto: Senators McDonald, Gaspard and Hayner.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The Speaker ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1383 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate receded from its amendments to Substitute House Bill No. 1383.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1383, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1383, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Taimadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Craswell - 1.

Absent: Senator Hayner - 1.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 1383, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1835 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ebersole, Grant and Hankins.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Second Substitute House Bill No. 1835 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 1835 and the Senate amendments thereto: Senators Benitz, Williams and Lee.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6437 with the following amendment:

On page 1, line 12, after "facility by", strike "the" and insert "(the) any".

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to Substitute Senate Bill No. 6437.

MOTION

On motion of Senator Zimmerman, Senators Benitz and Lee were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6437, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Deccio, Fleming, Smitherman, Stratton - 4.

Excused: Senators Benitz, Lee - 2.

SUBSTITUTE SENATE BILL NO. 6437, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6305 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 4.16 RCW to read as follows:

(1) All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within three years of the act alleged to have caused the injury or condition, or three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act, whichever period expires later.

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

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

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

(5) As used in this section, "childhood sexual abuse" means any act committed by the defendant against a complainant who was less than eighteen years of age at the time of the

act and which act would have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect at the time the act was committed.

Sec. 2. Section 1, chapter 80, Laws of 1971 as last amended by section 1401, chapter 212, Laws of 1987 and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission: PROVIDED, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect.

For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age of eighteen years, and such imputed knowledge shall operate to bar the claim of such minor to the same extent that the claim of an adult would be barred under this section. Any action not commenced in accordance with this section shall be barred.

For purposes of this section, with respect to care provided after June 25, 1976, and before August 1, 1986, the knowledge of a custodial parent or guardian shall be imputed as of April 29, 1987, to persons under the age of eighteen years.

This section does not apply to a civil action based on intentional conduct brought against those individuals or entities specified in this section by a person for recovery of damages for injury occurring as a result of childhood sexual abuse as defined in section 1(5) of this act.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act apply to all causes of action commenced on or after the effective date of this act, regardless of when the cause of action may have arisen. To this extent, sections 1 and 2 of this act apply retrospectively."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6305.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6305.

The motion by Senator Pullen carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6305.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6305, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kredler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Absent: Senators Hayner, Williams - 2.

Excused: Senators Benitz, Lee - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Williams was excused.

MESSAGE FROM THE HOUSE

February 29, 1988

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6440 with the following amendments:

On page 39, line 14, strike "June" and insert "April"

On page 41, line 8, strike "taxation" and insert "this section"

On page 48, after line 3, insert the following:

NEW SECTION, Sec. 69. A new section is added to chapter 2, Laws of 1987 3rd ex. sess. and to chapter 82.22 RCW to read as follows:

Notwithstanding RCW 82.22.020, "hazardous substance" does not include substances or products packaged as a household product and distributed for domestic use until June 1, 1988, and does not include such substances or products in inventory before June 1, 1988.

NEW SECTION, Sec. 70. Section 69 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 9 of the title, after "82 RCW;" insert "adding a new section to chapter 2, Laws of 1987 3rd ex. sess. and to chapter 82.22 RCW;"

On page 1, line 14 of the title, strike "and providing an expiration date" and insert "providing an expiration date; and declaring an emergency".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6440.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6440.

The motion by Senator Metcalf carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 6440.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6440, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6440, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Smitherman, Stratton, Vognlid, von Reichbauer, Warnke, West, Zimmerman - 40.

Voting nay: Senators Moore, Niemi, Rinehart, Talmadge, Wojahn - 5.

Absent: Senator Craswell - 1.

Excused: Senators Benitz, Lee, Williams - 3.

ENGROSSED SENATE BILL NO. 6440, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6446 with the following amendments:

On page 3, line 5, after "Requiring a" insert "written"

On page 3, line 7, after "range" strike "shall" and insert "may"

On page 3, after line 28, strike all of Section 4 and renumber the remaining section.,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6446.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6446.

The motion by Senator Metcalf carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6446.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6446, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6446, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Absent: Senator Kreidler - 1.

Excused: Senators Benitz, Lee, Williams - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6446, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6447 with the following amendments:

with the following amendments:

On page 1, line 9, strike "either" and insert "a"

On page 1, line 14 strike "either" and insert "a"

On page 1, line 12 after "person" insert "for a period of four hours or more"

On page 1, line 20 strike section 2

Renumber the remaining section

On page 1, line 1 of the title after "interference:" insert "and" and after "9A.40.070" strike everything through "penalties" on line 2,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6447.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6447, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6447, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Lee, Williams - 3.

ENGROSSED SENATE BILL NO. 6447, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6452 with the following amendments:

On page 2, line 14, after "in" strike "American"

On page 3, line 8, after "of" strike "American"

On page 3, line 10, after "(s.i.g.n.)" insert "and the Washington state association of the deaf"

On page 3, line 10, after "of" strike "American"

On page 3, line 28, after "in" strike "American"

On page 3, line 30, after "as" strike "an" insert "a general undergraduate".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Substitute Senate Bill No. 6452.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6452, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6452, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 45.

Voting nay: Senator Barr - 1.

Excused: Senators Benitz, Lee, Williams - 3.

SUBSTITUTE SENATE BILL NO. 6452, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6466 with the following amendment:

On page 1, beginning on line 5, after "Sec. 1." strike all material down to and including "1985." on line 10 and insert "An employee of the public works department of a class A county who retired on February 1, 1985, may have an additional sixty days after the effective date of this act to appeal a final decision of the director of retirement systems that was rendered on April 17, 1986, notwithstanding RCW 41.40.412."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendment to Substitute Senate Bill No. 6466.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6466, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6466, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Lee, Williams - 3.

SUBSTITUTE SENATE BILL NO. 6466, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6470 with the following amendment:

On page 2, line 34, after "treatment" insert "and pretreatment",

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Substitute Senate Bill No. 6470.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6470, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6470, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, Wojahn, Zimmerman - 43.

Absent: Senators Hayner, West - 2.

Excused: Senators Benitz, Lee, Patterson, Williams - 4.

SUBSTITUTE SENATE BILL NO. 6470, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6474 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 18.85 RCW to read as follows:

All real estate brokers and salespersons shall furnish proof as the director may require that they have successfully completed a total of thirty clock hours of instruction every two years in

real estate courses approved by the director in order to renew their licenses. Up to fifteen clock hours of instruction beyond the thirty hours in two years may be carried forward for credit in a subsequent two-year period. To count towards this requirement, a course shall be commenced within thirty-six months before the proof date for renewal. This section shall apply to renewal dates after January 1, 1991.

Sec. 2. Section 4, chapter 252, Laws of 1941 as last amended by section 2, chapter 332, Laws of 1987 and RCW 18.85.040 are each amended to read as follows:

The director, with the advice and approval of the commission, may issue rules and regulations to govern the activities of real estate brokers, associate real estate brokers and salespersons, consistent with this chapter, fix the times and places for holding examinations of applicants for licenses and prescribe the method of conducting them. The director shall enforce all laws, rules and regulations relating to the licensing of real estate brokers, associate real estate brokers, and salespersons, grant or deny licenses to real estate brokers, associate real estate brokers, and salespersons, and hold hearings ((and)). The director may impose any one or more of the following sanctions: Suspend or revoke licenses, ((or)) deny applications for licenses, ((or)) fine violators ((and may)), or require the completion of a course in a selected aspect of real estate practice relevant to the provision of this chapter or rule violated. The director may deny, suspend or revoke the authority of a broker to act as the designated broker of persons who commit violations of the real estate license law or of the rules and regulations. The director shall establish by rule standards for licensure of applicants licensed in other jurisdictions. The director shall institute a program of education for the benefit of the licensees and may institute a program of education at institutions of higher education in Washington. The director shall charge a fee, as prescribed by the director by rule, for the certification of courses of instruction, instructors, and schools.

Sec. 3. Section 7, chapter 139, Laws of 1972 ex. sess. as last amended by section 3, chapter 332, Laws of 1987 and RCW 18.85.095 are each amended to read as follows:

(1) It is hereby established that the minimum requirements for an individual to receive a salesperson's license are that the individual:

((+)) (a) Is eighteen years of age or older;

((#)) (b) Has passed a salesperson's examination; and

((@)) (c) Except as provided in RCW 18.85.097, has successfully completed a thirty clock hour course in real estate fundamentals prior to obtaining a first real estate license.

(2) Except as provided in RCW 18.85.097, no licensed salesperson shall have his or her license renewed a second time unless he or she furnishes proof, as the director may require, that he or she has successfully completed an additional thirty clock hours of instruction in real estate courses approved by the director. This subsection shall expire January 1, 1991.

Nothing in this section shall apply to persons who are licensed as salespersons under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked.

Sec. 4. Section 8, chapter 370, Laws of 1977 ex. sess. as last amended by section 17, chapter 332, Laws of 1987 and by section 1, chapter 514, Laws of 1987 and RCW 18.85.215 are each reenacted and amended to read as follows:

(1) Any license issued under this chapter and not otherwise revoked shall be deemed "inactive" at any time it is delivered to the director. Until reissued under this chapter, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be renewed on the same terms and conditions as an active license, ((and)) except that a person with an inactive license need not comply with the continuing education requirements of section 1 of this 1988 act. Failure to renew shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with this chapter and the rules adopted pursuant thereto. Subject to RCW 18.85.097, if a holder has an inactive license for more than three years, the holder must show proof of successfully completing a thirty clock hour course in real estate within one year prior to the application for active status. Holders employed by the state and conducting real estate transactions on behalf of the state are exempt from this course requirement.

(4) The provisions of this chapter relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

Sec. 5. Section 4, chapter 25, Laws of 1979 as amended by section 9, chapter 332, Laws of 1987 and by section 15, chapter 370, Laws of 1987 and RCW 18.85.230 are each reenacted and amended to read as follows:

The director may, upon his or her own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesperson, regardless of whether the transaction was for his or her own account or in his or her capacity as broker, associate real estate broker, or real estate salesperson, and may impose any one or

more of the following sanctions: Suspend or revoke, ((or)) levy a fine not to exceed one thousand dollars for each offense, require the completion of a course in a selected area of real estate practice relevant to the section of this chapter or rule violated, or deny the license of any holder or applicant who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto or violating a provision of chapter 64.36, 19.105, or 58.19 RCW or the rules adopted under those chapters;

(3) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his or her principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relies upon the word, representation or conduct of the licensee;

(6) Accepting the services of, or continuing in a representative capacity, any associate broker or salesperson who has not been granted a license, or after his or her license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book or record in his or her possession for inspection of the director or his or her authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesperson or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesperson or associate broker operates, to the advertisement;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his or her acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker, associate broker, or salesperson has an interest unless his or her interest is clearly stated in the appraisal report;

(17) Misrepresentation of his or her membership in any state or national real estate association;

(18) Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal anti-discrimination law;

(19) Failing to keep an escrow or trustee account of funds deposited with him or her relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his or her representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a branch manager, associate broker, or salesperson of a commission or any valuable consideration for the performance of any acts specified in this chapter, from any person, except the licensed real estate broker with whom he or she is licensed;

(23) To direct any transaction involving his or her principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his or her principal;

(24) Failing to disclose to an owner his or her intention or true position if he or she directly or indirectly through third party, purchases for himself or herself or acquires or intends to acquire any interest in, or any option to purchase, property;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his or her licensed associate brokers and salespersons within the scope of this chapter;

(26) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency;

(27) Acting as a mobile home and travel trailer dealer or salesperson, as defined in RCW 46.70.011 as now or hereafter amended, without having a license to do so;

(28) Failing to assure that the title is transferred under chapter 46.12 RCW when engaging in a transaction involving a mobile home as a broker, associate broker, or salesperson; or

(29) Violation of an order to cease and desist which is issued by the director under this chapter.

Sec. 6. Section 45, chapter 52, Laws of 1957 as amended by section 10, chapter 332, Laws of 1987 and RCW 18.85.240 are each amended to read as follows:

The director may deputize one or more assistants to perform his or her duties with reference to ~~((refusal, revocation, or suspension of licenses and imposition of fines))~~ disciplinary action.

Sec. 7. Section 23, chapter 222, Laws of 1951 as last amended by section 11, chapter 332, Laws of 1987 and RCW 18.85.251 are each amended to read as follows:

The disciplinary proceedings ~~((for revocation or suspension of a license or imposition of a fine or refusal to renew a license or accept an application for an initial license or license renewal))~~ shall be had on motion of the director or after a statement in writing verified by some person or persons familiar with the facts upon which the proposed ~~((revocation, suspension, refusal or fine))~~ disciplinary action is based has been filed with the director. Upon receipt of such statement or accusation, the director shall make a preliminary investigation of the facts charged to determine whether the statement or accusation is sufficient. If the director shall determine the statement or accusation is sufficient to require formal action, the director shall thereupon set the matter for hearing at a specified time and place. A copy of such order setting time and place and a copy of the verified statement shall be served upon the licensee or applicant involved not less than twenty days before the day appointed in the order for said hearing. The department of licensing, the licensee or applicant accused, and the person making the accusation may be represented by counsel at such a hearing. The director or an administrative law judge appointed under chapter 34.12 RCW shall hear and receive pertinent evidence and testimony.

Sec. 8. Section 25, chapter 222, Laws of 1951 as last amended by section 13, chapter 332, Laws of 1987 and RCW 18.85.271 are each amended to read as follows:

If the director shall decide, after such hearing, that the evidence supports the accusation by a preponderance of evidence, the director may ~~((revoke or suspend the license, or fine the licensee, or deny the application for, or renewal of, a license))~~ impose sanctions authorized under RCW 18.85.040. In such event the director shall enter an order to that effect and shall file the same in his or her office and immediately mail a copy thereof to the affected party at the address of record with the department. Such order shall not be operative for a period of ten days from the date thereof. Any licensee or applicant aggrieved by a final decision by the director in a contested case whether such decision is affirmative or negative in form, is entitled to a judicial review in the superior court under the provisions of the Administrative Procedure Act, chapter 34.04 RCW. Upon instituting appeal in the superior court, the appellant shall give a cash bond to the state of Washington, which bond shall be filed with the clerk of the court, in the sum of five hundred dollars to be approved by the judge of said court, conditioned to pay all costs that may be awarded against such appellant in the event of an adverse decision, such bond and notice to be filed within thirty days from the date of the director's decision.

On page 1, line 1 of the title, after "salespersons;" strike the remainder of the title and insert "amending RCW 18.85.040, 18.85.095, 18.85.240, 18.85.251, and 18.85.271; reenacting and amending RCW 18.85.215 and 18.85.230; and adding a new section to chapter 18.85 RCW."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6474.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6474, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6474, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 44.

Voting nay: Senator Gaspard - 1.

Excused: Senators Benitz, Lee, Patterson, Williams - 4.

SUBSTITUTE SENATE BILL NO. 6474, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Bluechel assumed the Chair.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6486 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that interest has been steadily increasing in archery and archery safety; law enforcement training and qualifications; target practice and safety; skeet, trap, and shotgun sports including dog training; and black powder shooting sports and related historical heritage activities. Current facilities for sporting training and practice, which are often leased, are threatened with being closed due to the pressures of urban growth. Acquisition and development of an accessible state facility of international Olympic quality will promote international competition, target practice and safety training, and Olympic-type training events. Facilities throughout the state will promote tourism and provide added recreational opportunities and greater hunting safety for the citizens of this state.

NEW SECTION. Sec. 2. (1) The Washington state firearm range committee is created.

(2) The committee shall be composed of nine members appointed by the governor. The members shall be appointed as follows:

- (a) One from a local government law enforcement agency;
- (b) One from a state-wide law enforcement agency;
- (c) One from a state-wide group that emphasizes or has a subdivision which emphasizes hunting and hunting safety;
- (d) One from a state-wide group or division of a state-wide group that emphasizes target practice and target practice safety including but not limited to iron silhouette competition, small bore competition, and big bore competition;
- (e) One representative of a skeet, trap, shotgun, or dog training sports group;
- (f) One representative of a group involved with black powder shooting sports and related historical heritage events;
- (g) One representative from an archery and archery safety group;
- (h) One representative of the general public; and
- (i) The director of the department of wildlife or the director's designee.

(3) There shall be four nonvoting ex officio members, one from each caucus of the senate and the house of representatives, approved by the lieutenant governor or the speaker of the house of representatives, as appropriate.

(4) The members of the committee shall select one of its members as chair. The committee shall meet at the call of the chair.

(5) Committee members shall not receive compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. The Washington state firearm range committee shall have the following powers and duties:

(1) Assess local, state, federal, and tribal law enforcement needs in cooperation with the association of sheriffs and police chiefs and the criminal justice training commission;

(2) Assess sporting needs for each user type including number of user days and financial contributions to the facilities and to the state's economy;

(3) Survey the existing public and private firearm facilities to assess excess demands;

(4) Review similar facilities in other states or countries including the Olympic firearm training center in Colorado Springs;

(5) Develop a proposed public and private use and cost ratio and a program for phased development and cost sharing for planning, construction, and operation;

(6) In cooperation with the department of natural resources and other state and local agencies, identify state lands that may be used for those facilities;

(7) Fully investigate private and state liability issues and prepare proposals for liability limitations, insurance needs, and costs;

(8) Analyze the appropriate state role in the facility planning, development, and use, including possible public and private contracting options; and

(9) Investigate and prepare recommendations on private and public funding sources including private donations and grants and county, city, and state funding.

NEW SECTION, Sec. 4. The committee shall make recommendations on the type of facility that would be appropriate for the various sites. The type of range may include but not be limited to pistol, rifle, shotgun, archery, or any combination thereof including a comprehensive multiple use facility.

NEW SECTION, Sec. 5. The wildlife department, the department of natural resources, the department of trade and economic development, the parks and recreation commission, the house of representatives, and the senate shall provide support staff for the committee.

NEW SECTION, Sec. 6. The committee may apply for and use private and public grant moneys to carry out its responsibilities under this act.

NEW SECTION, Sec. 7. The committee shall prepare a report and submit it to the legislature by January 1, 1990. The committee shall terminate February 1, 1990.

NEW SECTION, Sec. 8. The committee shall study the possibility of establishing a surcharge on hunting licenses and tags and shall include recommendations in the report required by section 7 of this act.

NEW SECTION, Sec. 9. A new section is added to chapter 77.32 RCW to read as follows:

The firearm range account is hereby created in the state wildlife fund. Moneys in the account shall be subject to legislative appropriation and shall be used for land, construction, development, and operation of firearm ranges and sporting training and practice facilities.

Sec. 10. Section 7, chapter 172, Laws of 1935 as last amended by section 3, chapter 428, Laws of 1985 and RCW 9.41.070 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such citizen's constitutional right to bear arms shall not be denied to him, unless he:

(a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or

(b) Is under twenty-one years of age; or

(c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

(d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

(e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

The license shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years. The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(2) The fee for the original issuance of a four-year license shall be twenty-~~three~~ dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed: ((and))

(c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearm range account in the wildlife fund.

(3) The fee for the renewal of such license shall be ((~~twelve~~)) fifteen dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund: ((and))

(b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearm range account in the wildlife fund.

(4) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (3) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state game fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(5) Notwithstanding the requirements of subsections (1) through (4) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(6) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action."

On page 1, line 2 of the title, after "facility," strike the remainder of the title and insert "amending RCW 9.41.070; adding a new section to chapter 77.32 RCW; and creating new sections."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6486.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Metcalf that the Senate do concur in the House amendments to Substitute Senate Bill No. 6486.

The motion by Senator Metcalf carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6486.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6486, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6486, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; nays, 14; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Conner, Deccio, DeJarnatt, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McDonald, McMullen, Metcalf, Niemi, Owen, Rinehart, Sellar, Smith, Smitherman, Vogniid, von Reichbauer, Warnke, West, Wojahn - 30.

Voting nay: Senators Bluechel, Cantu, Craswell, Fleming, Garrett, McCaslin, Moore, Nelson, Newhouse, Rasmussen, Saling, Stratton, Talmadge, Zimmerman - 14.

Absent: Senator Pullen - 1.

Excused: Senators Benitz, Lee, Patterson, Williams - 4.

SUBSTITUTE SENATE BILL NO. 6486, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Vogniid, Senator Wojahn was excused.

On motion of Senator Zimmerman, Senators McCaslin and Sellar were excused.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6513 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 295, Laws of 1975 1st ex. sess. as last amended by section 4, chapter 343, Laws of 1987 and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof: (1) From funds under RCW 43.83B.010 through 43.83B.110 to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands; or ((:)) (2) from emergency agricultural water supply funds under RCW 43.83B.300 when required ((because of emergency drought conditions:)) to provide water ((to previously irrigated lands)) to alleviate emergency drought conditions to assure the survival of irrigated crops and the state's fisheries. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project: PROVIDED, That for purposes authorized by RCW 43.83B.300, 43.83B.310, and 43.83B.385 the department of ecology may make a loan up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost and the grant portion for any single project shall not exceed ((fifteen)) twenty percent of the total ((single)) project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supplies, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. The total expenditures for nonagricultural drought relief purposes shall not exceed ten percent of the total funds available for drought relief purposes on the effective date of this 1988 act. Any grant or grant portion of a combination loan and grant from funds under RCW 43.83B.010 through 43.83B.110 for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

The department of social and health services is authorized to make grants of up to forty percent of the cost of construction of any eligible project necessitated by the 1977 drought conditions. Such grants may be made only to public bodies as defined in RCW 43.83B.050 for municipal and industrial water supply and distribution facilities.

Sec. 2. Section 1, chapter 1, Laws of 1977 ex. sess. as last amended by section 1, chapter 343, Laws of 1987 and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto.

in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during 1977 and during 1987 through 1989.

The legislature further finds that there is a continuing (~~(agricultural)~~) water supply shortage in many areas of the state and that (~~(in relation to the lessening of that unsatisfactory condition; there is an urgent need to both improve water supply facilities and replace other such facilities)~~) there is an urgent need to assure the survival of irrigated crops and of the state's fisheries.

In order to provide needed (~~(capital)~~) moneys for the planning, acquisition, construction, and improvement of water supply facilities (~~(to withdraw and distribute water)~~) and for other appropriate measures to assure the survival of irrigated crops and/or the state's fisheries to alleviate (~~(unsatisfactory)~~) emergency water supply conditions arising from droughts occurring from time to time in the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 3. Section 3, chapter 1, Laws of 1977 ex. sess. as amended by section 2, chapter 343, Laws of 1987 and RCW 43.83B.310 are each amended to read as follows:

In addition to the powers previously vested in the department of ecology to permit the withdrawal of public surface and ground waters by chapters 90.03 and 90.44 RCW, the department of ecology is authorized to permit withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, for any period ending not later than (~~(October 31, 1987)~~) April 30, 1989, for any beneficial use. The department may issue such emergency permits if, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(1) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose; and

(2) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body which are not exercisable due to the lack of water arising from natural drought conditions; and

(3) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (a) to assure the maintenance of fisheries requirements, and (b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All permits issued hereunder shall contain provisions which allow for termination of authorized withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (3) of this section.

Sec. 4. Section 8, chapter 343, Laws of 1987 and RCW 43.83B.342 are each amended to read as follows:

The department of ecology is authorized to expend funds from the emergency water supply appropriations for necessary drought-related equipment and to employ a maximum of (~~(two and one-half)~~) four full-time equivalent staff positions until (~~(October 31, 1987)~~) April 30, 1989, for the purpose of planning and administering drought relief activities, including the development of a state drought contingency plan for responding to future drought conditions.

Sec. 5. Section 9, chapter 343, Laws of 1987 and RCW 43.83B.344 are each amended to read as follows:

For a limited period of time ending (~~(October 31, 1987)~~) April 30, 1989, a water right may be temporarily changed in purpose or place of use or point of diversion consistent with existing state policy allowing transfer or lease of waters between willing parties as provided for in RCW 90.03.380, 90.03.390, and 90.44.100 without complying with any requirements of (1) notice of newspaper publication or (2) the state environmental policy act, chapter 43.21C RCW, when such changes are necessary to respond to emergency water supply conditions as determined by the department of ecology. The temporary changing of a water right as authorized under this section shall not be admissible as evidence in either the supporting or the contesting of the validity of water claims in State of Washington, Department of Ecology v. Acquavella, or any similar proceeding where the existence of a water right is at issue.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 6513.

POINT OF INQUIRY

Senator Halsan: "Senator Barr, in Section 1, page 2, lines 23 through 36, of the striking amendment, there are several limitations on the total funds available for drought relief. Are the total funds available for drought relief purposes, as stated in the amendment, considered to be only those funds in the emergency water project revolving account?"

Senator Barr: "Yes, Senator Halsan. When all of Section 1 of the House striking amendment is read together, it is clear that the language limiting the total funds available for drought relief references only those funds in the emergency water project revolving account."

Senator Halsan: "Senator Barr, would you yield to one further question? Do these limitations on the use of the funds affect the appropriations from this account in the Supplemental Operating Budget for the operating costs associated with this drought legislation, the water efficiency study and the water resources study?"

Senator Barr: "The answer is 'no.' These limitations are only to be applied on those grants and loans made in RCW 43.83B.210 for emergency drought activities and do not affect or restrict in any way, manner or form the appropriations in the Supplemental Operating Budget for operating costs associated with this drought bill, the water efficiency study and the water resources study."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6513, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6513, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 2; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Zimmerman - 40.

Absent: Senators Deccio, Smith - 2.

Excused: Senators Benitz, Lee, McCaslin, Patterson, Sellar, Williams, Wojahn - 7.

SECOND SUBSTITUTE SENATE BILL NO. 6513, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6519 with the following amendments:

On page 1, line 11 after "facility by", strike "the", and insert "(the) any"

On page 3, after line 3, strike section 2,

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6519.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6519, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6519, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 6; absent, 2; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Madsen, McMullen,

Metcalfe, Moore, Nelson, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, von Reichbauer, Warnke, West, Zimmerman - 34.

Voting nay: Senators Fleming, Hansen, Kreidler, Niemi, Talmadge, Vognild - 6.

Absent: Senators Anderson, McDonald - 2.

Excused: Senators Benitz, Lee, McCaslin, Patterson, Sellar, Williams, Wojahn - 7.

ENGROSSED SENATE BILL NO. 6519, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senators Moore and Warnke were excused.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The House has passed SENATE BILL NO. 6523 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 447, Laws of 1987 and RCW 18.36A.040 are each amended to read as follows:

Naturopathic medicine or naturopathy is the practice by naturopaths of the art and science of the diagnosis, prevention, and treatment of disorders of the body by stimulation or support, or both, of the natural processes of the human body. A naturopath is responsible and accountable to the consumer for the quality of naturopathic care rendered.

The practice of naturopathy includes manual manipulation (mechanotherapy) (~~until June 30, 1988~~), the prescription, administration, dispensing, and use, except for the treatment of malignancies or neoplastic disease, of nutrition and food science, physical modalities, homeopathy, certain medicines of mineral, animal, and botanical origin, hygiene and immunization, common diagnostic procedures, and suggestion; however, nothing in this chapter shall prohibit consultation and treatment of a patient in concert with a practitioner licensed under chapter 18.57 or 18.71 RCW. No person licensed under this chapter may employ the term "chiropractic" to describe any services provided by a naturopath under this chapter.

The state health coordinating council shall study and make recommendations on the qualifications of naturopaths in practicing manual manipulation (mechanotherapy), including the minimum educational standards comparable to the educational requirements of other health professions, and verification of qualifications by examination of applicants for naturopathic licensure. The report shall be presented to the legislature by January 1, 1989.

~~((The legislature shall review the practice of manual manipulation (mechanotherapy) by naturopaths before December 15, 1987, to determine whether the practice should be continued or modified.))~~

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Kiskaddon, the Senate concurred in the House amendment to Senate Bill No. 6523.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6523, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6523, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 4; absent, 3; excused, 9.

Voting yea: Senators Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McDonald, Metcalfe, Nelson, Niemi, Owen, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer - 33.

Voting nay: Senators Anderson, Bender, West, Zimmerman - 4.

Absent: Senators Barr, McMullen, Newhouse, - 3.

Excused: Senators Benitz, Lee, McCaslin, Moore, Patterson, Sellar, Warnke, Williams, Wojahn - 9.

SENATE BILL NO. 6523, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6530 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 111, Laws of 1931 as last amended by section 7, chapter 88, Laws of 1972 ex. sess. and RCW 70.74.030 are each amended to read as follows:

All explosive manufacturing buildings and magazines in which explosives or blasting agents except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, highways, and public utility transmission systems in conformity with the ~~((following quantity and distance tables, and these tables shall be the basis on which applications for license for storage shall be made and license for storage issued, as provided in RCW 70.74.110 and 70.74.120. All distances prescribed in the following quantity and distance tables are unbaricaded, and, if there is an efficient artificial barricade or a natural barricade between the explosives manufacturing building or magazine and another explosives manufacturing building or magazine, building, railroad, highway, or public utility transmission system, the distance prescribed in the following quantity and distance tables may be reduced by one-half. Blasting and electric blasting caps in strength through No. 8 must be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than No. 8 must be computed on the combined weight of explosives.~~

The quantity and distance table governing the manufacture, keeping and storage of explosives to be as follows:

QUANTITY AND DISTANCE TABLE

Column 1		Column 2	Column 3	Column 4
Quantity that may be had, kept or stored		Distance from Nearest Inhabited Building	Distance from Nearest Railroad	Distance from Nearest Highway and Public Utility Transmission System
Pounds Over	Pounds Not Over	Feet	Feet	Feet
2	5	140	60	60
5	10	160	70	70
10	20	220	90	90
20	30	250	100	100
30	40	280	110	110
40	50	300	120	120
50	75	340	140	140
75	100	380	150	150
100	125	400	160	160
125	150	430	170	170
150	200	470	190	190
200	250	510	210	210
250	300	540	220	220
300	400	590	240	240
400	500	640	260	260
500	600	680	270	270
600	700	710	290	290
700	800	750	300	300
800	900	780	310	310
900	1,000	800	320	320
1,000	1,200	850	340	330
1,200	1,400	900	360	340
1,400	1,600	940	380	350
1,600	1,800	980	390	360
1,800	2,000	1,010	410	370
2,000	2,500	1,090	440	380
2,500	3,000	1,160	470	390
3,000	4,000	1,270	510	420
4,000	5,000	1,370	550	450
5,000	6,000	1,460	590	470

6.000	7.000	1.540	620	490
7.000	8.000	1.600	640	500
8.000	9.000	1.670	670	510
9.000	10.000	1.730	690	520
10.000	12.000	1.750	740	540
12.000	14.000	1.770	780	550
14.000	16.000	1.800	810	560
16.000	18.000	1.880	840	570
18.000	20.000	1.950	870	580
20.000	25.000	2.110	940	630
25.000	30.000	2.260	1.000	680
30.000	35.000	2.410	1.050	720
35.000	40.000	2.550	1.100	760
40.000	45.000	2.680	1.140	800
45.000	50.000	2.800	1.180	840
50.000	55.000	2.920	1.220	880
55.000	60.000	3.030	1.260	910
60.000	65.000	3.130	1.290	940
65.000	70.000	3.220	1.320	970
70.000	75.000	3.310	1.350	1.000
75.000	80.000	3.390	1.380	1.020
80.000	85.000	3.460	1.410	1.040
85.000	90.000	3.520	1.440	1.060
90.000	95.000	3.580	1.460	1.080
95.000	100.000	3.630	1.490	1.090
100.000	110.000	3.670	1.540	1.100
110.000	120.000	3.710	1.580	1.110
120.000	130.000	3.750	1.620	1.120
130.000	140.000	3.780	1.670	1.130
140.000	150.000	3.800	1.700	1.140
150.000	160.000	3.870	1.740	1.160
160.000	170.000	3.930	1.780	1.180
170.000	180.000	3.980	1.810	1.200
180.000	190.000	4.020	1.840	1.210
190.000	200.000	4.060	1.870	1.220
200.000	210.000	4.110	1.910	1.240
210.000	230.000	4.200	1.960	1.270
230.000	250.000	4.310	2.020	1.300
250.000	275.000	4.430	2.080	1.340
275.000	300.000	4.550	2.150	1.380))

quantity and distance tables adopted by the department of labor and industries by rule. The department of labor and industries shall adopt the quantity and distance tables promulgated by the federal bureau of alcohol, tobacco, and firearms unless the department determines the tables to be inappropriate. The tables shall be the basis on which applications for storage license are made and storage licenses issued as provided in RCW 70.74.110 and 70.74.120.

Sec. 2, Section 11, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.061 are each amended to read as follows:

Magazines containing blasting caps and electric blasting caps shall be separated from other magazines containing like contents, or from magazines containing explosives by distances (based on the following:

(1) Blasting caps in strengths through No. 8 should be rated at one and one-half pounds of explosive per one thousand caps;

(2) For strengths higher than No. 8, use the total combined weight of explosives;

(3) Magazines in which explosives are kept and stored shall be detached from other structures and separated from other magazines in conformity with the quantity and distance table set forth below:

QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES CONTAINING EXPLOSIVES

Pounds Over	Pounds Not Over	Separation Distance in Feet Between Magazines	
		Not Barricaded	Barricaded
2	5	12	6
5	10	16	8
10	20	20	10
20	30	22	11
30	40	24	12

40	50	28	14
50	75	30	15
75	100	32	16
100	125	36	18
125	150	38	19
150	200	42	21
200	250	46	23
250	300	48	24
300	400	54	27
400	500	58	29
500	600	62	31
600	700	64	32
700	800	66	33
800	900	70	35
900	1,000	72	36
1,000	1,200	78	39
1,200	1,400	82	41
1,400	1,600	86	43
1,600	1,800	88	44
1,800	2,000	90	45
2,000	2,500	98	49
2,500	3,000	104	52
3,000	4,000	116	58
4,000	5,000	122	61
5,000	6,000	130	65
6,000	7,000	136	68
7,000	8,000	144	72
8,000	9,000	150	75
9,000	10,000	156	78
10,000	12,000	164	82
12,000	14,000	174	87
14,000	16,000	180	90
16,000	18,000	188	94
18,000	20,000	196	98
20,000	25,000	210	105
25,000	30,000	224	112
30,000	35,000	238	119
35,000	40,000	248	124
40,000	45,000	258	129
45,000	50,000	270	135
50,000	55,000	280	140
55,000	60,000	290	145
60,000	65,000	300	150
65,000	70,000	310	155
70,000	75,000	320	160
75,000	80,000	330	165
80,000	85,000	340	170
85,000	90,000	350	175
90,000	95,000	360	180
95,000	100,000	370	185
100,000	110,000	380	195
110,000	120,000	410	205
120,000	130,000	430	215
130,000	140,000	450	225
140,000	150,000	470	235
150,000	160,000	490	245
160,000	170,000	510	255
170,000	180,000	530	265
180,000	190,000	550	275
190,000	200,000	570	285
200,000	210,000	590	295
210,000	230,000	630	315
230,000	250,000	670	335
250,000	275,000	720	360
275,000	300,000	770	385))

set in the quantity and distance tables adopted by the department of labor and industries by rule. The department of labor and industries shall adopt the quantity and distance tables promulgated by the federal bureau of alcohol, tobacco, and firearms unless the department determines the tables to be inappropriate. The tables shall be the basis on which applications

for storage license are made and storage licenses issued as provided in RCW 70.74.110 and 70.74.120.

NEW SECTION. Sec. 3. A new section is added to chapter 70.74 RCW to read as follows:

(1) The director of labor and industries shall require, as a condition precedent to the original issuance or renewal of any explosive license, fingerprinting and criminal history record information checks of every applicant. In the case of a corporation, fingerprinting and criminal history record information checks shall be required for the management officials directly responsible for the operations where explosives are used if such persons have not previously had their fingerprints recorded with the department of labor and industries. In the case of a partnership, fingerprinting and criminal history record information checks shall be required of all general partners. Such fingerprints as are required by the department of labor and industries shall be submitted on forms provided by the department to the identification section of the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior convictions of the individuals fingerprinted. The Washington state patrol shall provide to the director of labor and industries such criminal record information as the director may request. The applicant shall give full cooperation to the department of labor and industries and shall assist the department of labor and industries in all aspects of the fingerprinting and criminal history record information check. The applicant may be required to pay a fee not to exceed twenty dollars to the agency that performs the fingerprinting and criminal history process.

(2) The director of labor and industries shall not issue a license to manufacture, purchase, store, use, or deal with explosives to:

(a) Any person under twenty-one years of age;

(b) Any person whose license is suspended or whose license has been revoked, except as provided in section 4 of this act;

(c) Any person who has been convicted in this state or elsewhere of a violent offense as defined in RCW 9.94A.030, perjury, false swearing, or bomb threats or a crime involving a schedule I or II controlled substance, or any other drug or alcohol related offense, unless such other drug or alcohol related offense does not reflect a drug or alcohol dependency. However, the director of labor and industries may issue a license if the person suffering a drug or alcohol related dependency is participating in or has completed an alcohol or drug recovery program acceptable to the department of labor and industries and has established control of their alcohol or drug dependency. The director of labor and industries shall require the applicant to provide proof of such participation and control; or

(d) Any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease and who has not at the time of application been restored to competency.

(3) The director of labor and industries may establish reasonable licensing fees for the manufacture, dealing, purchase, use, and storage of explosives.

NEW SECTION. Sec. 4. A new section is added to chapter 70.74 RCW to read as follows:

(1) The department of labor and industries shall revoke and not renew the license of any person holding a manufacturer, dealer, purchaser, user, or storage license upon conviction of any of the following offenses, which conviction has become final:

(a) A violent offense as defined in RCW 9.94A.030;

(b) A crime involving perjury or false swearing, including the making of a false affidavit or statement under oath to the department of labor and industries in an application or report made pursuant to this title;

(c) A crime involving bomb threats;

(d) A crime involving a schedule I or II controlled substance, or any other drug or alcohol related offense, unless such other drug or alcohol related offense does not reflect a drug or alcohol dependency. However, the department of labor and industries may condition renewal of the license to any convicted person suffering a drug or alcohol dependency who is participating in an alcoholism or drug recovery program acceptable to the department of labor and industries and has established control of their alcohol or drug dependency. The department of labor and industries shall require the licensee to provide proof of such participation and control;

(e) A crime relating to possession, use, transfer, or sale of explosives under this chapter or any other chapter of the Revised Code of Washington.

(2) The department of labor and industries shall revoke the license of any person adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease. The director shall not renew the license until the person has been restored to competency.

(3) The department of labor and industries is authorized to suspend, for a period of time not to exceed six months, the license of any person who has violated this chapter or the rules promulgated pursuant to this chapter.

(4) The department of labor and industries may revoke the license of any person who has repeatedly violated this chapter or the rules promulgated pursuant to this chapter, or who has twice had his or her license suspended under this chapter.

(5) Upon receipt of notification by the department of labor and industries of revocation or suspension, a licensee must surrender immediately to the department any or all such licenses revoked or suspended.

Sec. 5. Section 11, chapter 111, Laws of 1931 as last amended by section 13, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.110 are each amended to read as follows:

All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, on the date when this 1969 amendatory act takes effect, shall within sixty days thereafter, and all persons engaging in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after this act takes effect shall, before so engaging, make an application in writing, subscribed to by such person or his agent, to the department of labor and industries, the application stating:

- (1) Location of place of manufacture or processing;
- (2) Kind of explosives manufactured, processed or used;
- (3) The distance that such explosives manufacturing building is located or intended to be located from the other factory buildings, magazines, inhabited buildings, railroads and highways and public utility transmission systems;
- (4) The name and address of the applicant;
- (5) The reason for desiring to manufacture explosives;
- (6) The applicant's citizenship, if the applicant is an individual;
- (7) If the applicant is a partnership, the names and addresses of the partners, and their citizenship;
- (8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship; and
- (9) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter.

There shall be kept in the main office on the premises of each explosives manufacturing plant a plan of said plant showing the location of all explosives manufacturing buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the department of labor and industries. The superintendent of each plant shall upon demand of said inspector furnish the following information:

- (a) The maximum amount and kind of explosive material which is or will be present in each building at one time.
- (b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades.

The department of labor and industries shall as soon as ~~(may be)~~ possible after receiving such application cause an inspection to be made of the explosives manufacturing plant, and if found to be in accordance with RCW 70.74.030 and 70.74.050 and RCW 70.74.061, such department shall issue a license to the person applying therefor showing compliance with the provisions of this chapter ~~(-unless)~~ if the ~~(department shall find)~~ applicant demonstrates that either the applicant or the officers, agents or employees of the applicant are ~~(not)~~ sufficiently experienced in the manufacture of explosives ~~(-have been convicted of a crime involving moral turpitude, or are disloyal to the United States)~~ and the applicant meets the qualifications for a license under section 3 of this 1988 act. Such license shall continue in full force and effect until ~~(surrendered or canceled, because of failure to comply with any of the conditions necessary for the granting of a license)~~ expired, suspended, or revoked by the department pursuant to this chapter.

Sec. 6. Section 12, chapter 111, Laws of 1931 as last amended by section 14, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.120 are each amended to read as follows:

All persons engaged in keeping or storing and all persons having in their possession explosives on the date when this 1969 amendatory act takes effect shall within sixty days thereafter, and all persons engaging in keeping or storing explosives or coming into possession thereof after this act takes effect, shall before engaging in the keeping or storing of explosives or taking possession thereof, make an application in writing subscribed to by such person or his agent, to the department of labor and industries stating:

- (1) The location of the magazine, if any, if then existing, or in case of a new magazine, the proposed location of such magazine;
- (2) The kind of explosives that are kept or stored or possessed or intended to be kept or stored or possessed and the maximum quantity that is intended to be kept or stored or possessed thereat;
- (3) The distance that such magazine is located or intended to be located from other magazines, inhabited buildings, explosives manufacturing buildings, railroads, highways and public utility transmission systems;
- (4) The name and address of the applicant;
- (5) The reason for desiring to store or possess explosives;
- (6) The citizenship of the applicant if the applicant is an individual;

(7) If the applicant is a partnership, the names and addresses of the partners and their citizenship;

(8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship;

(9) And such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this chapter.

The department of labor and industries shall, as soon as may be after receiving such application, cause an inspection to be made of the magazine, if then constructed, and, in the case of a new magazine, as soon as may be after same is found to be constructed in accordance with the specification provided in RCW 70.74.025, such department shall determine the amount of explosives that may be kept and stored in such magazine by reference to the quantity and distance tables (~~set forth in RCW 70.74.036, 70.74.050 and 70.74.061~~) specified in or adopted under this chapter and shall issue a license to the person applying therefor (~~unless the department shall find that such applicant is not sufficiently experienced in the handling of explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States~~) if the applicant demonstrates that either the applicant or the officers, agents, or employees of the applicant are sufficiently experienced in the handling of explosives and possess suitable storage facilities therefor, and that the applicant meets the qualifications for a license under section 3 of this 1988 act. Said license shall set forth the maximum quantity of explosives that may be had, kept or stored by said person. Such license shall be valid until canceled for one or more of the causes hereinafter provided. Whenever by reason of change in the physical conditions surrounding said magazine at the time of the issuance of the license therefor, such as:

(a) The erection of buildings nearer said magazine;

(b) The construction of railroads nearer said magazine;

(c) The opening for public travel of highways nearer said magazine; or

(d) The construction of public utilities transmission systems near said magazine; then the amounts of explosives which may be lawfully had, kept or stored in said magazine must be reduced to conform to such changed conditions in accordance with the quantity and distance table notwithstanding the license, and the department of labor and industries shall modify or cancel such license in accordance with the changed conditions. (~~Said license may also be canceled if the department of labor and industries shall find that the applicant is keeping explosives for an unlawful purpose or is disloyal to the United States.~~) Whenever any person to whom a license has been issued, keeps or stores in the magazine or has in his possession, any quantity of explosives in excess of the maximum amount set forth in said license, or whenever any person fails for thirty days to pay the annual license fee hereinafter provided after the same becomes due, the department is authorized to cancel such license. Whenever a license is canceled by the department for any cause herein specified, the department shall notify the person to whom such license is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within ten days from the giving of said notice, or, if the cause of cancellation be the failure to pay the annual license fee, or the fact that explosives are kept for an unlawful purpose, (~~or the applicant is disloyal to the United States~~;) the department of labor and industries shall order such person to dispossess himself of said explosives within ten days from the giving of said notice. Failure to remove the explosives stored in said magazine or to dispossess oneself of the explosives as herein provided within the time specified in said notice shall constitute a violation of this chapter.

Sec. 7. Section 3, chapter 101, Laws of 1941 as amended by section 16, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.130 are each amended to read as follows:

Every person desiring to engage in the business of dealing in explosives shall apply to the department of labor and industries for a license therefor. Said application shall state, among other things:

(1) The name and address of applicant;

(2) The reason for desiring to engage in the business of dealing in explosives;

(3) Citizenship, if an individual applicant;

(4) If a partnership, the names and addresses of the partners and their citizenship;

(5) If an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and

(6) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this chapter.

The department of labor and industries shall issue the license (~~applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the business of dealing in explosives, lack suitable facilities therefor, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof~~) if the applicant demonstrates that either the applicant or the principal officers, agents, or employees of the applicant are experienced in the business of dealing in explosives, possess suitable facilities therefor, have not been convicted of any crime that would warrant revocation or nonrenewal of a license under this chapter, and have never had an

explosives-related license revoked under this chapter or under similar provisions of any other state.

Sec. 8. Section 18, chapter 137, Laws of 1969 ex. sess. as last amended by section 7, chapter 302, Laws of 1971 ex. sess. and RCW 70.74.135 are each amended to read as follows:

All persons desiring to purchase explosives except handloader components shall apply to the department of labor and industries for a license. Said application shall state, among other things:

- (1) The location where explosives are to be used;
- (2) The kind and amount of explosives to be used;
- (3) The name and address of the applicant;
- (4) The reason for desiring to use explosives;
- (5) The citizenship of the applicant if the applicant is an individual;
- (6) If the applicant is a partnership, the names and addresses of the partners and their citizenship;
- (7) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and
- (8) Such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this chapter.

The department of labor and industries shall issue the license (~~(applied for unless)~~) if the (~~(department finds)~~) applicant demonstrates that either the applicant or (~~(any of)~~) the officers, agents or employees of the applicant are (~~(not)~~) sufficiently experienced in the use of explosives (~~(lack suitable facilities therefor, have been convicted of a felony involving force or violence, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof, or for any violation of this chapter)~~) to authorize a purchase license. However, no purchaser's license may be issued to any person who cannot document proof of possession or right to use approved and licensed storage facilities unless the person signs a statement certifying that explosives will not be stored.

NEW SECTION. Sec. 9. A new section is added to chapter 70.74 RCW to read as follows:

With the exception of storage licenses for permanent facilities, every license issued under the authority of this chapter shall expire after one year from the date issued unless suspended or revoked. The director of labor and industries may extend the duration of storage licenses for permanent facilities to two years provided the location, distances, and use of the facilities remain unchanged. The fee for the two-year storage license shall be twice the annual fee.

NEW SECTION. Sec. 10. A new section is added to chapter 70.74 RCW to read as follows:

(1) It is unlawful for any person to manufacture, purchase, sell, use, or store any explosive without having a validly issued license from the department of labor and industries, which license has not been revoked or suspended. Violation of this section is a gross misdemeanor.

(2) Upon notice from the department of labor and industries or any law enforcement agency having jurisdiction, a person manufacturing, purchasing, selling, using, or storing any explosive without a license shall immediately surrender any and all such explosives to the department or to the respective law enforcement agency.

(3) At any time that the director of labor and industries requests the surrender of explosives from any person pursuant to subsection (2) of this section, the director may in addition request the attorney general to make application to the superior court of the county in which the unlawful practice exists for a temporary restraining order or such other relief as appears to be appropriate under the circumstances.

NEW SECTION. Sec. 11. A new section is added to chapter 70.74 RCW to read as follows:

Unless specifically provided otherwise by statute, this chapter and the rules adopted thereunder shall be implemented and enforced, including penalties, violations, citations, appeals, and other administrative procedures, pursuant to the Washington industrial safety and health act, chapter 49.17 RCW.

Sec. 12. Section 2, chapter 88, Laws of 1972 ex. sess. and RCW 70.74.137 are each amended to read as follows:

Every person applying for a purchaser's license, or renewal thereof, shall pay an annual license fee of (~~(two)~~) five dollars. The director of labor and industries may adjust the amount of the license fee to reflect the administrative costs of the department. The fee shall not exceed fifteen dollars.

Said license fee shall accompany the application(~~(;)~~) and shall be transmitted by the department (~~(turned over)~~) to the state treasurer: PROVIDED, That if the applicant is denied a purchaser's license the license fee shall be returned to said applicant by registered mail.

Sec. 13. Section 13, chapter 111, Laws of 1931 as amended by section 15, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.140 are each amended to read as follows:

Every person engaging in the business of keeping or storing of explosives(~~(;)~~) shall pay an annual license fee for each magazine maintained, to be graduated by the department of labor and industries according to the quantity kept or stored therein, of (~~(not less than one dollar nor more than fifty)~~) ten dollars. The director of labor and industries may adjust the amount of the license fee to reflect the administrative costs of the department. The fee shall not exceed one hundred dollars.

Said license fee shall accompany the application(;-) and shall be transmitted by the department (~~turned over~~) to the state treasurer.

Sec. 14. Section 1, chapter 88, Laws of 1972 ex. sess. and RCW 70.74.142 are each amended to read as follows:

Every person applying for a user's license, or renewal thereof, under this chapter shall pay an annual license fee of (~~three~~) five dollars. The director of labor and industries may adjust the amount of the license fee to reflect the administrative costs of the department. The fee shall not exceed fifteen dollars.

Said license fee shall accompany the application, and be turned over by the department to the state treasurer: PROVIDED, That if the applicant is denied a user's license the license fee shall be returned to said applicant by registered mail.

NEW SECTION. Sec. 15. A new section is added to chapter 70.74 RCW to read as follows:

Every person engaged in the business of manufacturing explosives shall pay an annual license fee of twenty-five dollars. The director of labor and industries may adjust the amount of the license fee to reflect the administrative costs of the department. The fee shall not exceed fifty dollars.

Businesses licensed to manufacture explosives are not required to have a dealers license, but must comply with all of the dealer requirements of this chapter when they sell explosives.

The license fee shall accompany the application and shall be transmitted by the department to the state treasurer.

NEW SECTION. Sec. 16. A new section is added to chapter 70.74 RCW to read as follows:

Every person engaged in the business of selling explosives shall pay an annual license fee of twenty-five dollars. The director of labor and industries may adjust the amount of the license fee to reflect the administrative costs of the department. The fee shall not exceed fifty dollars.

Businesses licensed to sell explosives must comply with all of the dealer requirements of this chapter.

The license fee shall accompany the application and shall be transmitted by the department to the state treasurer.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 111, Laws of 1931, section 7, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.220; and

(2) Section 252, chapter 249, Laws of 1909, section 25, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.290."

On page 1, beginning on line 1 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 70.74.030, 70.74.061, 70.74.110, 70.74.130, 70.74.135, 70.74.137, 70.74.140, and 70.74.142; adding new sections to chapter 70.74 RCW; and repealing RCW 70.74.220 and 70.74.290."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Substitute Senate Bill No. 6530.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6530, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6530, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Zimmerman - 40.

Absent: Senator Anderson - 1.

Excused: Senators Benitz, Lee, McCaslin, Moore, Sellar, Warnke, Williams, Wojahn - 8.

SUBSTITUTE SENATE BILL NO. 6530, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6569 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of labor and industries shall prepare a master document that provides informational material about construction lien laws and available safeguards against real property lien claims. The material shall include methods of protection against lien claims, including obtaining lien release documents, performance bonds, joint payee checks, the opportunity to require contractor disclosure of all potential lien claimants as a condition of payment, and lender supervision under RCW 60.04.200 and 60.04.210. The material shall also include sources of further information, including the department of labor and industries and the office of the attorney general.

NEW SECTION. Sec. 2. (1) Every real property lender shall provide a copy of the informational material described in section 1 of this act to all persons obtaining loans, the proceeds of which are to be used for residential construction or residential repair or remodeling.

(2) Every contractor shall provide a copy of the informational material described in section 1 of this act to customers required to receive contractor disclosure notice under RCW 18.27.114.

(3) No cause of action may lie against the state, a real property lender, or a contractor arising from the provisions of sections 1 and 2 of this act.

(4) For the purpose of this section, "real property lender" means a bank, savings bank, savings and loan association, credit union, mortgage company, or other corporation, association, partnership, or individual that makes loans secured by real property in this state.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are each added to chapter 60.04 RCW.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1989.

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "adding new sections to chapter 60.04 RCW; and providing an effective date."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6569.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6569, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6569, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, West, Zimmerman - 41.

Excused: Senators Benitz, Lee, McCasin, Moore, Sellar, Warnke, Williams, Wojahn - 8.

SUBSTITUTE SENATE BILL NO. 6569, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SENATE BILL NO. 6638 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that significant changes occurring simultaneously in the health care delivery system and the demography of the national population are resulting in a shortage of qualified nursing personnel which has the potential of dramatically reducing the quality of health care in the state of Washington, particularly in long-term care and critical emergent care. One of the more important contributors to this shortage is the fall in enrollment of students wishing to pursue nursing as a career. In today's complex health care

environment, a more integrated approach to the delivery of nursing care may provide comprehensive answers to the problem. The legislature finds that encouraging qualified individuals to enter the nursing profession is of paramount importance to the state in reducing this shortage. The legislature urges the health professions, industry, and philanthropic community organizations to join with state government in assuring the success of this program.

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

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders nursing service as a nurse serving in a nurse shortage area, as defined by the state health coordinating council.

(2) "Institution of higher education" or "institution" means a community college, vocational-technical school, or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who has been accepted into a program leading to eligibility for licensure as a licensed practical nurse, or to a program leading to an associate, baccalaureate, or higher degree in nursing or continues satisfactory progress within the program; and has a declared intention to serve in a nurse shortage area upon completion of the educational program.

(5) "Nurse shortage area" means those areas where nurses are in short supply as a result of geographic maldistribution; or specialty areas of nursing, such as geriatrics or critical care, where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The state health coordinating council shall determine nurse shortage areas in the state guided by federal standards of "health manpower shortage areas."

(6) "Forgiven" or "to forgive" or "forgiveness" means to render nursing service in a nurse shortage area in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

NEW SECTION. Sec. 3. The nurses conditional scholarship program is established for students pursuing nursing programs in institutions of higher education. The program shall be administered by the higher education coordinating board in consultation with the state board for community college education. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive conditional scholarships to attend institutions of higher education and the superintendent of public instruction for vocational education, with the assistance of a screening committee;

(2) Adopt rules and guidelines to implement this chapter;

(3) Publicize the program;

(4) Collect and manage repayments from students who do not meet their services obligations under this chapter;

(5) Solicit and accept grants and donations from public and private sources for the program; and

(6) Develop criteria for a contract for service in lieu of the five-year service in a nurse shortage area where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 4. The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802.

NEW SECTION. Sec. 5. The board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years while continually enrolled in an approved program.

NEW SECTION. Sec. 6. (1) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they serve for five years in nurse shortage areas of the state of Washington. Nurse shortage areas may include geographical areas as a result of maldistribution, or specialty areas of nursing such as gerontology, critical care, or coronary care.

(2) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(3) The period for repayment shall be five years, with payments accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a nurse shortage area, as determined by the state health coordinating council, until the entire repayment obligation is satisfied or the borrower

ceases to so serve. Should the participant cease to serve in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

NEW SECTION, Sec. 7. After consulting with the higher education coordinating board, the governor may transfer the administration of this program to another agency with an appropriate educational mission.

NEW SECTION, Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION, Sec. 9. No conditional scholarships may be granted after June 30, 1994."

On page 1, line 1 of the title, after "nurses;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate concurred in the House amendments to Senate Bill No. 6638.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6638, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6638, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, West, Zimmerman - 41.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Lee, McCaslin, Moore, Warnke, Williams, Wojahn - 7.

SENATE BILL NO. 6638, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SENATE BILL NO. 6641 with the following amendment:

On page 2, after line 26, strike everything down to and including "35A.14.700." on page 3, line 6 and insert:

"Armed forces shipboard population, on-base naval group quarter population, and military dependents living in housing under United States navy jurisdiction, shall be determined quarterly by the office of financial management on the first days of January, April, July, and October. These counts shall be used to increase or decrease the armed forces component of the resident population determinations in the cities of Bremerton and Everett for the purpose of allocating state revenues according to this section. Counts on the first day of the quarterly periods commencing with January, April, July, and October shall be used to adjust the total population for the following quarter, in the same manner adjustments are made for population changes due to annexation as specified in RCW 35.13.260 and 35A.14.700.

Population determinations made under this section shall include only those persons who meet resident population criteria as defined by the federal bureau of the census.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the Senate do concur in the House amendment to Senate Bill No. 6641.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Nelson that the Senate do concur in the House amendment to Senate Bill No. 6641.

The motion by Senator Nelson carried and the Senate concurred in the House amendment to Senate Bill No. 6641.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6641, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6641, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Zimmerman - 42.

Absent: Senator Newhouse - 1.

Excused: Senators Benitz, Lee, Moore, Warnke, Williams, Wojahn - 6.

SENATE BILL NO. 6641, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bender, Senator Owen was excused.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6647 with the following amendments:

On page 1, line 17, after "section" insert "and will identify the capital and operating costs associated with achieving this goal"

On page 2, line 17, after "the" strike all material through "Power" and insert "Northwest Power Planning".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6647.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6647, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6647, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Zimmerman - 41.

Absent: Senator West - 1.

Excused: Senators Benitz, Lee, Moore, Owen, Warnke, Williams, Wojahn - 7.

ENGROSSED SENATE BILL NO. 6647, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed SENATE BILL NO. 6671 with the following amendments:

On page 1, after line 3, strike all material down through page 2, line 15 and insert the following:

"Sec. 1. Section 8, chapter 298, Laws of 1986 and RCW 43.185.070 are each amended to read as follows:

(1) During each calendar year in which funds are available for use by the department from the housing trust fund, as prescribed in RCW 43.185.030, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources, but at least twice annually. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed thirty-seven thousand five hundred dollars in the fiscal year ending June 30, 1988, and seventy-five thousand dollars in the fiscal year ending June 30, 1989, and not to exceed five percent of annual revenues to the fund thereafter.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. Such projects and activities shall be evaluated under subsection (3) of this section.

(3) The department shall give preference for applications based on the following criteria:

(a) The degree of leveraging of other funds that will occur;

(b) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(c) Local government project contributions in the form of infrastructure improvements, and others;

(d) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(e) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least fifteen years;

(f) The applicant has the demonstrated ability, stability and resources to implement the project;

(g) Projects which demonstrate serving the greatest need; and

(h) Projects that provide housing for persons and families with the lowest incomes.

Sec. 2. Section 19, chapter 222, Laws of 1951 as last amended by section 1, chapter 513, Laws of 1987 and RCW 18.85.310 are each amended to read as follows:

(1) Every licensed real estate broker shall keep adequate records of all real estate transactions handled by or through him. The records shall include, but are not limited to, a copy of the earnest money receipt, and an itemization of the broker's receipts and disbursements with each transaction. These records and all other records hereinafter specified shall be open to inspection by the director or his authorized representatives.

(2) Every real estate broker shall also deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed copies of all earnest money receipts, listing agreements and all other like or similar instruments signed by the parties, including the closing statement.

(3) Every real estate broker shall also keep separate real estate fund accounts in a recognized Washington state depository authorized to receive funds in which shall be kept separate and apart and physically segregated from licensee broker's own funds, all funds or moneys of clients which are being held by such licensee broker pending the closing of a real estate sale or transaction, or which have been collected for said client and are being held for disbursement for or to said client and such funds shall be deposited not later than the first banking day following receipt thereof.

(4) Separate accounts comprised of clients' funds required to be maintained under this section, with the exception of property management trust accounts, shall be interest-bearing accounts from which withdrawals or transfers can be made without delay, subject only to the notice period which the depository institution is required to reserve by law or regulation.

(5) Every real estate broker shall maintain a pooled interest-bearing escrow account for deposit of client funds, with the exception of property management trust accounts, which are nominal ~~((or short term))~~. As used in this section, a "nominal ~~((or short term))~~" deposit is a deposit ~~((which, if placed in a separate account, would not produce positive net interest income after payment of bank fees, or other institution fees, and other administrative expenses))~~ of not more than five thousand dollars.

The interest accruing on this account, net of any reasonable ~~((transaction costs))~~ and appropriate financial institution service charges or fees, shall be paid to the state treasurer for deposit in the Washington housing trust fund created in RCW 43.185.030. Appropriate service charges or fees are those charges made by financial institutions on other demand deposit or "now" accounts. An agent may, but shall not be required to, notify the client of the intended use of such funds.

(6) All client funds not required to be deposited in the account specified in subsection (5) of this section shall be deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) ~~((A pooled interest-bearing trust account with subaccounting that will provide for computation of interest earned by each client's funds and the payment thereof to the client))~~ The pooled interest-bearing trust account specified in subsection (5) of this section if the parties to the transaction agree.

The department of licensing shall promulgate regulations which will serve as guidelines in the choice of an account specified in subsection (5) of this section or an account specified in this subsection.

(7) For an account created under subsection (5) of this section, an agent shall direct the depository institution to:

(a) Remit interest or dividends, net of any reasonable and appropriate service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to the state treasurer for deposit in the housing trust fund created by RCW 43.185.030 and the real estate commission account created by RCW 18.85.220 as directed by RCW 18.85.315; and

(b) Transmit to the director of community development a statement showing the name of the person or entity for whom the remittance is spent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing person or firm.

(8) The director shall forward a copy of the reports required by subsection (7) of this section to the department of licensing to aid in the enforcement of the requirements of this section consistent with the normal enforcement and auditing practices of the department of licensing.

(9) This section does not relieve any real estate broker from any obligation with respect to the safekeeping of clients' funds.

(10) Any violation by a real estate broker of any of the provisions of this section, or RCW 18.85.230, shall be grounds for revocation of the licenses issued to the broker.

Sec. 3. Section 10, chapter 513, Laws of 1987 and RCW 18.85.510 are each amended to read as follows:

The broker's trust account board shall review grant and loan applications placed before it by the director for final approval pursuant to RCW 43.185. — (RCW 18.85.505 as recodified by section 4 of this 1988 act).

The decisions of the board shall be subject to the provisions of RCW 43.185.050, 43.185.060, and 43.185.070 with regard to eligible activities, eligible recipients, and criteria for evaluation.

The broker's trust account board shall serve in an advisory capacity to the real estate commission with regard to licensee education programs established pursuant to RCW 18.85.040 and 18.85.220.

NEW SECTION. Sec. 4. RCW 18.85.505 and 18.85.510 are each recodified in chapter 43.185 RCW."

Renumber the sections consecutively.

On page 1, line 2 of the title, after "43.185.070" insert ", 18.85.310, and 18.85.510; recodifying RCW 18.85.505 and 18.85.510"

On page 2, after line 15, insert the following:

"Sec. 2. Section 2, chapter 167, Laws of 1981 as amended by section 1, chapter 176, Laws of 1982 and RCW 82.45.100 are each amended to read as follows:

(1) The tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within thirty days thereafter shall bear interest at the rate of one percent per month from the time of sale until the date of payment.

(2) In addition to the interest described in subsection (1) of this section, if the payment of any tax is not received by the county treasurer within thirty days of the date due, there shall be assessed a penalty of five percent of the amount of the tax; if the tax is not received within sixty days of the date due, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within ninety days of the date due, there shall be assessed a

this penalty of twenty percent of the amount of the tax. The payment of the penalty described in this subsection shall be collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(3) If upon examination of any affidavits or from other information obtained by the department or its agents it appears that all or a portion of the tax is unpaid, the department shall assess against the taxpayer the additional amount found to be due plus interest and penalties as provided in subsections (1) and (2) of this section. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable under this chapter, ((α)) an additional penalty of fifty percent of the additional tax found to be due shall be added.

((β)) (4) No assessment or refund may be made by the department more than four years after the date of sale except upon a showing of fraud or of misrepresentation of a material fact by the taxpayer or a failure by the taxpayer to record documentation of a sale or otherwise report the sale to the county treasurer.

(5) Penalties collected pursuant to subsection (2) of this section shall be deposited in the housing trust fund as described in chapter 43.185 RCW."

Renumber the sections consecutively.

On page 1, line 2 of the title, after "43.185.070" insert "and 82.45.100".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendments to Senate Bill No. 6671 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SENATE BILL NO. 6668 with the following amendment:

On page 3, after line 36, insert "If the department must pursue collection of delinquent taxes, interest, and/or penalties payable under this section either through a collection agency or the judicial process, they may recover the actual costs incurred, including reasonable attorney fees."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate refuses to concur in the House amendment to Senate Bill No. 6668 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SENATE BILL NO. 6675 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 74.21 RCW to read as follows:

The family independence program implementation plan submitted to the legislature pursuant to RCW 74.21.140 and 74.21.200 is approved. The governor or the governor's designee is authorized to sign and complete all necessary agreements with the federal government, provided that nothing in the agreements is inconsistent with chapter 74.21 RCW.

Sec. 2. Section 2, chapter 434, Laws of 1987 and RCW 74.21.020 are each amended to read as follows:

The legislature hereby establishes as state policy the goal of economic independence for employable adults receiving public assistance, through employment, training, and education. The legislature finds that children living in families with incomes below the needs standard have reduced opportunities for physical and intellectual development. A family's economic future is frequently not improved by the current program.

Therefore, in order to break the cycle of poverty and dependence, a family independence program is established. Participating families are to receive benefits under this program at no less than they would otherwise have been entitled to receive.

The legislature finds that the state has a vital interest in ensuring that citizens who are in economic need are provided appropriate financial assistance. It is the intent of the legislature to maintain the existing partnership between state and federal government and that this program remain part of the federal welfare entitlement program. The legislature seeks federal authority for a five-year demonstration project and recognizes that waivers and congressional

action may be required to achieve our purpose. The legislature does not seek a block grant approach to welfare.

The legislature recognizes that any program intended to assist new and current public assistance recipients will be more likely to succeed when the state, private sector, and recipients work together.

The legislature also recognizes the value of building on successful programs that utilize the development of networking and mentoring strategies to assist public assistance recipients to gain self-sufficiency. The legislature further encourages public-private cooperation in the areas of job readiness training, education, job training, and work opportunities, including community-based organizations as service providers in these areas through contractual relationships.

The legislature finds that the goal of economic independence requires increased efforts to assist parents in exercising their children's right to economic support from absent parents.

The legislature recognizes the substantial participation in the workforce of women with preschool children, and the difficulty in reentering employment after long absences.

The legislature further recognizes that public assistance recipients can play a major role in setting their own goals.

The objectives of this chapter are to assure that: The maximum number of recipients of public assistance become independent and self-sufficient through employment, training, and education; caseloads be correspondingly reduced on a long-term basis; financial incentives be available to recipients participating in job readiness, education, training, and work programs; the number of children growing up in poverty be substantially reduced; and unemployed recipients be afforded a basic level of financial and medical assistance consistent with the state's financial capabilities.

Sec. 3. Section 6, chapter 434, Laws of 1987 and RCW 74.21.060 are each amended to read as follows:

(1) The executive committee shall establish a family opportunity advisory council in each of the department's regions to make recommendations on the social services, procedures, and income maintenance operations used in the family independence program. The councils shall also assist in providing mentors, mutual self-help, and information on alternatives to welfare dependency. The councils shall include: (a) Individuals currently receiving assistance; (b) individuals who have received public assistance in the past but have subsequently achieved economic independence; and (c) persons who are board members or employees of nonprofit organizations providing services of the types offered to family independence program recipients, including those with experience in developing self-esteem and individual motivation. A regional advisory council may establish panels representing specific geographic areas within the region.

(2) Each advisory council shall nominate three persons from which the executive committee shall elect one person from each region to be a member of the advisory committee authorized by RCW 74.21.050. Appointments shall be for a term of two years. Terms may be renewed for one additional two-year term. Three regional appointments shall initially be for a term of one year. The regional representatives shall constitute the consumer and enrollee representatives required by 74.21.050.

(3) Recipients and former recipients may be paid a per diem rate established by the executive committee. Members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Recipients and former recipients may also be reimbursed for dependent care expenses required to permit their participation in the family opportunity advisory councils, the executive committee, and the family independence program advisory committee.

(4) The department may, within available funds, provide grants to each family opportunity council to assist and support their activities and to assist in the recruitment and training of volunteer mentors.

Sec. 4. Section 14, chapter 434, Laws of 1987 and RCW 74.21.140 are each amended to read as follows:

(1) By January 1, 1988, the executive committee shall submit to the legislature:

(a) A child-care plan, which may include creative solutions to assist enrollees in making child-care arrangements;

(b) In consultation with the superintendent of public instruction, a plan for assisting high school students who are parents or pregnant to remain in school or complete their high school education;

(c) A plan for motivating those who are discouraged to seek self-sufficiency through work, education, or training;

(d) An employment plan for enrollees; and

(e) A plan for phased-in implementation of the family independence program.

(2) By January 1, 1988, the legislative budget committee, after consultation with the executive committee, shall submit to the legislature:

(a) An evaluation plan satisfactory to the federal government, including a plan for analysis, within available funds, of:

(1) The costs and effectiveness of the family independence program;

(ii) The extent to which education and training opportunities have led to employment and economic independence;

(iii) The extent to which support services have been provided for such education and training opportunities;

(iv) The impact of support services, training opportunities, and employment on the well-being of the children and families of enrollees;

(v) ~~(The impact of the family independence program on the labor market opportunities available to nonenrollees;~~

~~(vi))~~ The impact of the family independence program on the early childhood education assistance program;

~~((vi))~~ (vi) A comparison of the family independence program enrollees with a sample of aid to families with dependent children recipients entering assistance between July 1, 1987, through June 30, 1988, to determine the characteristics of the caseloads of the family independence program and the aid to families with dependent children program, including demographic characteristics, employment, training, and educational histories, spells on assistance, and reasons for entry onto and exit from assistance;

~~((vii))~~ (vii) Such administrative and operational factors as may be requested by the executive committee;

~~((viii))~~ (viii) A longitudinal study over time of a sample of public assistance recipients or persons at risk of becoming eligible for assistance, to determine the causes of public dependency and the impact of changes in the economy or of public programs on dependency, work, or other relevant behaviors of the sample population.

(3) The legislative budget committee shall cause the evaluation plan to be implemented ~~((subject to legislative approval))~~ as approved by the legislative budget committee in a manner that will insure the independence of the evaluation through appropriate arrangements, which may include contracts, with objective evaluators. The evaluation plan and all evaluation products shall receive the review and comment of evaluation advisory groups to be convened by the Washington institute of public policy and which include representatives of the executive committee, appropriate legislative committee staffs, persons from the state's higher education institutions, staff members of the department and the employment security department, recipients, and former recipients. The reviews shall consider relevance to state policy and budget concerns, methodological procedure, implementation, and results.

(4) The first report of this evaluation shall be submitted to the legislature no later than ~~((November 16, 1988))~~ December 1, 1989, and annually thereafter, with a final report due no later than November 15, 1993.

Sec. 5. Section 25, chapter 434, Laws of 1987 and RCW 74.21.904 are each amended to read as follows:

This chapter shall expire on June 30, ~~((1989))~~ 1993, unless extended by law.

*Sec. 6. Section 3, chapter 435, Laws of 1987 and RCW 26.23.030 are each amended to read as follows:

There is created a Washington state support registry within the office of support enforcement as the agency designated in Washington state to administer the child support program under Title IV-D of the federal social security act. The registry shall:

(1) Account for and disburse all support payments received by the registry;

(2) Maintain the necessary records including, but not limited to, information on support orders, support debts, the date and amount of support due; the date and amount of payments; and the names, social security numbers, and addresses of the parties;

(3) Develop procedures for providing information to the parties regarding action taken by, and support payments collected and distributed by the registry;

(4) The secretary of social and health services shall adopt rules for the maintenance and retention of records of support payments and for the archiving and destruction of such records when the support obligation terminates or is satisfied. When a support obligation established under court order entered in a superior court of this state has been satisfied, a satisfaction of judgment form shall be prepared by the registry and filed with the clerk of the court in which the order was entered.

The child support registry shall distribute all moneys received in compliance with 42 U.S.C. Sec. 657. Support received by the office of support enforcement shall be distributed promptly but not later than eight days from the date of receipt unless circumstances exist which make such distribution impossible. Such circumstances include when: (1) The location of the custodial parent is unknown; (2) the child support debt is in litigation; or (3) the responsible parent or custodial parent cannot be identified. When, following termination of public assistance, the office of support enforcement collects support, all moneys collected up to the maximum of the support due for the period following termination from public assistance shall, to the extent permitted by federal law, be paid to the custodial parent before any distribution to the office of support enforcement under 42 U.S.C. Sec. 657. This section shall not apply to support collected through intercepting federal tax refunds under 42 U.S.C. Sec. 664. When a responsible parent has more than one support obligation, or a support debt is owed to more than one party,

moneys received will be distributed between the parties proportionally, based upon the amount of the support obligation and/or support debt owed.

If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and up to ten percent of amounts collected as current support.

Sec. 7. Section 22, chapter 171, Laws of 1979 ex. sess. as amended by section 3, chapter 276, Laws of 1985 and RCW 74.20.330 are each amended to read as follows:

(1) Whenever public assistance is paid under this title, each applicant or recipient is deemed to have made assignment to the department of any rights to a support obligation from any other person the applicant or recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant or recipient is applying for or receiving public assistance, including any unpaid support obligation or support debt which has accrued at the time the assignment is made. Payment of public assistance under this title operates as an assignment by operation of law.

(2) Upon the recipient's request, the department (~~(may, and under appropriate circumstances)~~) shall ~~(:)~~ continue to establish the support obligation and to enforce and collect the support debt ~~((for a period not to exceed three months from the month following the month in which such family ceased))~~ after the family ceases to receive public assistance, and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040 (2) and (3). The department shall distribute all amounts collected in accordance with 42 U.S.C. Sec. 657 and RCW 26.23.030.

Sec. 8. Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 31, chapter 435, Laws of 1987 and RCW 74.20A.030 are each amended to read as follows:

The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 74.20A.055. Distribution of any support moneys shall be made in accordance with 42 U.S.C. Sec. 657.

Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

No collection action shall be taken against parents of children eligible for admission to, or children who have been released from, a state school for the developmentally disabled as defined by chapter 72.33 RCW.

The department may initiate, continue, maintain, or execute action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common law of this state, for a period not to exceed three months from the month following the month in which the family or any member thereof ceases to receive public assistance and thereafter if a nonassistance request for support enforcement services has been made under RCW 74.20.040 and RCW 26.23.030."

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 4 of the title, strike "and 74.21.904" and insert "74.21.904, 26.23.030, 74.20.330, and 74.20A.030".

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

POINT OF ORDER

Senator Vognild: "Thank you, Mr. President. I would like to raise the question of scope and object on the House amendments to Senate Bill No. 6675. Senate Bill 6675, as it left this body, approved the Family Independence Program Implementation Plan. It authorized the payment of dependent care expenses for recipients and former recipients serving on committees. It authorized the department to provide grants to each family opportunity council. It extended the expiration date and declared an emergency. As the bill came back to us from the House, it has an entirely new subject in the bill. It has a bill that was added which deals with child support payments and the method by which the department handles child support payments. I believe that the amendment from the House is clearly beyond the scope and object."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Vognild, the President finds that Senate Bill No. 6675 is a measure modifying provisions relating to the Family Independence Program.

"The amendments proposed by the House of Representatives modify the Family Independence Program, but also amend support enforcement statutes regarding time periods for distributing child support, restrict D.S.H.S. from applying certain collected funds to amounts due the department and allow O.S.E. to collect support for certain families for a longer time.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments by the House of Representatives to Senate Bill No. 6675 were ruled out of order.

MOTION

On motion of Senator Kiskaddon, the Senate refuses to concur in the House amendments to Senate Bill No. 6675 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SENATE BILL NO. 6396 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 110, Laws of 1973 as amended by section 31, chapter 185, Laws of 1987 and RCW 51.12.130 are each amended to read as follows:

(1) All persons registered as apprentices or trainees with the state apprenticeship council and participating in supplemental and related instruction classes conducted by a school district, a community college, a vocational school, or a local joint apprenticeship committee, shall be considered as workers of the state apprenticeship council and subject to the provisions of Title 51 RCW, for the time spent in actual attendance at such supplemental and related instruction classes.

(2) The assumed wage rate for all apprentices or trainees during the hours they are participating in supplemental and related instruction classes, shall be three dollars per hour. This amount shall be used for purposes of computations of premiums(~~and~~), For purposes of ((computations of) computing disability compensation payments, the actual wage rate during employment shall be used.

(3) Only those apprentices or trainees who are registered with the state apprenticeship council prior to their injury or death and who incur such injury or death while participating in supplemental and related instruction classes shall be entitled to benefits under the provisions of Title 51 RCW.

(4) The filing of claims for benefits under the authority of this section shall be the exclusive remedy of apprentices or trainees and their beneficiaries for injuries or death compensable under the provisions of Title 51 RCW against the state, its political subdivisions, the school district, community college, or vocational school and their members, officers or employees or any employer regardless of negligence.

(5) This section shall not apply to any apprentice or trainee who has earned wages for the time spent in participating in supplemental and related instruction classes."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the Senate do concur in the House amendment to Senate Bill No. 6396.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Nelson that the Senate do concur in the House amendment to Senate Bill No. 6396.

The motion by Senator Nelson carried and the Senate concurred in the House amendment to Senate Bill No. 6396.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, I can't help but comment that you have done an excellent job acting as President Pro Tempore up to that point, but I would wonder if maybe that was a quick ruling?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "It was a weak vote and a weak response from the floor."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6396, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6396, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Zimmerman - 41.

Absent: Senator Smith - 1.

Excused: Senators Benitz, Lee, Moore, Owen, Warnke, Williams, Wojahn - 7.

SENATE BILL NO. 6396, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4431, by Representatives Jacobsen, Rust, Leonard, Cole, Locke, Winsley, Brough, Peery, Fisher, Holm, Belcher, Pruitt, Jesernig, Haugen, Anderson, Appelwick, Grimm, Basich, Ebersole, Nelson, K. Wilson, Nutley, Crane, Hankins, Bristow, P. King, Rasmussen, Hine and Miller

Establishing a Joint Legislative Advisory Committee on Women in Athletics.

The resolution was read the second time.

MOTION

On motion of Senator Saling, the following Committee on Higher Education amendment was adopted:

On page 1, line 6, after "WHEREAS," strike the remainder of the resolution and insert "Young men continue to take advantage of opportunities to participate in individuals and teams sports; and

WHEREAS, Institutions of higher education have a responsibility to provide equal opportunities to male and female students in all academic and student services areas;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House concurring, That a Joint Legislative Advisory Committee on Intercollegiate Athletics be established; and

BE IT FURTHER RESOLVED, That the committee shall study and make recommendations on athletic programs available to men and women at state institutions of higher education. The study may include, but not be limited to: The types of athletic programs and activities available to men and women, and the funding levels, support services, and coaching staffs of the programs and activities; the sources of funding used for all aspects of intercollegiate athletics programs; the number of men and women participating in various programs and activities; the number and size of athletic scholarships available to men and women; and legal questions surrounding current funding levels for men's and women's athletic programs at state institutions of higher education; and

BE IT FURTHER RESOLVED, That whenever possible, the committee shall use data developed for the 1986 interim report of the Senate Education Committee, entitled, "Funding of Intercollegiate Athletics in Washington State Higher Education"; and

BE IT FURTHER RESOLVED, That the committee shall consist of up to twenty-five members as follows:

(1) Two members from each caucus of the Senate, selected by the President of the Senate; at least one member from each caucus shall be a member of the Committee on Higher Education in the Senate;

(2) Two members from each caucus of the House of Representatives, selected by the Speaker; at least one member from each caucus shall be a member of the Committee on Higher Education in the House of Representatives;

(3) Representatives of students, faculty, and administrators of the four-year institutions of higher education and the community colleges, selected by the President of the Senate and the Speaker of the House of Representatives; and

(4) Representatives of community sports programs, selected by the President of the Senate and the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED, That at least half the legislators and half the other members selected to serve on the advisory committee should be women; and

BE IT FURTHER RESOLVED, That the advisory committee report its findings and recommendations to the Legislature by the start of the regular legislative session in 1989."

MOTION

On motion of Senator Saling, the rules were suspended, Engrossed House Concurrent Resolution No. 4431, as amended by the Senate, was advanced to third reading, the second reading considered the third and the resolution was adopted.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1373,
HOUSE BILL NO. 1560.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1304,
SUBSTITUTE HOUSE BILL NO. 1339,
SUBSTITUTE HOUSE BILL NO. 1362,
SUBSTITUTE HOUSE BILL NO. 1377,
HOUSE BILL NO. 1693,
HOUSE BILL NO. 1710.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4446.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6578,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8027.

MOTION

At 7:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, March 8, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 8, 1988

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bender, McMullen, Moore, Owen, Patterson, Pullen, Rasmussen, West and Wojahn. On motion of Senator Gaspard, Senators Bender and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Tucker and Helen Simms, presented the Colors. Reverend Ronald Gadde, co-pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9152, John F. Naddy, III, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF JOHN F. NADDY, III

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 8; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Absent: Senators Bauer, McMullen, Moore, Owen, Patterson, Pullen, Rasmussen, West - 8.

Excused: Senators Bender, Wojahn - 2.

MOTIONS

On motion of Senator Vognild, Senators Moore and Owen were excused.

On motion of Senator Zimmerman, Senators Johnson and Pullen were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9178, Frank Ducceschi, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

APPOINTMENT OF FRANK DUCCESCHI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 3; excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 40.

Absent: Senators McMullen, Patterson, West - 3.

Excused: Senators Bender, Johnson, Moore, Owen, Pullen, Wojahn - 6.

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

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Appelwick, Haugen and Ferguson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1420 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1420 and the Senate amendments thereto: Senators Cantu, Garrett and Lee.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Rayburn, H. Sommers and Nealey.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1594 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1594 and the Senate amendments thereto: Senators Barr, DeJarnatt and Bailey.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The Speaker ruled the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 1640 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Jacobsen, Fox and Miller.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Second Substitute House Bill No. 1640 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 1640 and the Senate amendments thereto: Senators Saling, Patterson and McMullen.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Walk, Hine and Schmidt.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1817 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1817 and the Senate amendments thereto: Senators Patterson, Bender and Nelson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5378 with the following amendment:

On page 4, after line 26, insert:

"NEW SECTION. Sec. 9. The carrier or provider of any group disability contract, health care services contract or health maintenance agreement shall not cancel, reduce, limit or otherwise alter or change the coverage provided solely on the basis of the result of any prenatal test."

Renumber subsequent sections and correct internal references accordingly..

and the bill and the amendment are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5378.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5378, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5378, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler,

Lee, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 38.

Voting nay: Senators Cantu, Craswell, McCaslin, Pullen, Rasmussen, Smith - 6.

Absent: Senator West - 1.

Excused: Senators Bender, Moore, Owen, Wojahn - 4.

SECOND SUBSTITUTE SENATE BILL NO. 5378, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6115 with the following amendments:

On page 1, line 19 after "fund" insert ", within available funds,"

On page 6, after line 10 strike all material through line 25.

Re-number remaining sections accordingly..

and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Kiskaddon, the Senate concurred in the House amendments to Substitute Senate Bill No. 6115.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6115, as amended by the House.

MOTION

On motion of Senator Zimmerman, Senator Saling was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6115, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Patterson, Pullen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Voting nay: Senators Craswell, McCaslin, Rasmussen - 3.

Absent: Senators Fleming, West - 2.

Excused: Senators Bender, Moore, Owen, Saling, Wojahn - 5.

SUBSTITUTE SENATE BILL NO. 6115, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6128 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 218, Laws of 1963 as last amended by section 1, chapter 253, Laws of 1985 and RCW 36.68.400 are each amended to read as follows:

Any county shall have the power to create park and recreation service areas for the purpose of financing ~~(the acquisition, construction, improvement, maintenance or operation of)~~, acquiring, constructing, improving, maintaining, or operating any park, senior citizen activities centers, zoos, aquariums, and recreational facilities as defined in RCW 36.69.010 which shall be owned or leased by the county and administered as other county parks or shall be owned or leased and administered by a city or town or shall be owned or leased and administered by the park and recreation service area. A park and recreation service area may purchase athletic equipment and supplies, and provide for the upkeep of park buildings, grounds and facilities, and provide custodial, recreational and park program personnel at any park or recreational facility owned or leased by the service area or a county, city, or town. A park and recreation service area shall be a quasi-municipal corporation, an independent taxing

"authority" within the meaning of section 1, Article 7 of the Constitution, and a "taxing district" within the meaning of section 2, Article 7 of the Constitution.

A park and recreation service area shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to accept and expend or use gifts, grants, and donations, and to sue and be sued as well as all other powers that may now or hereafter be specifically conferred by statute.

The members of the county legislative authority (~~shall be~~), acting ex officio and independently, shall compose the governing body of any park and recreation service area which is created within the county: PROVIDED, That where a park and recreation service area includes an incorporated city or town within the county, the park and recreation service area may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. The voters of a park and recreation service area shall be all registered voters residing within the service area.

A multicounty park and recreation service area shall be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW.

Sec. 2. Section 12, chapter 210, Laws of 1981 and RCW 36.68.541 are each amended to read as follows:

Park and recreation service areas may hire employees and may fund all or a portion of the salaries and benefits of county park employees who perform work on county park and recreation facilities within the service area and may fund all or a portion of the salaries and benefits of city or town park employees who perform work on city or town park and recreation facilities within the service area.

Sec. 3. Section 16, chapter 218, Laws of 1963 as amended by section 13, chapter 210, Laws of 1981 and RCW 36.68.550 are each amended to read as follows:

A park and recreation service area may impose and collect use fees or other direct charges on facilities financed, acquired, and operated by the park and recreation service area. The county legislative authority may allow admission fees or other direct charges which are paid by persons using county park facilities located within a park and recreation service area to be transferred to a park and recreation service area. Such direct charges to users may be made for the use of or admission to swimming pools, field houses, tennis and handball courts, bathhouses, swimming beaches, boat launching, storage or moorage facilities, ski lifts, picnic areas and other similar recreation facilities, and for parking lots used in conjunction with such facilities. All funds collected under the provisions of this section shall be deposited to the fund of the service area established in the office of the county treasurer, to be disbursed under the service area budget as approved by the governing body of the park and recreation service area.

Sec. 4. Section 18, chapter 218, Laws of 1963 as amended by section 15, chapter 210, Laws of 1981 and RCW 36.68.570 are each amended to read as follows:

A park and recreation service area may reimburse the county for any charge incurred by the county current expense fund which is properly an expense of the service area, including reasonable administrative costs incurred by the offices of county treasurer and the county auditor in providing accounting, clerical or other services for the benefit of the service area. The county legislative authority (~~shall~~) may, where a county purchasing department has been established, provide for the purchase of all supplies and equipment for a park and recreation service area through the department. The park and recreation service area may contract with the county to administer purchasing.

Sec. 5. Section 19, chapter 218, Laws of 1963 as amended by section 16, chapter 210, Laws of 1981 and RCW 36.68.580 are each amended to read as follows:

Any park facility or park acquired, improved or otherwise financed in whole or in part by park and recreation service area funds shall be owned by the park service area and/or the county and/or the city or town in which the park or facility is located. The county may make expenditures from its current expense funds budgeted for park purposes for the maintenance, operation or capital improvement of any county park or park facility acquired, improved, or otherwise financed in whole or in part by park and recreation service area funds. Similarly, a city or town may make expenditures for any city or town park or park facility acquired, improved, or otherwise financed in whole or in part by park and recreation service area funds.

Sec. 6. Section 21, chapter 218, Laws of 1963 as amended by section 17, chapter 210, Laws of 1981 and RCW 36.68.600 are each amended to read as follows:

A ~~(county)~~ park and recreation service area may exercise any of the powers enumerated in chapter 67.20 RCW with respect to any park and recreation facility financed in whole or part from park and recreation service area funds.

Sec. 7. Section 1, chapter 107, Laws of 1921 as amended by section 1, chapter 97, Laws of 1949 and RCW 67.20.010 are each amended to read as follows:

Any city in this state acting through its city council, or its board of park commissioners when authorized by charter or ordinance, any separately organized park district acting through its board of park commissioners or other governing officers, any school district acting

through its board of school directors, any county acting through its board of county commissioners, any park and recreation service area acting through its governing body, and any town acting through its ((city)) town council shall have power, acting independently or in conjunction with the United States, the state of Washington, any county, city, park district, school district or town or any number of such public organizations to acquire any land within this state for park, playground, gymnasiums, swimming pools, field houses and other recreational facilities, bathing beach or public camp purposes and roads leading from said parks, playgrounds, gymnasiums, swimming pools, field houses and other recreational facilities, bathing beaches, or public camps to nearby highways by donation, purchase or condemnation, and to build, construct, care for, control, supervise, improve, operate and maintain parks, playgrounds, gymnasiums, swimming pools, field houses and other recreational facilities, bathing beaches, roads and public camps upon any such land, including the power to enact and enforce such police regulations not inconsistent with the constitution and laws of the state of Washington, as are deemed necessary for the government and control of the same. The power of eminent domain herein granted shall not extend to any land outside the territorial limits of the governmental unit or units exercising said power.

NEW SECTION, Sec. 8. A new section is added to chapter 36.68 RCW to read as follows:

A park and recreation service area may exercise the power of eminent domain to obtain property for its authorized purposes in a manner consistent with the power of eminent domain of the county in which the park and recreation service area is located."

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 36.68.400, 36.68.541, 36.68.550, 36.68.570, 36.68.580, 36.68.600, and 67.20.010; and adding a new section to chapter 36.68 RCW."

and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Substitute Senate Bill No. 6128.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6128, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6128, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Paterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, Reichbauer, Warnke, Williams, Zimmerman - 42.

Absent: Senators Conner, Deccio, West - 3.

Excused: Senators Bender, Owen, Saling, Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 6128, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6217 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The department of ecology shall sell its ownership interest in the Prosser well at the Washington State University research center for fair market value, to accommodate the needs of all concerned parties for the 1988 irrigation season. The proceeds of the sale shall be deposited in the state emergency water project revolving account established under RCW 43.83B.300. The department of ecology shall, to the extent possible, work closely with the department of general administration under RCW 43.82.010 to expedite the sale of the Prosser well. As a prerequisite to sale, the parties who agree to purchase the Prosser well according to this section, shall agree to be bound by any existing agreements between the department of ecology and the Washington State University research center at Prosser regarding the operation and maintenance of the Prosser well. The parties agree that the sale of the department of ecology's interest in the Prosser well will require compliance with chapter 90.44 RCW.

NEW SECTION. Sec. 2. The sum of one hundred fifty thousand dollars or as much thereof as may be necessary is appropriated from the emergency water projects revolving account to the department of ecology for the biennium ending June 30, 1989, for capital projects authorized under RCW 43.83B.300 to alleviate drought conditions. Expenditures of moneys appropriated under this section shall not exceed the amount of moneys deposited in the revolving account from the sale of the department of ecology's ownership interest in the well near Prosser under section 1 of this act.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2, after "center;" strike the remainder of the title and insert "creating a new section; making an appropriation; and declaring an emergency."

and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendments to Substitute Senate Bill No. 6217.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6217, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6217, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senator West - 1.

Excused: Senators Bender, Owen, Saling, Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 6217, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed **SUBSTITUTE SENATE BILL 6219** with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 17, chapter 155, Laws of 1984 and RCW 26.33.170 are each amended to read as follows:

An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines by clear, cogent and convincing evidence that the proposed adoption is in the best interests of the adoptee (~~and that the refusal to consent to adoption is arbitrary and capricious~~)).

Sec. 2. Section 49, chapter 291, Laws of 1977 ex. sess. as amended by section 49, chapter 155, Laws of 1979 and RCW 13.34.210 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department of social and health services or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption, or in the absence thereof in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a general guardian of the child has not been appointed by the court, the child shall be returned to the court for entry of further orders for his or her care, custody, and control, and the court shall review the case every six months thereafter until a decree of adoption is entered.

NEW SECTION. Sec. 3. A new section is added to chapter 26.33 RCW to read as follows:

The legislature declares that its intent is to allow for an open adoption process when extraordinary circumstances demonstrate that some parent-child contact will best serve the

child's interest and will not jeopardize the parent-child relationship established between the child and adoptive parents in the adoptive placement.

Sec. 4. Section 6, chapter 155, Laws of 1984 and RCW 26.33.060 are each amended to read as follows:

All hearings under this chapter shall be heard by the court without a jury. Unless the parties and the court agree otherwise, proceedings of contested hearings shall be recorded. The general public shall be excluded and only those persons shall be admitted whose presence is requested by any person entitled to notice under this chapter or whom the judge finds to have a direct interest in the case or in the work of the court. Persons so admitted shall not disclose any information obtained at the hearing which would identify the individual adoptee or parent involved except in accordance with an adoption contract issued in open adoptions under section 6 of this act. The court may require the presence of witnesses deemed necessary to the disposition of the petition, including persons making any report, study, or examination which is before the court if those persons are reasonably available. A person who has executed a valid waiver need not appear at the hearing. If the court finds that it is in the child's best interest, the child may be excluded from the hearing.

Sec. 5. Section 33, chapter 155, Laws of 1984 and RCW 26.33.330 are each amended to read as follows:

(1) All records of any proceeding under this chapter shall be sealed and shall not be thereafter open to inspection by any person except upon order of the court for good cause shown or in accordance with specific terms of an open adoption order under section 6 of this act.

(2) The state registrar of vital statistics may charge a reasonable fee for the review of any of its sealed records.

NEW SECTION. Sec. 6. A new section is added to chapter 26.33 RCW to read as follows:

(1) "Open adoption" means a written and mutually agreed upon plan for written or oral communication between an adoptive family and birth parents or between an adopted child and birth parents. The written plan may also specify a schedule of in-person visitation.

(2) In an original adoption proceeding, the court may order that an adoption be declared "open" if the court finds that:

(a) All parties to the proceeding, including the birth parents, agree that the adoption should be declared "open";

(b) It is in the child's best interest to have access to information about the natural parents; and

(c) The child's best interests will be served by allowing information about the child to be known by the natural parents.

(3) Any party to the proceeding may file a proposed adoption contract that shall be reviewed by the court and included in the adoption order in the discretion of the court. The adoption contract shall include:

(a) A method of initiating contact between the child and the natural parents, if such contact is agreed to;

(b) The nature of any visitation schedule or agreement between the parties, if visitation is agreed to;

(c) A statement of the child's right to refuse contact with the natural parents at any time;

(d) A method for dispute resolution in the event of difficulties in implementing the adoption contract; and

(e) A statement that all parties to the proceeding agree to the terms and conditions of the adoption contract. The contract shall be signed by all parties to the proceeding.

(4) Violation of the adoption contract shall not by itself constitute grounds for setting aside an adoption."

On line 1 of the title, after "adoption," strike the remainder of the title and insert "amending RCW 26.33.170, 13.34.210, 26.33.060, and 26.33.330; and adding new sections to chapter 26.33 RCW."

and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

Senator Kiskaddon moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6219.

POINT OF INQUIRY

Senator Talmadge: "Senator Kiskaddon, when we talk about open adoption in these proposed House amendments, we speak in terms of open adoption in the sense of the biological parent having free access to the adoptive child and the adoptive child having free access to information about the biological parent?"

Senator Kiskaddon: "Only in places where everyone agreed that that was an appropriate procedure and in the best interests of the child."

Senator Talmadge: "But no procedure is set up in here for an intermediary or anything else as has been done in times past in legislation before the Senate?"

Senator Kiskaddon: "The concept with this would be more a place to where all the people knew each other in advance and agreed that this would be the best way for the adoption to proceed."

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe that the House amendments to Substitute Senate Bill No. 6219 expand the scope and object of that bill. Specifically to the point, the original bill that was passed by the Senate dealt with some technical changes in terms of how adoptions were to occur—the burden of proof and the adoption proceeding, and some standards with respect to how the traditional adoption procedures were to take place. The House amendments basically add on to it the concept of open adoption which is a very controversial and different subject which makes possible in certain circumstances, without the benefit of intermediary or anything else, the access by the child to the biological parent and the biological parent to the child. I think that is a mistake and I think it clearly expands the scope and object of a relatively technical little bill relating to adoption procedures."

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6219 was deferred.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6298 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature that those historic archaeological resources located on state-owned aquatic lands that are of importance to the history of our state, or its communities, be protected for the people of the state. At the same time, the legislature also recognizes that divers have long enjoyed the recreation of diving near shipwrecks and picking up artifacts from the state-owned aquatic lands, and it is not the intent of the legislature to regulate these occasional, recreational activities except in areas where necessary to protect underwater historic archaeological sites. The legislature also recognizes that salvors who invest in a project to salvage underwater archaeological resources on state-owned aquatic lands should be required to obtain a state permit for their operation in order to protect the interest of the people of the state, as well as to protect the interest of the salvors who have invested considerable time and money in the salvage expedition.

Sec. 2. Section 3, chapter 134, Laws of 1975 1st ex. sess. as last amended by section 17, chapter 266, Laws of 1986 and RCW 27.53.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through material remains.

(2) "Department" means the department of community development.

(3) "Director" means the director of community development or the director's designee.

(4) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(5) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(6) "Professional archaeologist" means a person who has met the educational, training, and experience requirements of the society of professional archaeologists.

(7) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists.

(8) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(9) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

NEW SECTION. Sec. 3. All historic archaeological resources abandoned for thirty years or more in, on, or under the surface of any public lands or waters owned by or under the possession, custody, or control of the state of Washington, including, but not limited to all ships, or aircraft, and any part or the contents thereof, and all treasure trove is hereby declared to be the property of the state of Washington.

Sec. 4. Section 6, chapter 134, Laws of 1975 1st ex. sess. as last amended by section 18, chapter 266, Laws of 1986 and RCW 27.53.060 are each amended to read as follows:

On the private and public lands of this state it shall be unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly remove, alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, including, but not limited to, American Indian or aboriginal camp site, dwelling site, rock shelter, cave dwelling site, storage site, grave, burial site, or skeletal remains and grave goods, cairn, or tool making site, or to remove from any such land, site, or area, grave, burial site, cave, rock shelter, or cairn, any skeletal remains, artifact or implement of stone, bone, wood, or any other material, including, but not limited to, projectile points, arrowheads, knives, awls, scrapers, beads or ornaments, basketry, matting, mauls, pestles, grinding stones, rock carvings or paintings, or any other artifacts or implements, or portions or fragments thereof without having obtained a written ((permission)) permit from the director for such activities on public property or written permission from the private landowner for such activities on private land. A private landowner may request the director to assume the duty of issuing such permits. The director must obtain the consent of the public property owner or agency responsible for the management thereof, prior to issuance of the permit. The public property landowner or agency responsible for the management of such land may condition its consent on the execution of a separate agreement, lease, or other real property conveyance with the applicant as may be necessary to carry out the legal rights or duties of the public property landowner or agency. The director, in consultation with the Washington state archaeological research center, shall develop guidelines for the issuance and processing of ((such)) permits. Such written ((permission)) permit and any agreement or lease or other conveyance required by any public property owner or agency responsible for management of such land shall be physically present while any such activity is being conducted. The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground ((nor to the excavation and removal of artifacts from state-owned shorelands below the line of ordinary high water or within the intertidal zone)) which are not historic archaeological resources.

NEW SECTION. Sec. 5. Persons, firms, corporations, institutions, or agencies which discover a previously unreported historic archaeological resource on state-owned aquatic lands and report the site or location of such resource to the department shall have a right of first refusal to future salvage permits granted for the recovery of that resource, subject to the provisions of section 6 of this act. Such right of first refusal shall exist for five years from the date of the report. Should another person, firm, corporation, institution, or agency apply for a permit to salvage that resource, the reporting entity shall have sixty days to submit its own permit application and exercise its first refusal right, or the right shall be extinguished.

NEW SECTION. Sec. 6. The director is hereby authorized to enter into contracts with other state agencies or institutions and with qualified private institutions, persons, firms, or corporations for the discovery and salvage of state-owned historic archaeological resources. Such contracts shall include but are not limited to the following terms and conditions:

(1) Historic shipwrecks:

(a) The contract shall provide for fair compensation to a salvor. "Fair compensation" means an amount not less than ninety percent of the appraised value of the objects recovered following successful completion of the contract.

(b) The salvor may retain objects with a value of up to ninety percent of the appraised value of the total objects recovered, or cash, or a combination of objects and cash. In no event may the total of objects and cash exceed ninety percent of the total appraised value of the objects recovered. A salvor shall not be entitled to further compensation from any state sources.

(c) The contract shall provide that the state will be given first choice of which objects it may wish to retain for display purposes for the people of the state from among all the objects recovered. The state may retain objects with a value of up to ten percent of the appraised value of the total objects recovered. If the state chooses not to retain recovered objects with a value of up to ten percent of the appraised value, the state shall be entitled to receive its share

in cash or a combination of recovered objects and cash so long as the state's total share does not exceed ten percent of the appraised value of the objects recovered.

(d) The contract shall provide that both the state and the salvor shall have the right to select a single appraiser or joint appraisers.

(e) The contract shall also provide that title to the objects shall pass to the salvor when the permit is issued. However, should the salvor fail to fully perform under the terms of the contract, title to all objects recovered shall revert to the state.

(2) Historic aircraft:

(a) The contract shall provide that historic aircraft belonging to the state of Washington may only be recovered if the purpose of that salvage operation is to recover the aircraft for a museum, historical society, nonprofit organization, or governmental entity.

(b) Title to the aircraft may only be passed by the state to one of the entities listed in (a) of this subsection.

(c) Compensation to the salvor shall only be derived from the sale or exchange of the aircraft to one of the entities listed in (a) of this subsection or such other compensation as one of the entities listed in (a) of this subsection and the salvor may arrange. The salvor shall not have a claim to compensation from state funds.

(3) Other historic archaeological resources: The director, in his or her discretion, may negotiate the terms of such contracts.

NEW SECTION. Sec. 7. The salvor shall agree to mitigate any archaeological damage which occurs during the salvage operation. The department shall have access to all property recovered from historic archaeological sites for purposes of scholarly research and photographic documentation for a period to be agreed upon by the parties following completion of the salvage operation. The department shall also have the right to publish scientific papers concerning the results of all research conducted as project mitigation.

The director has the right to refuse to issue a permit for salvaging an historic archaeological resource if that resource would be destroyed beyond mitigation by the proposed salvage operation. Any agency, institution, person, firm, or corporation which has been denied a permit because the resource would be destroyed beyond mitigation by their method of salvage shall have a right of first refusal for that permit at a future date should technology be found which would make salvage possible without destroying the resource. Such right of first refusal shall be in effect for sixty days after the director has determined that salvage can be accomplished by a subsequent applicant without destroying the resource.

No person, firm, or corporation may conduct such salvage or recovery operation herein described without first obtaining such contract.

Sec. 8. Section 43.19.1919, chapter 8, Laws of 1965 as amended by section 11, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1919 are each amended to read as follows:

The division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

This section does not apply to property under section 3 of this 1988 act.

NEW SECTION. Sec. 9. A new section is added to chapter 79.90 RCW to read as follows:

After consultation with the director of community development, the department of natural resources may enter into agreements, leases, or other conveyances for archaeological activities on state-owned aquatic lands. Such agreements, leases, or other conveyances may contain such conditions as are required for the department of natural resources to comply with its legal rights and duties. All such agreements, leases, or other conveyances, shall be issued in accordance with the terms of chapters 79.90 through 79.96 RCW.

NEW SECTION. Sec. 10. The department of community development shall publish annually and update as necessary a list of those areas where permits are required to protect historic archaeological sites on aquatic lands.

NEW SECTION. Sec. 11. The department of community development shall have such rule-making authority as is necessary to carry out the provisions of this chapter.

NEW SECTION. Sec. 12. Any proceeds from the state's share of property under this chapter shall be transmitted to the state treasurer for deposit in the general fund to be used only for the purposes of historic preservation and underwater archaeology.

NEW SECTION, Sec. 13. This act shall not affect any ongoing salvage effort in which the state has entered into separate contracts or agreements prior to the effective date of this act.

NEW SECTION, Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 15. Sections 3, 5 through 7, and 10 through 12 of this act are each added to chapter 27.53 RCW.

NEW SECTION, Sec. 16. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "value;" strike the remainder of the title and insert "amending RCW 27.53.030, 27.53.060, and 43.19.1919; adding new sections to chapter 27.53 RCW; adding a new section to chapter 79.90 RCW; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 6298.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, historical archaeological resources mean those properties which are listed or eligible for listing—something down there at the bottom of Puget Sound or the ocean within three miles of Washington. How am I, if I'm a diver out there, how am I going to know how historic that is, if I go down there and remove a porthole or a steering wheel or whatever, how am I going to tell that?"

Senator McCaslin: "It probably would be very difficult. I'm not a diver, but I suppose you would notify the Department of Natural Resources of your find and discuss it with them and go from there."

Senator Rasmussen: "Well, I don't have my underwater telephone hooked up and I'm down there, I've got so much air supply and I'm going to come back up and tell them there's something down there and is it or isn't it historic?"

Senator McCaslin: "Well, I don't want to get into the PNB bill, but I think if you're an experienced diver and you know what you're going to go after and you're planning—and you are familiar with the area and if you're not familiar with it and you do pick up a memorabilia while you're down there, I'm sure you, being an honest person, you'd check with the Department of Natural Resources."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6298, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6298, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent, 2; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Rinehart, Saling, Sellar, Smithsonian, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 40.

Voting nay: Senators Hansen, Pullen, Rasmussen - 3.

Absent: Senators Smith, West - 2.

Excused: Senators Bender, Deccio, Owen, Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 6298, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6308 with the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature recognizes the need for appropriate training of juvenile court judges, attorneys, court personnel, and service providers in the dependency system and at-risk youth systems.

Sec. 2. Section 3, chapter 259, Laws of 1957 as last amended by section 6, chapter 363, Laws of 1987 and RCW 2.56.030 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective: ((and))

(13) Attend to such other matters as may be assigned by the supreme court of this state; and

(14) Develop a curriculum for a general understanding of child development and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A and 13.34 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988."

and the bill and the amendment are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Kiskaddon, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6308.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6308, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6308, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senator West - 1.

Excused: Senators Bender, Deccio, Owen, Wojahn - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6308, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6344 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 43.23 RCW to read as follows:

The agricultural local fund is hereby established in the custody of the state treasurer. The fund shall consist of such money as is directed by law for deposit in the fund, and such other money not subject to appropriation that the department authorizes to be deposited in the fund. Any money deposited in the fund, the use of which has been restricted by law, may only be expended in accordance with those restrictions. The department may make disbursements from the fund. The fund is not subject to legislative appropriation.

Sec. 2. Section 47, chapter 63, Laws of 1969 as last amended by section 176, chapter 202, Laws of 1987 and RCW 15.49.470 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid ~~((into the seed fund in the state treasury which is hereby established))~~ to the director and deposited in an account within the agricultural local fund. Such ~~((fund))~~ deposits shall be used only in the administration and enforcement of this chapter. ~~((All moneys collected under the provisions of chapter 15.49 RCW and remaining in such seed fund account on July 1, 1975, shall likewise be used only in the enforcement of this chapter. PROVIDED, That))~~ Any residual balance remaining in the seed fund on the effective date of this 1988 section shall be transferred to that account within the agricultural local fund. All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 3. Section 36, chapter 22, Laws of 1967 ex. sess. as amended by section 11, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.54.480 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid ~~((into the fertilizer, agricultural mineral and lime fund in the state treasury which is hereby established))~~ to the director and deposited in an account within the agricultural local fund. Such ~~((fund))~~ deposits shall be used only in the administration and enforcement of this chapter. ~~((All moneys collected under the provisions of chapter 15.54 RCW and remaining in such fertilizer, agricultural mineral and lime account in the state general fund on July 1, 1975, shall likewise be used only in the enforcement of this chapter.))~~ Any residual balance remaining in the fertilizer, agricultural mineral and lime fund on the effective date of this 1988 section shall be transferred to that account within the agricultural local fund.

Sec. 4. Section 15.52.320, chapter 11, Laws of 1961 as amended by section 2, chapter 57, Laws of 1985 and RCW 15.52.320 are each amended to read as follows:

All money collected as fees for brand registrations hereunder shall be paid to the director and deposited in ~~((a special))~~ an account ~~((in the state treasury known as the feed and fertilizer account, and))~~ within the agricultural local fund. Such deposits shall be used exclusively for the maintenance and enforcement of this chapter, except that not to exceed fifteen percent of said registration fees may, with the consent of the director, be used to purchase equipment and materials to facilitate testing and analyzing required herein. ~~((All earnings of investments of balances in the feed and fertilizer account shall be credited to the general fund.))~~ Any residual balance remaining in the feed and fertilizer account on the effective date of this 1988 section shall be transferred to the account within the agricultural local fund.

Sec. 5. Section 19, chapter 31, Laws of 1965 ex. sess. as amended by section 8, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.53.904 are each amended to read as follows:

All moneys collected under ~~((the provisions of))~~ this chapter shall be paid ~~((into the commercial feed fund in the state treasury which is hereby established))~~ to the director and deposited in an account within the agricultural local fund. Such ~~((fund))~~ deposits shall be used

only in the administration and enforcement of this chapter. (~~All moneys collected under the provisions of chapter 15.53 RCW and remaining in such commercial feed account in the state general fund on the effective date of this chapter, shall be used in enforcement of this chapter.~~) Any residual balance remaining in the commercial feed fund on the effective date of this 1988 section shall be transferred to the account within the agricultural local fund.

Sec. 6. Section 4, chapter 29, Laws of 1961 and RCW 15.30.040 are each amended to read as follows:

The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee ~~(of five dollars)~~ prescribed by the director by rule.

Sec. 7. Section 3, chapter 113, Laws of 1969 and RCW 15.09.030 are each amended to read as follows:

Each horticultural pest and disease board shall be comprised of five voting members, four of whom shall be appointed by the board of county commissioners and one of whom shall be ~~(the inspector at large for the horticultural district in which the county is located)~~ appointed by the director. In addition, the chief county extension agent, or a county extension agent appointed by the chief agent, shall be a nonvoting member of the board.

Of the four members appointed by the board of county commissioners, one of such members shall have at least a practical knowledge of horticultural pests and diseases, and the other members shall be residents of the county, shall own land within the county and shall be engaged in the primary and commercial production of a horticultural product or products. Such appointed members shall serve a term of two years and shall serve without salary.

Sec. 8. Section 1, chapter 39, Laws of 1975 as amended by section 179, chapter 46, Laws of 1983 1st ex. sess. and RCW 69.04.930 are each amended to read as follows:

It shall be unlawful for any person to sell at retail or display for sale at retail any food fish or shellfish as defined in RCW 75.08.011, any meat capable of use as human food as defined in RCW 16.49A.150 as now or hereafter amended, or any meat food product as defined in RCW 16.49A.130 as now or hereafter amended which has been frozen ~~(subsequent to being offered for sale or distribution to the ultimate consumer)~~ at any time, without having the package or container in which the same is sold bear a label clearly discernible to a customer that such product has been frozen and whether or not the same has since been thawed. No such food fish or shellfish, meat or meat food product shall be sold unless in such a package or container bearing said label: PROVIDED, That this section shall not include any of the aforementioned food or food products that have been frozen prior to being smoked, cured, cooked or subjected to the heat of commercial sterilization.

NEW SECTION, Sec. 9. A new section is added to chapter 69.07 RCW to read as follows:

The department may issue sanitary certificates to food processors under this chapter subject to such requirements as it may establish by rule. The fee for issuance shall be twenty dollars per certificate. Fees collected under this section shall be deposited in the agricultural local fund.

Sec. 10. Section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 305, Laws of 1983 and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 RCW or chapter 24.32 RCW, except as to that portion of the activities of the association or federation that involve the handling or dealing in the agricultural products of nonmembers of the organization: PROVIDED, That the associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if the cooperative or association acts as a processor as defined in RCW 20.01.500(2) and markets the processed agricultural crops on behalf of the grower or its own behalf, the association or federation is subject to the provisions of RCW 20.01.500 through 20.01.560 and the license provision of this chapter excluding bonding provisions: PROVIDED FURTHER, That none of the foregoing exemptions in this subsection apply to any such cooperative or federation dealing in or handling grain in any manner, and not licensed under the provisions of chapter 22.09 RCW;

(2) Any person who sells exclusively his or her own agricultural products as the producer thereof;

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of the public livestock market's obligation. However, any such market operating as a livestock dealer or order buyer, or both, is subject to all provisions of this chapter except for the payment of the license fee required in RCW 20.01.040;

(4) Any retail merchant having a bona fide fixed or permanent place of business in this state, but only for the retail merchant's retail business conducted at such fixed or established place of business;

(5) Any person buying farm products for his or her own use or consumption;

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act, chapter 22.09 RCW, with respect to his ~~((operations as a licensee under that act))~~ or her handling of any agricultural product as defined under that chapter;

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his or her operations as such licensee;

(8) Any person licensed under the now existing dairy laws of the state with respect to his or her operations as such licensee;

(9) Any producer who purchases less than fifteen percent of his or her volume to complete orders;

(10) Any person, association, or corporation regulated under chapter 67.16 RCW and the rules adopted thereunder while performing acts regulated by that chapter and the rules adopted thereunder;

(11) Any boom loader who loads exclusively his or her own hay or straw as the producer thereof.

Sec. 11, Section 16, chapter 305, Laws of 1983 as amended by section 19, chapter 393, Laws of 1987 and RCW 22.09.011 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(4) "Agricultural commodities," ~~((hereinafter referred to as))~~ "or" "commodities," means ~~((but is not limited to:));~~ (a) All the grains, peas, beans, lentils, corn, sorghums, malt, peanuts, and flax(:); and (b) other ~~((similar))~~ agricultural products similar to those listed in (a) of this subsection which have been designated by the department by rule.

(5) "Warehouse," also referred to as a public warehouse, means any elevator, mill, subterminal grain warehouse, terminal warehouse, country warehouse, or other structure or enclosure located in this state that is used or useable for the storage of agricultural products, and in which commodities are received from the public for storage, handling, conditioning, or shipment for compensation. The term does not include any warehouse storing or handling fresh fruits and/or vegetables, any warehouse used exclusively for cold storage, or any warehouse that conditions yearly less than three hundred tons of an agricultural commodity for compensation.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Subterminal warehouse" means any warehouse that performs an intermediate function in which agricultural commodities are customarily received from dealers rather than producers and where the commodities are accumulated before shipment to a terminal warehouse.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and that are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area that can be reasonably audited by the department as a station under this chapter and that has been established as such by the director by rule adopted under chapter 34.04 RCW, or (f) within twenty miles of each other but separated by the border between Washington and Idaho or Oregon when the books and records for the station are maintained at the warehouse located in Washington.

(9) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(10) "Warehouseman" means any person owning, operating, or controlling a warehouse in the state of Washington.

(11) "Depositor" means (a) any person who deposits a commodity with a Washington state licensed warehouseman for storage, handling, conditioning, or shipment, or (b) any person who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of the deposit of a commodity with a Washington state licensed warehouseman or (c) any producer whose agricultural commodity has been sold to a grain dealer through the dealer's place of business located in the state of Washington, or any Washington producer whose agricultural commodity has been sold to or is under the control of a grain dealer, whose place of business is located outside the state of Washington.

(12) "Historical depositor" means any person who in the normal course of business operations has consistently made deposits in the same warehouse of commodities produced on the same land. In addition the purchaser, lessee, and/or inheritor of such land from the original

historical depositor with reference to the land shall be considered a historical depositor with regard to the commodities produced on the land.

(13) "Grain dealer" means any person who, through his place of business located in the state of Washington, solicits, contracts for, or obtains from a producer, title, possession, or control of any agricultural commodity for purposes of resale, or any person who solicits, contracts for, or obtains from a Washington producer, title, possession, or control of any agricultural commodity for purposes of resale.

(14) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of a commodity produced on that land.

(15) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in Article 7 of Title 62A RCW.

(16) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (15) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and showing the warehouse's name and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

(17) "Put through" means agricultural commodities that are deposited in a warehouse for receiving, handling, conditioning, or shipping, and on which the depositor has concluded satisfactory arrangements with the warehouseman for the immediate or impending shipment of the commodity.

(18) "Conditioning" means, but is not limited to, the drying or cleaning of agricultural commodities.

(19) "Deferred price contract" means a contract for the sale of commodities that conveys the title and all rights of ownership to the commodities represented by the contract to the buyer, but allows the seller to set the price of the commodities at a later date based on an agreed upon relationship to a future month's price or some other mutually agreeable method of price determination. Deferred price contracts include but are not limited to those contracts commonly referred to as delayed price, price later contracts, or open price contracts.

(20) "Shortage" means that a warehouseman does not have in his possession sufficient commodities at each of his stations to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him for the station.

(21) "Failure" means:

(a) An inability to financially satisfy claimants in accordance with this chapter and the time limits provided for in it;

(b) A public declaration of insolvency;

(c) A revocation of license and the leaving of an outstanding indebtedness to a depositor;

(d) A failure to redeliver any commodity to a depositor or to pay depositors for commodities purchased by a licensee in the ordinary course of business and where a bona fide dispute does not exist between the licensee and the depositor;

(e) A failure to make application for license renewal within sixty days after the annual license renewal date; or

(f) A denial of the application for a license renewal.

Sec. 12. Section 3, chapter 452, Laws of 1987 and RCW 15.88.030 are each amended to read as follows:

(1) There is created an agricultural commodity commission to be known and designated as the Washington wine commission. Except as provided in RCW 15.88.100(2), the commission shall be composed of eleven voting members; five voting members shall be growers, five voting members shall be wine producers, and one voting member shall be a wine wholesaler licensed under RCW 66.24.200. Of the grower members, at least one shall be a person who does not have over fifty acres of vinifera grapes in production, at least one shall be a person who has over one hundred acres of vinifera grapes in production, and two may be persons who produce and sell their own wine. Of the wine producer members, at least one shall be a person producing not more than twenty-five thousand gallons of wine annually, at least one shall be a person producing over one million gallons of wine annually, and at least two shall be persons who produce wine from their own grapes. In addition, at least one member shall be a wine producer located in western Washington and at least two members shall be wine producers located in eastern Washington.

(2) In addition to the voting members identified in subsection (1) of this section, the commission shall have one nonvoting member who is a wine producer in this state whose principal wine or wines are produced from fruit other than vinifera grapes. The director of agriculture, or the director's designee, shall serve as an ex officio, nonvoting member.

(3) Except as provided in RCW 15.88.100(2), seven voting members of the commission constitute a quorum for the transaction of any business of the commission.

(4) Each voting member of the commission shall be a citizen and resident of this state and over the age of twenty-one years. Each voting member, except the member holding position eleven, must be or must have been engaged in that phase of the grower or wine producer industry that he or she is appointed to represent, and must during his or her term of office

derive a substantial portion of income therefrom, or have a substantial investment in the growing of vinifera grapes or the production of wine from vinifera grapes as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the growing of vinifera grapes or wine production from vinifera grapes; or the manager or executive officer of such a corporation. These qualifications apply throughout each member's term of office.

Sec. 13. Section 4, chapter 452, Laws of 1987 and RCW 15.88.040 are each amended to read as follows:

The appointive voting positions on the commission shall be designated as follows: The wine producers shall be designated positions one, two, three, four, and five; the growers shall be designated positions six, seven, eight, nine, and ten; and the wine wholesaler shall be position eleven. The nonvoting industry member shall be designated position number twelve. The member designated as filling position one shall be a person producing over one million gallons of wine annually. The member designated as position one shall be the sole representative, directly or indirectly, of the producer eligible to hold position one and in no event shall that producer directly or indirectly control more than fifty percent of the votes of the commission.

Except as provided in RCW 15.88.100(2), the regular terms of office shall be three years from the date of appointment and until their successors are appointed. However, the first terms of the members appointed upon July 1, 1987, shall be as follows: Positions one, six, and eleven shall terminate July 1, 1990; positions two, four, seven, and nine shall terminate July 1, 1989; and positions three, five, eight, and ten shall terminate July 1, 1988. The term of the initial nonvoting industry member shall terminate July 1, 1990.

Sec. 14. Section 10, chapter 452, Laws of 1987 and RCW 15.88.100 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the vote of each of the voting members of the commission shall be weighted as provided by this subsection for the transaction of any of the business of the commission. The total voting strength of the entire voting membership of the commission shall be eleven votes. The vote of position one shall be equal to the lesser of the following: Five and one-half votes; or eleven votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(2) In the event the assessment described in RCW 66.24.215(1)(b) is not effective on July 1, 1989, the positions designated for growers cease to exist. In such an event, the commission shall be composed of six voting members and ~~((one)) two~~ nonvoting members. The nonvoting industry member shall be position seven. Four voting members of the commission constitute a quorum for the modified commission. Of the six votes of the entire voting membership of the modified commission, the vote of position one shall be the lesser of the following: Three votes; or six votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(3) In the event that the percentage of wine produced by the producer represented by position one falls below twenty-five percent of the wine produced in this state, the weighted voting mechanism provided for in subsections (1) and (2) of this section shall cease to be effective. In that case, the voting shall be based on one vote per position.

NEW SECTION. Sec. 15. Section 14 of this act shall take effect July 1, 1989.

Sec. 16. Section 8, chapter 139, Laws of 1959 as last amended by section 4, chapter 304, Laws of 1977 ex. sess. and RCW 20.01.080 are each amended to read as follows:

Any person applying for a commission merchant's license shall include in his or her application a schedule of commissions, together with an itemized list of all charges for services to be rendered to a consignor and shall post a copy of such charges on his or her premises in a conspicuous place where it is clearly visible and available to consignors. In addition to the posting of the itemized list of charges, such list shall be distributed to each consignor along with each contract entered into between the consignor and the commission merchant. Such commissions and charges shall not be changed or varied for the license period except by written contract between the consignor or his or her agent and the licensee or thirty days after written notice to the director, and proper posting of such changes, as prescribed by the director, on the licensee's premises. Charges for services rendered and not listed on the schedule of commissions and charges filed with the director, or for increases in charges listed and filed which are directly caused by increases in labor rates or in cost of materials which occur after the signing of the contract by the grower, shall be rendered only on an actual cost to the licensee basis.

Sec. 17. Section 38, chapter 139, Laws of 1959 as last amended by section 33, chapter 296, Laws of 1981 and RCW 20.01.380 are each amended to read as follows:

Every dealer or cash buyer purchasing any agricultural products from the consignor thereof shall promptly make and keep for one year a correct record showing in detail the following:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The terms of the sale.
- (4) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (5) An itemized statement of any charges paid by the dealer or cash buyer for the account of the consignor.
- (6) The name and address of the purchaser: PROVIDED, That the name and address of the purchaser may be deleted from the record furnished to the consignor.
- (7) A copy of the itemized list of charges required under RCW 20.01.080 in effect on the date the terms of sale were agreed upon.

A copy of such record containing the above matters shall be forwarded to the consignor forthwith.

Livestock dealers must also maintain individual animal identification and disposition records as may be required by law, or regulation adopted by the director.

Sec. 18, Section 37, chapter 139, Laws of 1959 as last amended by section 5, chapter 115, Laws of 1979 ex. sess. and RCW 20.01.370 are each amended to read as follows:

Every commission merchant taking control of any agricultural products for sale as such commission merchant, shall promptly make and keep for a period of one year, beginning on the day the sale of the product is complete, a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- ~~(4) (Date of such sale for account of consignor.~~
- ~~(5) The terms of the sale.~~
- (6) An accounting of all sales, including dates, terms of sales, quality and quantity of agricultural products sold, and proof of payments received on behalf of the consignor.

~~(5) The terms of payment to the producer.~~

~~((7)) (6) An itemized statement of the charges to be paid by consignor in connection with the sale.~~

~~((8)) (7) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.~~

~~((9)) (8) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.~~

~~((10)) (9) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.~~

Where a pooling arrangement is agreed to in writing between the consignor and commission merchant, the reporting requirements of subsections (4), (5), (6), ~~((7))~~ and ~~((8))~~ (8) of this section shall apply to the pool rather than to the individual consignor or consignment and the records of the pool shall be available for inspection by any consignor to that pool.

The commission merchant shall transmit a copy of the record required by this section to the consignor on the same day the final remittance is made to the consignor as required by RCW 20.01.430 as now or hereafter amended.

Sec. 19, Section 46, chapter 139, Laws of 1959 as last amended by section 13, chapter 178, Laws of 1986 and RCW 20.01.460 are each amended to read as follows:

(1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) and (3) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

- (a) Imposes false charges for handling or services in connection with agricultural products.
- (b) Makes fictitious sales or is guilty of collusion to defraud the consignor.
- (c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(d) Fails to comply with the payment requirements set forth under RCW 20.01.010(10), 20.01.390 or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410 or 20.01.610 has committed a civil infraction.

Sec. 20. Section 9, chapter 32, Laws of 1951 as last amended by section 174, chapter 3, Laws of 1983 and RCW 70.79.090 are each amended to read as follows:

The following boilers and unfired pressure vessels shall be exempt from the requirements of RCW 70.79.220 and 70.79.240 through 70.79.330:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;

(2) Unfired pressure vessels that are part of fertilizer applicator rigs designed and used exclusively for fertilization in the conduct of agricultural operations;

(3) Steam boilers used exclusively for heating purposes carrying a pressure of not more than fifteen pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;

~~((3))~~ (4) Hot water heating boilers carrying a pressure of not more than thirty pounds per square inch and which are located in private residences or in apartment houses of less than six families;

~~((4))~~ (5) Approved pressure vessels (hot water heaters listed by a nationally recognized testing agency), with approved safety devices including a pressure relief valve, with a nominal water containing capacity of one hundred twenty gallons or less having a heat input of two hundred thousand b.t.u.'s per hour or less, used for hot water supply at pressure of one hundred sixty pounds per square inch or less, and at temperatures of two hundred degrees Fahrenheit or less; PROVIDED, HOWEVER, That such pressure vessels are not installed in schools, child care centers, public and private hospitals, nursing and boarding homes, churches, public buildings owned or leased and maintained by the state or any political subdivision thereof, and assembly halls;

~~((5))~~ (6) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families;

~~((6))~~ (7) Unfired pressure vessels containing liquified petroleum gases."

On page 1, line 1 of the title, after "agriculture;" strike the remainder of the title and insert "amending RCW 15.49.470, 15.54.480, 15.52.320, 15.53.9044, 15.30.040, 15.09.030, 69.04.930, 20.01.030, 22.09.011, 15.88.030, 15.88.040, 15.88.100, 20.01.080, 20.01.380, 20.01.370, 20.01.460, and 70.79.090; adding a new section to chapter 43.23 RCW; adding a new section to chapter 69.07 RCW; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Barr, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 6344 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6603 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 46, chapter 238, Laws of 1967 as last amended by section 39, chapter 109, Laws of 1987 and by section 13, chapter 405, Laws of 1987 and RCW 70.94.331 are each re-enacted and amended to read as follows:

(1) The department shall have all the powers as provided in RCW 70.94.141.

(2) The department, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapter 42.30 RCW and chapter 34.04 RCW shall:

(a) Adopt rules and regulations establishing air quality objectives and air quality standards;

(b) Adopt emission standards which shall constitute minimum emission standards throughout the state. An authority may enact more stringent emission standards, except for emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices which shall be state-wide, but in no event may less stringent standards be enacted by an authority without the prior approval of the department after public hearing and due notice to interested parties;

(c) Adopt by rule and regulation air quality standards and emission standards for the control or prohibition of emissions to the outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter. However, an industry, or the air pollution control authority having jurisdiction, can choose, subject to the submittal of appropriate data that the industry has quantified, to have any limit on the opacity of emissions from a source whose emission standard is stated in terms of a weight of particulate per unit volume of air (e.g., grains per dry standard cubic foot) be based on the applicable particulate emission standard for that source, such that any violation of the opacity limit accurately indicates a violation of the applicable particulate emission standard. A reasonable fee may be assessed to the industry to which the alternate opacity standard would apply. The fee shall cover only those costs to the air pollution control authority which are directly related to the determination on the acceptability of the alternate opacity standard, including testing, oversight and review of data.

(3) The air quality standards and emission standards may be for the state as a whole or may vary from area to area, except that emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices shall be state-wide, as may be appropriate to facilitate the accomplishment of the objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or reasonable foreseeable air pollution, topographic and meteorologic conditions and other pertinent variables.

(4) The department is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The department is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

(6) The department shall enforce the air quality standards and emission standards throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state.

(7) The department shall encourage local units of government to handle air pollution problems within their respective jurisdictions; and, on a cooperative basis provide technical and consultative assistance therefor.

(8) The department shall have the power to require the addition to or deletion of a county from an existing authority in order to carry out the purposes of this chapter: PROVIDED, HOWEVER, That no such addition or deletion shall be made without the concurrence of any existing authority involved. Such action shall only be taken after a public hearing held pursuant to the provisions of chapter 34.04 RCW."

and the bill and the amendment are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendment to Substitute Senate Bill No. 6603.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6603, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6603, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senators Lee, West - 2.

Excused: Senators Bender, Owen, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 6603, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SENATE BILL NO. 6480 with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 77.16 RCW to read as follows:

(1) A person commits the crime of obstructing the taking of fish or wildlife if the person:

(a) Harasses, drives, or disturbs fish or wildlife with the intent of disrupting lawful pursuit or taking thereof; or

(b) Harasses, interferes with, or intimidates an individual engaged in the lawful taking of fish or wildlife or lawful predator control.

(2) Violation of this section is a gross misdemeanor under RCW 77.21.010.

(3) It is a defense to any prosecution under subsection (1) of this section, if the person charged:

(a) Interferes with any person engaged in hunting outside legally established hunting seasons;

(b) Is preventing or attempting to prevent the injury or killing of a protected wildlife species, as defined by this title;

(c) Is preventing or attempting to prevent unauthorized trespass on private property; or

(d) Is defending oneself or another person from bodily harm or property damage by a person attempting to prevent hunting in a legally established hunting season.

NEW SECTION. Sec. 2. A new section is added to chapter 77.16 RCW to read as follows:

Any person who is damaged by any act prohibited in section 1 of this act may bring a civil action to enjoin further violations, and recover damages sustained, including a reasonable attorney's fee. The trial court may increase the award of damages to an amount not to exceed three times the damages sustained. A party seeking civil damages under this section may recover upon proof of a violation of the provisions of section 1 of this act by a preponderance of the evidence. The state of Washington may bring a civil action to enjoin violations of section 1 of this act.

Sec. 3. Section 77.16.240, chapter 36, Laws of 1955 as last amended by section 2, chapter 372, Laws of 1987, by section 19, chapter 380, Laws of 1987, and by section 69, chapter 506, Laws of 1987 and RCW 77.21.010 are each reenacted and amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving 77.16.210, 77.16.220, 77.16.310, 77.16.320, section 1 of this 1988 act, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving big game or an endangered species is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment. Each subsequent violation within a five-year period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120 involving big game or an endangered species, as defined by the commission under the authority of RCW 77.04.090, shall be prosecuted and punished as a class C felony as defined in RCW 9A.20.020. In connection with each such felony prosecution, the director shall provide the court with an inventory of all articles or devices seized under this title in connection with the violation. Inventoried articles or devices shall be disposed of pursuant to RCW 77.21.040.

(2) A person violating or failing to comply with this title or rules adopted pursuant to this title for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of five hundred dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment. The commission may provide, when not inconsistent with applicable statutes, that violation of a specific rule is an infraction under chapter 7.84 RCW.

(3) A person placing traps on private property without permission of the owner, lessee, or tenant where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner, is guilty of the misdemeanor of trespass as defined and established in RCW 9A.52.010 and 9A.52.080 and shall be punished for each offense by a fine of not less than two hundred fifty dollars.

(4) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

(5) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

(6) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules adopted pursuant to this title and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 4. Section 6, chapter 288, Laws of 1985 and RCW 9A.46.060 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (~~((RCW 9A.36.010))~~) (RCW 9A.36.011);
- (5) Assault in the second degree (~~((RCW 9A.36.020))~~) (RCW 9A.36.021);
- (6) Simple assault (~~((RCW 9A.36.040))~~) (RCW 9A.36.041);
- (7) Reckless endangerment (RCW 9A.36.050);
- (8) Extortion in the first degree (RCW 9A.56.120);
- (9) Extortion in the second degree (RCW 9A.56.130);
- (10) Coercion (RCW 9A.36.070);
- (11) Burglary in the first degree (RCW 9A.52.020);
- (12) Burglary in the second degree (RCW 9A.52.030);
- (13) Criminal trespass in the first degree (RCW 9A.52.070);
- (14) Criminal trespass in the second degree (RCW 9A.52.080);
- (15) Malicious mischief in the first degree (RCW 9A.48.070);
- (16) Malicious mischief in the second degree (RCW 9A.48.080);
- (17) Malicious mischief in the third degree (RCW 9A.48.090);
- (18) Kidnapping in the first degree (RCW 9A.40.020);
- (19) Kidnapping in the second degree (RCW 9A.40.030);
- (20) Unlawful imprisonment (RCW 9A.40.040);
- (21) Rape in the first degree (RCW 9A.44.040);
- (22) Rape in the second degree (RCW 9A.44.050);
- (23) Rape in the third degree (RCW 9A.44.060);
- (24) Indecent liberties (RCW 9A.44.100);
- (25) Statutory rape in the first degree (RCW 9A.44.070);
- (26) Statutory rape in the second degree (RCW 9A.44.080); ~~((and))~~
- (27) Statutory rape in the third degree (RCW 9A.44.090); ~~and~~
- (28) Obstructing the taking of fish or wildlife (section 1 of this 1988 act).

NEW SECTION, Sec. 5. This act shall take effect July 1, 1988.

On page 1, beginning on line 1 of the title, after "wildlife," strike the remainder of the title and insert "amending RCW 9A.46.060; reenacting and amending RCW 77.21.010; adding new sections to chapter 77.16 RCW; providing an effective date; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Metcalf moved that the Senate do concur in the House amendments to Senate Bill No. 6480.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Senate do concur in the House amendments to Senate Bill No. 6480.

The motion by Senator Metcalf carried and the Senate concurred in the House amendments to Senate Bill No. 6480.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6480, as amended by the House.

MOTION

On motion of Senator Zimmerman, Senator Patterson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6480, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Brauer, Benitz, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Taimadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 40.

Voting nay: Senators Anderson, Bluechel, Decio, McCaslin - 4.

Absent: Senator West - 1.

Excused: Senators Bender, Owen, Patterson, Wojahn - 4.

SENATE BILL NO. 6480, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6724 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 1, Laws of 1977 ex. sess. as last amended by section 1, chapter 343, Laws of 1987 and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that the fundamentals of water resource policy in this state must be reviewed by the legislature to ensure that the water resources of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington. The legislature further finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during 1977 and during 1987.

The legislature further finds that there is a continuing agricultural water supply shortage in many areas of the state and that, in relation to the lessening of that unsatisfactory condition, there is an urgent need to both improve water supply facilities and replace other such facilities.

In order to study the fundamentals of water resource policy of the state and to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate unsatisfactory water supply conditions arising from droughts occurring from time to time in the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 2. A new section is added to chapter 90.54 RCW to read as follows:

(1) The director of ecology shall contract with an independent fact-finding service for the purpose of consulting with all user groups and parties interested in Washington's water resource policy, including but not limited to:

(a) The departments of ecology, agriculture, social and health services, fisheries, wildlife, and natural resources;

(b) Municipal users of water;

(c) Agricultural interests;

(d) The governor's office;

(e) Environmental interests;

(f) Interests of industrial users of water;

(g) Indian tribes;

(h) Interests of public water utilities;

(i) Interests of recreational uses other than fishing;

(j) Public and private hydropower generating utilities;

(k) Interests of sport and commercial fishing; and

(l) Interests of the forest products industry.

(2) The fact-finding service shall consult with, obtain, and document the opinions of the interested parties, and may facilitate discussions between them on the fundamentals of water resource policy and the need, if any, to change or clarify the current policy for the state. The fact-finding service shall also identify and evaluate the clarity and consistency of state water allocation laws with the current policy based on those laws.

(3) The fact-finding service shall report its findings in a written report to the joint select committee established pursuant to section 3 of this act. The report shall be submitted to the joint select committee by June 30, 1988, unless the committee provides for an extension of the due date.

(4) The fact-finding service and the joint select committee shall consider the reports and recommendations of state and federal studies pertaining to allocation, augmentation, conservation, and efficient use of the water resources of this state, including but not limited to the department of ecology's instream resources and water allocation program review. By considering these studies, the fact-finding service and the joint select committee shall not duplicate the work already completed in such studies.

(5) Until July 1, 1989, or until the legislature has passed legislation based on recommendations from the joint select committee, whichever comes first, the department of ecology:

(a) Shall not amend or alter the current guidelines, standards, or criteria governing the instream flow and water allocation elements of the state water resources program established pursuant to chapters 90.22 and 90.54 RCW and set forth in chapters 173-500 to 173-596 WAC;

(b) Shall not adopt any water reservation under RCW 90.54.050, set forth in chapters 173-500 to 173-596 WAC, or the preferred alternative in the instream resources and water allocation environmental impact statement; and

(c) For any new application for surface water received under chapter 90.03 RCW after the effective date of this act, shall not issue any permanent appropriation permits and may only issue new temporary appropriation permits on streams by utilizing (i) the existing minimum or base flows adopted pursuant to chapters 90.54 and 90.22 RCW or (ii) the case-by-case process to maintain food fish and game fish populations as provided in RCW 75.20.050. These water appropriations shall not reduce flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic, recreational, water quality, other environmental values, and navigational values, as provided in RCW 90.54.020 and chapters 90.03 and 90.22 RCW. These temporary permits shall be conditioned so that the appropriation may be altered based upon the enactment of legislation or adoption of regulations resulting from recommendations made pursuant to section 3 (3) and (4) of this act.

This subsection does not apply to any emergency water permits or transfers authorized under RCW 43.83B.300 through 43.83B.344, and shall not affect any existing water rights established pursuant to law.

(6) The department of ecology shall provide staff support in the fact-finding process.

(7) This section shall expire on June 30, 1989.

NEW SECTION, Sec. 3. A new section is added to chapter 90.54 RCW to read as follows:

(1) There is hereby created a joint select committee on water resource policy to address the findings reached by the fact-finding service pursuant to section 2 of this act. The committee shall consist of twelve voting members appointed jointly by the speaker of the house of representatives and the president of the senate. The speaker of the house of representatives and the president of the senate may each appoint nonvoting members to participate in the meetings of the joint select committee. The voting membership shall be equally divided from each major political caucus and shall, to the extent possible, represent all major water interests, including but not limited to agriculture, fisheries, municipal, environmental, recreational, and hydroelectric.

(2) The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochair of the joint select committee. The cochair shall be designated by the speaker of the house of representatives and the president of the senate.

(3) In addition to responsibilities identified in subsection (6) of this section, the purpose of the joint select committee shall be to address and recommend in a written report to the full legislature the fundamentals of water resource policy for the state of Washington. The joint select committee shall review and evaluate the report of the fact-finding service and shall hold a minimum of four public hearings throughout the state.

The committee shall recommend in its report the procedures for allocating water resources of the state, considering the findings of the fact-finding service and the present and future demands on the use of water resources. The joint select committee shall further evaluate the need to prioritize the use of the water resources of this state.

(4) The joint select committee may include in its report recommendations for revisions to existing laws to set forth the water policies of the state and may also recommend revisions to existing law to give direction to the department of ecology and other agencies and officials in carrying out the fundamental water policies of the state as adopted by the legislature.

(5) The joint select committee shall submit its written report of findings and recommendations to the 1989 legislature. A draft report shall be completed by December 1, 1988, and distributed to interested parties. The final report shall be distributed and a public hearing shall be held no later than one week prior to the first day of the 1989 legislative session.

(6) The joint select committee shall monitor the actions taken to implement the recommendations made in the written report required in subsection (5) of this section and the results of any legislation enacted affecting the fundamental water resource policies of the state. At its discretion, the joint select committee may address issues affecting the allocation, efficient use, conservation, or distribution of surface and ground water to achieve the maximum benefits to the state. The committee shall report periodically to the legislature.

(7) This section shall expire June 30, 1991.

Sec. 4. Section 3, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.030 are each amended to read as follows:

For the purpose of insuring that the department is fully advised in relation to the performance of the water resources program provided in RCW 90.54.040, and to provide information and support to the fact-finding service and the joint select committee established in sections 2

and 3 of this 1988 act, the department is directed to become informed with regard to all phases of water and related resources of the state. To accomplish this objective the department shall:

- (1) Collect, organize and catalog existing information and studies available to it from all sources, both public and private, pertaining to water and related resources of the state;
- (2) Develop such additional data and studies pertaining to water and related resources as are necessary to accomplish the objectives of this chapter;
- (3) Determine existing and foreseeable uses of, and needs for, such waters and related resources;
- (4) Develop alternate courses of action to solve existing and foreseeable problems of water and related resources and include therein, to the extent feasible, the economic and social consequences of each such course, and the impact on the natural environment.

All the foregoing shall be included in a "water resources archive" established and maintained by the department. The department shall develop a system of cataloging, storing and retrieving the information and studies of the archive so that they may be made readily available to and effectively used not only by the department but by the public generally.

Sec. 5. Section 4, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.040 are each amended to read as follows:

- (1) The department, through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people, to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use. The department may develop the program in segments so that immediate attention may be given to waters of a given physioeconomic region of the state or to specific critical problems of water allocation and use.

The current guidelines, standards, or criteria governing the elements of the water resource program established pursuant to this subsection shall not be altered or amended after the effective date of this 1988 section, in accordance with section 2(5) of this 1988 act.

- (2) In relation to the management and regulatory programs relating to water resources vested in it, the department is further directed to modify existing regulations and adopt new regulations, when needed and possible, to insure that existing regulatory programs are in accord with the water resource policy of this chapter and the program established in subsection (1) of this section. The current guidelines, standards, or criteria governing the department's implementation of this subsection shall not be altered or amended after the effective date of this 1988 section, in accordance with subsection (1) of this section.

- (3) The department is directed to review all statutes relating to water resources which it is responsible for implementing. When any of the same appear to the department to be ambiguous, unclear, unworkable, unnecessary, or otherwise deficient, it shall make recommendations to the legislature including appropriate proposals for statutory modifications or additions. Whenever it appears that the policies of any such statutes are in conflict with the policies of this chapter, and the department is unable to fully perform as provided in subsection (2) of this section, the department is directed to submit statutory modifications to the legislature which, if enacted, would allow the department to carry out such statutes in harmony with this chapter.

Sec. 6. Section 3, chapter 284, Laws of 1969 ex. sess. as amended by section 103, chapter 109, Laws of 1987 and by section 96, chapter 506, Laws of 1987 and RCW 90.22.010 are each reenacted and amended to read as follows:

The department of ecology may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of ecology shall, when requested by the department of fisheries or the department of wildlife to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or if the department of ecology finds it necessary to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request or determination. Any request submitted by the department of fisheries or department of wildlife shall include a statement setting forth the need for establishing a minimum flow or level. When the department acts to preserve water quality, it shall include a similar statement with the proposed rule filed with the code reviser. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ecology in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

The current guidelines, standards, or criteria governing the instream flow programs established pursuant to this chapter shall not be altered or amended after the effective date of this 1988 section, in accordance with section 2(5) of this 1988 act.

Sec. 7. Section 5, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.050 are each amended to read as follows:

In conjunction with the programs provided for in RCW 90.54.040(1), whenever it appears necessary to the director in carrying out the policy of this chapter, the department may by rule adopted pursuant to chapter 34.04 RCW:

(1) Reserve and set aside waters for beneficial utilization in the future, and

(2) When sufficient information and data are lacking to allow for the making of sound decisions, withdraw various waters of the state from additional appropriations until such data and information are available.

Prior to the adoption of a rule under this section, the department shall conduct a public hearing in each county in which waters relating to the rule are located. The public hearing shall be preceded by a notice placed in a newspaper of general circulation published within each of said counties. Rules adopted hereunder shall be subject to review in accordance with the provisions of RCW 34.04.070 or 34.04.080.

No new rules or changes to existing rules to reserve or set aside water may be adopted pursuant to this section, as provided in section 2(5) of this 1988 act.

NEW SECTION. Sec. 8. Nothing in this act shall apply to or interfere with the processing or issuance of water rights in connection with the Yakima River Basin Water Enhancement Project.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 43.83B.300, 90.54.030, 90.54.040, and 90.54.050; reenacting and amending RCW 90.22.010; adding new sections to chapter 90.54 RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Barr moved that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6724.

POINT OF INQUIRY

Senator Halsan: "Senator Barr, Sections 5, 6 and 7 of the House striking amendment prohibit amending or altering the guidelines governing instream flow and water allocation programs in Chapters 90.22 and 90.54 RCW, and prohibit any new reservation of waters in RCW 90.54.050. Do these prohibitions continue indefinitely or expire on July 1, 1989?"

Senator Barr: "Senator Halsan, these prohibitions will expire no later than July 1, 1989."

Senator Halsan: "Thank you. One further question, Senator Barr. Under Section 2, subsection (5) (c) of the House amendment, does the limitation of issuing water permits in any manner or form affect the right to transfer water rights under RCW 90.03.380 and 90.03.390?"

Senator Barr: "Senator Halsan, the answer is no. Nothing in this amendment affects or interferes with the ability or right to transfer water rights, to change the point of diversion, or to change the place or the purpose of use of water as provided under RCW 90.03.380 and 90.03.390. The amendment also clearly states that nothing in Section 2 subsection (5) (c) is to affect existing water rights."

The President declared the question before the Senate to be the motion by Senator Barr that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6724.

The motion by Senator Barr carried and the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 6724.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6724, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6724, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse,

Niemi, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Voting nay: Senator Kreidler - 1.

Absent: Senator West - 1.

Excused: Senators Bender, Owen, Patterson, Wojahn - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6724, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1988

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6741 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the planning and development of regulatory programs for storage tanks containing petroleum and regulated substances must begin as soon as possible in order to meet the requirements of federal and state laws and address public health and safety concerns. The legislature further finds that a state regulatory program for underground storage tanks needs to be developed that is at least as stringent as the minimum requirements under 42 U.S.C. Sec. 6991 et seq.

In addition, the legislature finds that affordable private methods of ensuring financial responsibility as required under 42 U.S.C. Sec. 6991b(d) may not be available. Thus, it is necessary to study the possibility of developing risk retention pools to aid underground storage tank owners and operators in meeting federal financial responsibility requirements. The legislature further finds that the economic well-being of small businesses in the state that own or operate underground storage tanks depends on a clear state policy and adequate state regulatory programs.

Since additional information is needed to develop specific tank construction, installation, operational, monitoring, reporting, closure, and financial responsibility requirements, the legislature establishes the joint select committee on storage tanks to make recommendations on program elements and to develop legislation to establish these programs by June 1, 1989.

NEW SECTION. Sec. 2. (1) The joint select committee on storage tanks is created. The committee shall consist of six members from the senate appointed by the president of the senate and six members from the house of representatives appointed by the speaker of the house of representatives. The committee shall include equal numbers of members from the majority and minority parties of each house. The joint select committee chair and vice-chair shall be chosen by the majority vote of committee members and shall serve for the duration of the committee.

(2) The committee shall seek input from persons and organizations representing major petroleum companies, agriculture, environmental protection, petroleum jobbing, vehicle sales firms, vehicle repair firms, insurance underwriting, gasoline retailing, cities, counties, other units of local government, fuel oil retailing, the general business community, and the public.

(3) The committee shall be staffed from the senate committees on environment and natural resources, financial institutions and insurance, and ways and means and the house of representatives committees on environmental affairs, financial institutions and insurance, and ways and means. The department of ecology, department of general administration, and the insurance commissioner shall provide necessary staff and resources to assist the committee in carrying out its purpose and preparing legislation to establish the recommended programs by June 1, 1989.

(4) The committee shall report its findings and recommendations to the senate committees on environment and natural resources, financial institutions and insurance, and ways and means and the house of representatives committees on environmental affairs, financial institutions and insurance, and ways and means by December 10, 1988.

NEW SECTION. Sec. 3. The committee shall make recommendations on topics including, but not limited to, the following:

(1) Elements of an underground storage tank regulatory program necessary to meet the requirements of 42 U.S.C. Sec. 6991 et seq. and to allow full delegation of the federal program to the state. The committee shall specify circumstances under which it may be advisable to develop standards and requirements more stringent than those provided in federal regulations.

(2) Provisions necessary to implement a state-wide underground storage tank program, including:

(a) Whether state laws should generally preempt local laws governing the regulation of underground storage tanks but also allow for local programs that address environmentally sensitive areas; and

(b) Methods by which implementation and operation of underground storage tank programs will be coordinated between state and local governments.

(3) The cost of administering a state underground storage tank program and the methods of funding program administration, including:

(a) The need for limitations on fees charged by local governments; and

(b) Revenue sharing by the department of ecology with local governments to fund local program administration.

(4) Financial responsibility requirements for the owners and operators of underground petroleum storage tanks that meet the minimum federal financial responsibility requirements under 42 U.S.C. Sec. 6991b(d) and the advisability of and methods for establishing an owner and operator funded program that assures compliance with the federal requirements and which limits the state's liability, including the advisability of state administration of risk retention pools designed to provide financial responsibility for owners and operators who cannot obtain adequate and reasonably priced private insurance. If the determination is made that a state-administered risk retention pool is necessary, the committee shall develop methods for implementation, including information on:

(a) Estimates of the costs of administering risk retention pools;

(b) Adequate means of ensuring that the state will have the necessary resources to address the obligation of the risk retention pools in the event that regular contributions are insufficient, including but not limited to a petroleum products tax;

(c) Adequate yet reasonable contributions from the owner or operator;

(d) Ways to ensure that owners and operators of tanks eligible to obtain funds from the risk retention pools will comply with the applicable state storage tank regulations; and

(e) A timetable for implementation of the risk retention pools by June 1, 1989.

(5) A timetable for implementing a state underground storage tank regulatory program.

NEW SECTION. Sec. 4. (1) By December 10, 1988, the department of ecology shall provide a report to the legislature on the following:

(a) An inventory of above-ground tanks containing petroleum in existence in this state, including their sizes, location, types, and products stored therein;

(b) An analysis of the current practices and requirements applicable to above-ground storage tanks containing petroleum, including an examination of any causes of releases from such tanks and appropriate responses;

(c) Recommendations for a state program, if necessary for the installation, operation, and closure of above-ground storage tanks.

(2) For the purposes of this study and notwithstanding the provisions of chapter 34.04 RCW, the department, with the advice of the joint select committee established in section 2 of this act, shall develop a definition of above-ground petroleum storage tanks except that the definition shall not include farm or residential tanks of one thousand or one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes, tanks used for storing heating oil for consumptive use on the premises where stored, or barrels or drums commonly used for the transportation and temporary storage of petroleum products.

(3) In carrying out the study, the department may require a person, firm, corporation, or government entity other than a federal government entity, to respond to requests for information necessary to meet the requirements of this study.

NEW SECTION. Sec. 5. This act shall expire July 1, 1989.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "tanks;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6741.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6741, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6741, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson,

Newhouse, Niemi, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senator West - 1.

Excused: Senators Bender, Owen, Patterson, Wojahn - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6741, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1988

Mr. President:

The House has passed SENATE BILL NO. 6745 with the following amendments:

On page 1, line 7, after "or the" strike "cost" and insert "rate, charge or fee"

On page 1, line 14, after "and" strike "cost" and insert "the rate, charge or fee",

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Benitz, the Senate concurred in the House amendments to Senate Bill No. 6745.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6745, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6745, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yeas: Senators Anderson, Bailey, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCain, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Absent: Senators Barr, West - 2.

Excused: Senators Bender, Owen, Patterson, Wojahn - 4.

SENATE BILL NO. 6745, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 1988

Mr. President:

The House has adopted ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429 with the following amendment:

On page 1, line 1, after "WHEREAS," strike the remainder of the concurrent resolution and insert "The Washington Higher Education Coordinating Board was created by chapter 370, Laws of 1985; and

WHEREAS, The Washington Higher Education Coordinating Board was charged with the duty of preparing a comprehensive master plan for higher education in this state; and

WHEREAS, The Washington Higher Education Coordinating Board conducted public hearings throughout the state, completed its study of Washington's higher education system, and submitted its master plan for higher education to the Legislature on December 1, 1987; and

WHEREAS, Section 4, chapter 370, Laws of 1985, requires the Legislature, by concurrent resolution, to "approve or recommend changes" to the master plan;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the Washington Higher Education Coordinating Board be commended for its high quality work, dedication, and commitment to the state of Washington in producing a new state master plan for higher education titled "Building a System: To be Among The Best"; and

BE IT FURTHER RESOLVED, That the Legislature approves the following goals of the master plan:

- (1) That Washington's system of higher education be among the best in the nation;
- (2) That Washington's system of higher education provide an opportunity for the pursuit of knowledge and cultural enrichment, develop social leadership, and foster economic development;

(3) That Washington's system of higher education remove discriminatory barriers that deny minority, women, and disabled persons full participation in postsecondary education;

(4) That Washington's system of higher education provide equitable and affordable access to postsecondary education programs of study, with particular attention to serve place-bound adults in urban areas;

(5) That Washington's system of higher education develop performance evaluation methods to assess how well individual institutions and the system as a whole are educating its students, to provide a basis for improvement, and to establish a system of accountability for student, faculty, legislative, and citizen expectations for postsecondary education in this state; and

(6) That Washington's system of higher education develop an admissions policy that strengthens the state's system of education while preserving multiple points of student access to postsecondary education; and

BE IT FURTHER RESOLVED, That the Legislature, aware of the proposed SAFE funding approach, endorses the concept of a stable, reliable, and predictable funding approach for higher education, but defers implementation of any new funding mechanism until the Legislature completes a study of higher education funding policies and related issues. Related issues include: A state-wide enrollment policy that maintains access while insuring educational quality, appropriate quality comparison groups, state funding priorities and goals, and a process for evaluating educational service needs and establishing off-campus programs in underserved areas; and

BE IT FURTHER RESOLVED, That a special joint study group be established to review the components of the proposed SAFE funding approach and recommend a methodology for funding Washington's higher education system and addressing related matters; and

BE IT FURTHER RESOLVED, That the special study group consist of twelve members, eight members, with two from each caucus, selected by the President of the Senate and the Speaker of the House of Representatives, one member from the Office of Financial Management, and three members appointed by the Governor, one of whom shall be a member of the Higher Education Coordinating Board; and

BE IT FURTHER RESOLVED, That the committee report its findings and recommendations to the Legislature before the start of the regular legislative session in 1989.

and the resolution and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Saling, the Senate concurred in the House amendment to Engrossed Substitute Senate Concurrent Resolution No. 8429.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8429, as amended by the House.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Smitherman, as Senator Talmadge has eluded to, I don't know who the assurances were given to, but there were supposedly some assurances that certain things would not take place and that did not happen. I just would like to ask you to your best knowledge, and I know you can't speak for this board, do we have any other surprises coming?"

Senator Smitherman: "Senator, I would hope if there were surprises and there's always the element of surprise in anything, I would hope that if we have any more surprises, that they are pleasant."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8429, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 1; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Patterson, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, von Reichbauer, Warnke, Williams, Zimmerman - 35.

Voting nay: Senators Halsan, Hansen, Kiskaddon, Metcalf, Moore, Niemi, Pullen, Rasmussen, Talmadge, Vogntild - 10.

Absent: Senator West - 1.

Excused: Senators Bender, Owen, Wojahn - 3.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1515 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives H. Sommers, Locke and Hankins.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on House Bill No. 1515 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1515 and the Senate amendments thereto: Senators Newhouse, Halsan and McCaslin.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6219 and the pending House striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 6219 is a measure which changes the review standards for consent to adoption.

"The amendments proposed by the House of Representatives would establish a new adoption procedure providing for open adoptions and adoption contracts allowing future contact between all parties to an adoption.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by the House of Representatives were ruled out of order.

MOTIONS

On motion of Senator Kiskaddon, the motion to concur in the House amendments to Substitute Senate Bill No. 6219 was withdrawn.

On motion of Senator Kiskaddon, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6219 and asks the House to recede therefrom.

MESSAGES FROM THE HOUSE

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 752 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1170 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 791 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1285 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1429 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to HOUSE BILL NO. 1346 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1592 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1460 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5016,

SENATE BILL NO. 5229,

SUBSTITUTE SENATE BILL NO. 5586,

SENATE BILL NO. 5667,

SENATE BILL NO. 6243.

MOTION

At 10:43 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:44 a.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 4, 1988

Mr. President:

The House has passed SENATE BILL NO. 6291 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL PROVISIONS

Sec. 1. Section 1, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.010 are each amended to read as follows:

PURPOSES AND SCOPE. (1) The purposes of this chapter are:

~~((+))~~ (a) To establish a uniform policy for the fair and equitable treatment of persons displaced as a direct result of public works programs of the state and local governments in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons; ~~((and~~

~~((?))~~ (b) To encourage and expedite the acquisition of real property for public works programs by agreements with owners, to reduce litigation and relieve congestion in the courts, to assure consistent treatment for owners affected by state and local programs, and to promote public confidence in state and local land acquisition practices.

(2) Notwithstanding the provisions and limitations of this chapter requiring a local public agency to comply with the provisions of this chapter, the governing body of any local public agency may elect not to comply with the provisions of sections 3 through 11 of this act in connection with a program or project not receiving federal financial assistance. Any person who has the authority to acquire property by eminent domain under state law may elect not to comply with sections 12 through 14 of this act in connection with a program or project not receiving federal financial assistance.

(3) Any determination by the head of a state agency or local public agency administering a program or project as to payments under this chapter is subject to review pursuant to chapter 34.04 RCW; otherwise, no provision of this chapter may be construed to give any person a cause of action in any court.

(4) Nothing in this chapter may be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately before the effective date of this act.

Sec. 2. Section 2, chapter 240, Laws of 1971 ex. sess. as amended by section 1, chapter 34, Laws of 1972 ex. sess. and RCW 8.26.020 are each amended to read as follows:

DEFINITIONS. As used in this chapter~~((---~~):

(1) The term "state" means any department, commission, agency, or instrumentality of the state of Washington.

(2) The term "local public ~~((body--as used in this chapter))~~ agency" applies to any county, city or town, or other municipal corporation or political subdivision of the state and any person who has the authority to acquire property by eminent domain under state law, or any instrumentality of any of the foregoing ~~((but only with respect to any program or project the cost of which is financed in whole or in part by a federal agency. Notwithstanding the limitations of this subsection, the governing body of any county, city or town, or other municipal corporation or political subdivision of the state or any instrumentality of any of the foregoing may elect to comply with all the provisions of this chapter in connection with programs and projects not receiving federal assistance)).~~

(3) The term "person" means any individual, partnership, corporation, or association.

(4) (a) The term "displaced person" means, except as provided in (b) of this subsection, any person who~~((--on or after July 1, 1971--))~~ moves from real property ~~((lawfully occupied by him)), or moves his personal property from real property ((on which it was lawfully located, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by the state, or a local public body. Solely for the purposes of subsections (1) and (2) of RCW 8.26.040 and RCW 8.26.070, the term "displaced person" includes any person who, on or after July 1, 1971, moves from real property or moves his personal property from real property; as a result of the acquisition of, or the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for a program or project undertaken by the state or a local public body:))~~

(1) as a direct result of a written notice of intent to acquire, or the acquisition of, such real property in whole or in part for a program or project undertaken by a displacing agency; or

(1) on which the person is a residential tenant or conducts a small business, a farm operation, or a business defined in this section, as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a displacing agency in any case in which the displacing agency determines that the displacement is permanent.

Solely for the purposes of sections 3 (1) and (2) and 6 of this act, the term "displaced person" includes any person who moves from real property, or moves his personal property from real property

(1) as a direct result of a written notice of intent to acquire, or the acquisition of, other real property in whole or in part on which the person conducts a business or farm operation, for a program or project undertaken by a displacing agency; or

(ii) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of other real property on which the person conducts a business or a farm operation, under a program or project undertaken by a displacing agency where the displacing agency determines that the displacement is permanent.

(b) The term "displaced person" does not include:

(1) A person who has been determined, according to criteria established by the lead agency, to be either unlawfully occupying the displacement dwelling or to have occupied the dwelling for the purpose of obtaining assistance under this chapter; or

(ii) In any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of the property at the time it was acquired) who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

(5) The term "business" means any lawful activity, excepting a farm operation, conducted primarily(---):

(a) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) Solely for the purposes of ((~~subsection (1) of RCW 8.26.040~~) section 3 of this act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by ((~~means of~~) the erection and maintenance of an outdoor advertising display or displays, ((~~otherwise lawfully erected and maintained~~)) whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(6) The term "farm operation(s)" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or for home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(7) The term "comparable replacement dwelling" means any dwelling that is (a) decent, safe, and sanitary; (b) adequate in size to accommodate the occupants; (c) within the financial means of the displaced person; (d) functionally equivalent; (e) in an area not subject to unreasonably adverse environmental conditions; and (f) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

(8) For purposes of RCW 8.26.180 through 8.26.200, the term "acquiring agency" means:

(a) A state agency or local public agency that has the authority to acquire property by eminent domain under state law; or

(b) Any state agency, local public agency, or person that (i) does not have the authority to acquire property by eminent domain under state law and (ii) has been designated an "acquiring agency" under rules adopted by the lead agency. However, the lead agency may only designate a state agency, local public agency, or a person as an "acquiring agency" to the extent that it is necessary in order to qualify for federal financial assistance.

(9) The term "displacing agency" means the state agency, local public agency, or any person carrying out a program or project, with federal or state financial assistance, that causes a person to be a displaced person.

(10) The term "federal financial assistance" means a grant, loan, or contribution provided by the United States, except any federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

(11) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this state, together with the credit instruments, if any, secured thereby. ((The term "mortgage" shall include real estate contracts:))

(12) The term "lead agency" means the Washington state department of transportation.

(13) The term "appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

PART II

UNIFORM RELOCATION ASSISTANCE POLICY

NEW SECTION. Sec. 3. MOVING AND RELATED EXPENSES. (1) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the displacing agency shall provide for the payment to the displaced person of:

(a) Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses

that would have been required to relocate the property, in accordance with criteria established by the lead agency:

(c) Actual reasonable expenses in searching for a replacement business or farm; and

(d) Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, in accordance with criteria established by the lead agency, but not to exceed ten thousand dollars.

(2) A displaced person eligible for payments under subsection (1) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive an expense and dislocation allowance determined according to a schedule established by the lead agency.

(3) A displaced person eligible for payments under subsection (1) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section. The payment shall consist of a fixed payment in an amount to be determined according to criteria established by the lead agency, except that the payment shall be not less than one thousand dollars nor more than twenty thousand dollars. A person whose sole business at the displacement dwelling is the rental of that property to others does not qualify for a payment under this subsection.

NEW SECTION. Sec. 4. REPLACEMENT HOUSING FOR HOMEOWNERS. (1) In addition to payments otherwise authorized by this chapter, the displacing agency shall make an additional payment, not in excess of twenty-two thousand five hundred dollars, to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred and eighty days immediately before the initiation of negotiations for the acquisition of the property. The additional payment shall include the following elements:

(a) The amount, if any, that when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable and necessary cost of a comparable replacement dwelling;

(b) The amount, if any, that will compensate the displaced person for any increased mortgage interest costs and other debt service costs that the person is required to pay for financing the acquisition of any such comparable replacement dwelling. This amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage that was a valid lien on the dwelling for not less than one hundred and eighty days immediately before the initiation of negotiations for the acquisition of the dwelling;

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which the person receives final payment from the displacing agency for the acquired dwelling or the date on which the obligation of the displacing agency under section 7 of this act is met, whichever date is later, except that the displacing agency may extend the period for good cause. If the period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of that date.

NEW SECTION. Sec. 5. REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS. (1) In addition to amounts otherwise authorized by this chapter, a displacing agency shall make a payment to or for a displaced person displaced from a dwelling not eligible to receive a payment under section 4 of this act if the dwelling was actually and lawfully occupied by the displaced person for not less than ninety days immediately before (a) the initiation of negotiations for acquisition of the dwelling, or (b) in any case in which displacement is not a direct result of acquisition, such other event as the lead agency prescribes. The payment shall consist of the amount necessary to enable the person to lease or rent for a period not to exceed forty-two months, a comparable replacement dwelling, but not to exceed five thousand two hundred fifty dollars. At the discretion of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account the person's income.

(2) A person eligible for a payment under subsection (1) of this section may elect to apply the payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. The person may, at the discretion of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (1) of this section, except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least ninety days but not more than one hundred eighty days immediately before the initiation of negotiations for the acquisition of the dwelling, the payment shall not exceed the payment the person would otherwise have received under section 4(1) of this act had the person owned and occupied the displacement dwelling one hundred eighty days immediately before the initiation of the negotiations.

NEW SECTION. Sec. 6. RELOCATION ASSISTANCE ADVISORY SERVICES. (1) Programs or projects undertaken by a displacing agency shall be planned in a manner that (a) recognizes, at an early stage in the planning of the programs or projects and before the commencement of any actions that will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations, and (b) provides for the resolution of the problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

(2) Displacing agencies shall ensure that the relocation assistance advisory services described in subsection (3) of this section are made available to all persons displaced by the agency. If the agency determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency may make available to the person the advisory services.

(3) Each relocation assistance advisory program required by subsection (2) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(a) Determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

(b) Provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

(c) Assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

(d) Supply (i) information concerning federal, state, and local programs that may be of assistance to displaced persons, and (ii) technical assistance to the persons in applying for assistance under those programs;

(e) Provide other advisory services to displaced persons in order to minimize hardships to them in adjusting to relocation; and

(f) Coordinate relocation activities performed by the agency with other federal, state, or local governmental actions in the community that could affect the efficient and effective delivery of relocation assistance and related services.

(4) Notwithstanding RCW 8.26.020(4)(b), in any case in which a displacing agency acquires property for a program or project, a person who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project is eligible for advisory services to the extent determined by the displacing agency.

NEW SECTION. Sec. 7. ASSURANCE OF AVAILABILITY OF HOUSING. (1) If a program or project undertaken by a displacing agency cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that the dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide the dwellings by use of funds authorized for the project. The displacing agency may use this section to exceed the maximum amounts that may be paid under sections 4 and 5 of this act on a case-by-case basis for good cause as determined in accordance with rules adopted by the lead agency.

(2) No person may be required to move from a dwelling on account of any program or project undertaken by a displacing agency unless the displacing agency is satisfied that comparable replacement housing is available to the person.

(3) The displacing agency shall assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of the following:

(a) A major disaster as defined in section 102(2) of the Federal Disaster Relief Act of 1974;

(b) A national emergency declared by the president; or

(c) Any other emergency that requires the person to move immediately from the dwelling because continued occupancy of the dwelling by the person constitutes a substantial danger to the health or safety of the person.

NEW SECTION. Sec. 8. AUTHORITY OF THE LEAD AGENCY. (1) The lead agency, after full consultation with the department of general administration, shall adopt rules and establish such procedures as the lead agency may determine to be necessary to assure:

(a) That the payments and assistance authorized by this chapter are administered in a manner that is fair and reasonable and as uniform as practicable;

(b) That a displaced person who makes proper application for a payment authorized for that person by this chapter is paid promptly after a move or, in hardship cases, is paid in advance; and

(c) That a displaced person who is aggrieved by a program or project that is under the authority of a state agency or local public agency may have his application reviewed by the state agency or local public agency.

(2) The lead agency, after full consultation with the department of general administration, may adopt such other rules and procedures, consistent with the provisions of this chapter, as the lead agency deems necessary or appropriate to carry out this chapter.

(3) State agencies and local public agencies shall comply with the rules adopted pursuant to this section by April 2, 1989.

NEW SECTION, Sec. 9. ADMINISTRATION. In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, a state agency or local public agency may enter into contracts with any individual, firm, association, or corporation for services in connection with this chapter or may carry out its functions under this chapter through any federal or state agency or local public agency having an established organization for conducting relocation assistance programs. The state agency or local public agency shall, in carrying out relocation activities described in section 7 of this act, whenever practicable, use the services of state or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

NEW SECTION, Sec. 10. FUND AVAILABILITY. (1) Funds appropriated or otherwise available to a state agency or local public agency for the acquisition of real property or an interest therein for a particular program or project shall also be available to carry out the provisions of this chapter as applied to that program or project.

(2) No payment or assistance under this chapter may be required to be made to any person or included as a program or project cost under this section, if the person receives a payment required by federal, state, or local law that is determined by the head of the displacing agency to have substantially the same purpose and effect as that payment under this chapter.

NEW SECTION, Sec. 11. RELOCATION ASSISTANCE PAYMENTS NOT INCOME OR RESOURCES. No payment received by a displaced person under sections 3 through 10 of this act may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of any income tax or any tax imposed under Title 82 RCW, and the payments shall not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW.

PART III

UNIFORM REAL PROPERTY ACQUISITION POLICY

Sec. 12. Section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.180 are each amended to read as follows:

ACQUISITION PROCEDURES. Every ~~((state)) acquiring agency ((and local public body acquiring real property in connection with any program or project))~~ shall, to the greatest extent practicable, be guided by the following policies:

(1) Every reasonable effort shall be made to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during his inspection of the property, except that the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition of property with a low fair market value.

(3) Before the initiation of negotiations for real property, the acquiring agency shall establish an amount which it believes to be just compensation therefor, and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The acquiring agency shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate the just compensation for the real property acquired, for damages to remaining real property, and for benefits to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the agreed purchase price is paid or deposited with a court having jurisdiction of condemnation of such property, in accordance with applicable law, for the benefit of the owner an amount not less than the acquiring agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding of such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least ninety days written notice of the date by which such move is required.

(6) If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the time of condemnation be advanced, on negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.

(8) If an interest in real property is to be acquired by exercise of the power of eminent domain, formal condemnation proceedings shall be instituted. The acquiring agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only ~~((part))~~ a portion of a property would leave ~~((the))~~ the owner with an uneconomic remnant, the ~~((acquiring))~~ head of the agency concerned shall offer to acquire ~~((the entire property))~~ that remnant. For the purposes of this chapter, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and that the head of the agency concerned has determined has little or no value or utility.

(10) A person whose real property is being acquired in accordance with this chapter may, after the person has been fully informed of his right to receive just compensation for the property, donate the property, any part thereof, any interest therein, or any compensation paid for it to any agency as the person may determine.

Sec. 13. Section 19, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.190 are each amended to read as follows:

BUILDINGS, STRUCTURES, AND IMPROVEMENTS. (1) Where any interest in real property is acquired, the acquiring agency shall acquire an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which is required to be removed from such real property or which is determined to be adversely affected by the use to which such real property will be put ((shall be acquired)).

(2) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired ~~((as above set forth))~~ under subsection (1) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant of the lands, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the ~~((tenant therefor))~~ owner of such building, structure, or improvement.

(3) Payment for such building~~((s))~~, structure~~((s))~~, or improvement~~((as set forth above))~~ under subsection (1) of this section shall not result in duplication of any payments otherwise authorized by state law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release all his right, title, and interest in and to such improvements. Nothing with regard to the above-mentioned acquisition of buildings, structures, or other improvements shall be construed to deprive the tenant of any rights to reject payment and to obtain payment for such property interests in accordance with other laws of this state.

Sec. 14. Section 20, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.200 are each amended to read as follows:

EXPENSES INCIDENTAL TO TRANSFER OF RIGHT, TITLE, OR INTEREST TO THE ACQUIRING AGENCY. ~~((A state agency or a local public body acquiring real property.))~~ As soon as practicable after the date of payment of the purchase price or the date ~~((or))~~ of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, the acquiring agency shall reimburse the owner, to the extent the acquiring agency deems fair and reasonable, for expenses the owner necessarily incurred for(—):

(1) Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the acquiring agency;

(2) Penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is the earlier.

NEW SECTION. Sec. 15. EFFECT ON PROPERTY ACQUISITIONS. The provisions of RCW 8.26.180, 8.26.190, and 8.26.200 create no rights or liabilities and do not affect the validity of any property acquisitions by purchase or condemnation.

PART IV

SEVERABILITY, REPEALS, ETC.

NEW SECTION. Sec. 16. (1) If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

(2) If any part of this chapter is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and that finding or determination shall not affect the operation of

the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION, Sec. 17. The following acts or parts of acts are each repealed.

- (1) Section 3, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.030;
- (2) Section 4, chapter 240, Laws of 1971 ex. sess., section 1, chapter 7, Laws of 1984 and RCW 8.26.040;
- (3) Section 5, chapter 240, Laws of 1971 ex. sess., section 2, chapter 7, Laws of 1984 and RCW 8.26.050;
- (4) Section 6, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.060;
- (5) Section 7, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.070;
- (6) Section 8, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.080;
- (7) Section 9, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.090;
- (8) Section 10, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.100;
- (9) Section 11, chapter 240, Laws of 1971 ex. sess., section 3, chapter 7, Laws of 1984 and RCW 8.26.110;
- (10) Section 12, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.120;
- (11) Section 13, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.130;
- (12) Section 14, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.140;
- (13) Section 15, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.150;
- (14) Section 16, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.160; and
- (15) Section 17, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.170.

NEW SECTION, Sec. 18. Sections 3 through 11 and 15 of this act are added to chapter 8.26 RCW.

NEW SECTION, Sec. 19. Section captions and part divisions in this act do not constitute any part of the law.

NEW SECTION, Sec. 20. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Patterson, the Senate concurred in the House amendment to Senate Bill No. 6291.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6291, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6291, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndil, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Absent: Senators Bluechel, Cantu, Deccio, McMullen, West - 5.

Excused: Senators Bender, Wojahn - 2.

SENATE BILL NO. 6291, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6670 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

On public works projects in which trench excavation will exceed a depth of four feet, any contract therefor shall require adequate safety systems for the trench excavations that meet the requirements of the Washington industrial safety and health act, chapter 49.17 RCW. This requirement shall be included in the cost estimates and bidding forms as a separate item. The costs of trench safety systems shall not be considered as incidental to any other contract item and any attempt to include the trench safety systems as an incidental cost is prohibited."

and the bill and the amendment are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Lee, the Senate concurred in the House amendment to Substitute Senate Bill No. 6670.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6670, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6670, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent, 6; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Absent: Senators Bluechel, Cantu, Deccio, Fleming, McMullen, West - 6.

Excused: Senators Bender, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 6670, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 6703 with the following amendments:

On page 1, line 10 after "service," insert "One number locator service rates for cable television companies will be based on the amount of their underground facilities."

On page 2, line 27, after "underground" strike everything through "and" on line 28 and insert "fiber optics facility other than".

and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

Senator Benitz moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 6703.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Benitz that the Senate do concur in the House amendments to Substitute Senate Bill No. 6703.

The motion by Senator Benitz carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 6703.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6703, as amended by the House.

MOTION

On motion of Senator Vognild, Senator Fleming was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6703, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 5; absent, 5; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 36.

Voting nay: Senators Kreidler, Niemi, Rinehart, Smitherman, Talmadge - 5.

Absent: Senators Bluechel, Cantu, Deccio, Johnson, West - 5.

Excused: Senators Bender, Fleming, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 6703, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6705 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 66, Laws of 1987, section 1, chapter 154, Laws of 1987, section 2, chapter 277, Laws of 1987, section 20, chapter 280, Laws of 1987 and RCW 10.31.100 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (8) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270 shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.02.095 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to

the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

~~((6))~~ (7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

~~((6))~~ (8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

~~((7))~~ (9) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((8))~~ (10) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or ~~((6))~~ (8) if the police officer acts in good faith and without malice.

Sec. 2. Section 4, chapter 188, Laws of 1984 and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Such an order may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

(i) There is no parent or guardian available to care for such child;

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody and what requirements the parents must meet in order to resume custody.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) The status of all children found to be dependent shall be reviewed by the court at least every six months at a hearing in which it shall be determined whether court supervision should continue.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) The extent to which the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(iii) Whether the agency is satisfied with the cooperation given to it by the parents;

(iv) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(v) When return of the child can be expected.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 3. Section 1, chapter 35, Laws of 1985 and RCW 26.44.063 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and section 4 of this 1988 act.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court; or

(c) Having any contact with the alleged victim, except as specifically authorized by the court.

~~((2))~~ (3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

~~((3))~~ (4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((4))~~ (6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

~~((5))~~ (7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.44 RCW and will subject a violator to arrest."

NEW SECTION. Sec. 4. A new section is added to chapter 26.44 RCW to read as follows:

When a peace officer responds to a call alleging that a child has been subjected to sexual or physical abuse and has probable cause to believe that a crime has been committed or responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, the peace officer has the authority to arrest the person without a warrant pursuant to RCW 10.31.100."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.130 and 26.44.063; reenacting and amending RCW 10.31.100; adding a new section to chapter 26.44 RCW; and prescribing penalties."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6705.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6705, as amended by the House.

MOTION

On motion of Senator Zimmerman, Senator Johnson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6705, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Absent: Senators Bluechel, Cantu, West - 3.

Excused: Senators Bender, Fleming, Johnson, Wojahn - 4.

ENGROSSED SENATE BILL NO. 6705, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Cherberg.

MOTION

On motion of Senator Vognild, Senators Bauer and McMullen were excused.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9170, Margery A. Guthrie, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

APPOINTMENT OF MARGERY A. GUTHRIE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; absent, 8; excused, 6.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, Metcalf, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams - 35.

Absent: Senators Anderson, Craswell, Lee, Moore, Nelson, Smith, West, Zimmerman - 8.

Excused: Senators Bauer, Bender, Fleming, Johnson, McMullen, Wojahn - 6.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Pullen moved to reconsider the vote by which the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 6316 on March 7, 1988.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen to reconsider the vote by which the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 6316.

The motion for reconsideration by Senator Pullen carried.

MOTION

Senator Pullen moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6316.

POINT OF INQUIRY

Senator Rasmussen: "One question, is not the intent, Senator Pullen, of this legislation to take house property away from an innocent landlord, that knows nothing of what's going on?"

Senator Pullen: "Senator Rasmussen, there's specific language in the bill that would preclude an innocent landlord from losing his property."

Senator Rasmussen: "I don't have the amendment in front of me here, Senator Pullen, but I did see some amendments that were put on by the House that exempted forty grams of marijuana and is that included in this amendment that we're going to concur in?"

Senator Pullen: "The limitations you speak of Senator Rasmussen, are on page 5 of the House amendment subsection (iii) of subsection (8) of Section 2 of the bill. The language is 'the possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants, or one pound or more of marijuana and a substantial nexus exists between the possession of marijuana and the real property.'"

Senator Rasmussen: "That, Senator Pullen, will legalize marijuana then as far as the state is concerned, yes or no?"

Senator Pullen: "No, this does not legalize marijuana at all."

Senator Rasmussen: "Well, if marijuana is found to the extent of five plants, no more, we're saying that that's legal."

Senator Pullen: "No, not at all, Senator Rasmussen. What we're saying is that the person possessing the marijuana below the thresholds indicated, would not lose his real property, but he would still be subject to the criminal penalties that accompany possession of marijuana."

Senator Rasmussen: "As I understand, personal property would be marijuana plants. That's personal property and he would lose that?"

Senator Pullen: "He would loose the marijuana plants."

Further debate ensued.

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. In response to Senator Rasmussen's question, if you had a circumstance, Senator Rasmussen, where somebody owned say some rental property in Pierce County, and you had someone who was smoking marijuana in one of the rooms of that rental property—known or unknown to the landlord. If it's unknown to the landlord, clearly the landlord's property would not be forfeited. If it was known to the landlord that somebody had smoked a marijuana cigarette in that rental property, then under the terms of this law, the landlords property could be forfeited.

"What the provision that Senator Pullen referred to means is that there has to be some real commercial activity going on in the case of the marijuana. The criminal penalties and civil penalties for the person who's engaging in the use of the marijuana still attach. They still are subject to the criminal penalties. The only thing is, the landlord's real property, that rental property, will not be forfeited under this bill unless somebody is engaging in commercial sales on the property, so really that section we're talking about is something of a protection to a landlord or somebody who owns real property and that's the purpose of it.

"I think Senator Pullen's general description of the bill is very accurate. It's a very important bill for law enforcement, to have the authority to take real property clearly associated with drug transactions. This is not, within the meaning of the State Constitution, a corruption of the blood or forfeiture of an estate, but rather it is the seizure of assets clearly associated with the drug related transactions. That's

substantial nexus language that Senator Halsan has inserted in the bill. It is very critical to make sure that this is a constitutional taking of someone's property—engaging in illegal activity and I think it's a very important tool that we need to have for law enforcement officers all across the state of Washington. They've been indicating to us that it is an important bit of authority that they need to continue the efforts against drug traffickers."

The President declared the question before the Senate to be the motion by Senator Pullen that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 6316.

The motion by Senator Pullen carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6316.

MOTIONS

On motion of Senator Talmadge, Senators Vognild and Garrett were excused.

On motion of Senator Zimmerman, Senators Cantu and Lee were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6316, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6316, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent, 2; excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Rasmussen - 1.

Absent: Senators Nelson, West - 2.

Excused: Senators Bauer, Cantu, Garrett, Lee, Vognild - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6316, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1368 and asks the Senate to recede therefrom and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate insists on its position regarding the Senate amendments to Substitute House Bill No. 1368 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The Speaker ruled the Senate amendments to ENGROSSED HOUSE BILL NO. 1387 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate receded from its amendments to Engrossed House Bill No. 1387.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1387, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1387, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator West - 1.

Excused: Senators Cantu, Garrett, Lee, Vognild - 4.

ENGROSSED HOUSE BILL NO. 1387, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Niemi: "Mr. President and members of the Senate. I rise to a point of personal privilege. I'm a little tardy in handing out a cigar or something similar to a cigar for the privilege of speaking on this floor. I'm sure you all expected something unhealthy from the Forty-third District--Central Seattle--so I'm giving you something unhealthy. Dilettante Chocolates are manufactured in my district. I hope you enjoy them and I think that we have a pamphlet telling you about them."

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House concurs in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1565 on page 4, line 21; refuses to concur in the amendments to page 1, line 2, and page 5, line 4, and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate receded from the amendments on page 1, line 2, and page 5, line 4, to Second Substitute House Bill No. 1565.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1565, without the Senate amendments on page 1, line 2, and page 5, line 4, but with the Senate amendment on page 4, line 21.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1565, without the Senate amendments on page 1, line 2, and page 5, line 4, but with the Senate amendment on page 4, line 21, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator West - 1.

Excused: Senators Cantu, Garrett, Lee, Vognild - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1565, without the Senate amendments on page 1, line 2, and page 5, line 4, but with the Senate amendment on page 4, line 21, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1685 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate insists on its position regarding the Senate amendments to Substitute House Bill No. 1685 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1729 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Pullen moved that the Senate insist on its position regarding the Senate amendments to Substitute House Bill No. 1729 and asks the House to concur therein.

MOTION

Senator Talmadge moved that the Senate do recede from its amendments to Substitute House Bill No. 1729.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1729 was deferred.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1445 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Armstrong, Wineberry and Padden.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1445 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1445 and the Senate amendments thereto: Senators Pullen, Halsan and McCaslin.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The House concurs in the Senate amendment to ENGROSSED HOUSE BILL NO. 1884 on page 5, line 14, (by Senators Anderson and McMullen); refuses to concur in the amendment to page 5, line 14, (by Senator West), which was ruled beyond the

scope and object of the bill and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate receded from the amendment on page 5, line 14, by Senator West to Engrossed House Bill No. 1884.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1884, without the Senate amendment on page 5, line 14, by Senator West, but with the amendment on page 5, line 14, by Senators Anderson and McMullen.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1884, without the Senate amendment on page 5, line 14, by Senator West, but with the amendment on page 5, line 14, by Senators Anderson and McMullen, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 3; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Vogmild, von Reichbauer, Warnke, Wojahn, Zimmerman - 42.

Voting nay: Senator Talmadge - 1.

Absent: Senators Benitz, West, Williams - 3.

Excused: Senators Cantu, Garrett, Lee - 3.

ENGROSSED HOUSE BILL NO. 1884, without the Senate amendment on page 5, line 14, by Senator West, but with the Senate amendment on page 5, line 14, by Senators Anderson and McMullen, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1988

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 5558 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 28B.80 RCW to read as follows:

(1) Recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.830 choosing to attend an independent college or university in this state, as defined in subsection (4) of this section, may receive grants under this section if moneys are available. The higher education coordinating board shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. Grants shall be contingent upon the private institution matching on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. The higher education coordinating board shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) To qualify for the grant, recipients shall enter the independent college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible for grants for a maximum of twelve quarters or eight semesters of undergraduate study and may transfer among independent colleges and universities during that period and continue to receive the grant. If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(3) No grant shall be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges as of the effective date of this section and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

Students receiving grants under section 1 of this act or waivers under RCW 28B.15.543 shall be entitled to transfer between public and independent colleges or universities. Students transferring to a public institution of higher education from an independent college or university are entitled to a tuition waiver while enrolled at such institution during the period of eligibility under RCW 28B.15.543. Students transferring to an independent college or university from a public institution of higher education are entitled to a grant under section 1 of this act while enrolled at such college or university during the period of eligibility under section 1 of this act. The total grants or waivers for any one student shall not exceed twelve quarters or eight semesters of undergraduate study.

NEW SECTION. Sec. 3. Section 1 of this act shall apply to persons holding the Washington scholars award as of the effective date of this section as well as persons holding the award after the effective date of this section.

Sec. 4. Section 2, chapter 54, Laws of 1981 as amended by section 1, chapter 465, Laws of 1987 and RCW 28A.58.822 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors graduating from high schools in each legislative district who have distinguished themselves academically among their peers.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543 and grants under section 1 of this 1988 act."

On page 1, line 1 of the title, after "program," strike the remainder of the title and insert "amending RCW 28A.58.822; adding new sections to chapter 28B.80 RCW; and creating a new section."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

POINT OF ORDER

Senator Saling: "Mr. President, a point of order. I raise a question of scope and object on the House amendments to Substitute Senate Bill No. 5558 and I would like to speak to that please. The bill that we sent from the Senate asked for a study of the issue of expanding the Washington Scholars Program to include private institutions. This study was to address the significant legal questions involved so that a recommendation could be received from the HEC Board on the kind of program which could be developed, so these legal questions would not interfere with the effort. These amendments by the House go far beyond the study called for by the bill which the Senate sent over.

"These amendments actually establish the program which our bill was going to study. They establish the monetary level of the award for students attending a private institution. They establish that these students will receive grants to attend these private institutions, a matter the Senate bill directed a study of. They develop criteria for eligibility and direct the HEC Board to implement the program.

"In the Senate Bill, the HEC Board was only asked to study the issues involved in actually implementing a program like this. The House amendments determine grade point averages equivalencies and define the method of accreditation for eligible private institutions. The amendments also provide retroactive eligibility for these grants where award winners are already attending public or private schools. The amendments also establish a method wherein students can transfer their grants and or tuition waivers between private schools and between private schools and public institutions. None of these items were addressed, in any way, in the original Senate bill. We need to look at the legal questions and come back with a workable program next year. Thank you."

Further debate ensued.

MOTION

On motion of Senator Nelson, further consideration of Substitute Senate Bill No. 5558 was deferred.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 6720 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 7, chapter 345, Laws of 1985 and RCW 70.95.530 are each amended to read as follows:

Moneys in the account may be appropriated to the department of ecology:

(1) To provide for funding to state and local governments for the removal of discarded vehicle tires from unauthorized tire dump sites; ~~((and))~~

(2) To accomplish the other purposes of RCW 70.95.020(5); and

(3) To fund the study authorized in section 2 of this 1988 act.

In spending funds in the account under this section, the department of ecology shall identify communities with the most severe problems with waste tires and provide funds first to those communities to remove accumulations of waste tires.

NEW SECTION. Sec. 2. (1) The waste tire advisory committee is established consisting of representatives of cities, counties, tire dealers, tire processors, the department of ecology, the department of community development, the department of transportation, and interested citizens to study and develop a report on methods to address the waste tire problem in Washington state. The governor shall appoint members to the advisory committee. The persons appointed to the committee shall elect a chairperson and shall meet at the call of the chairperson. Members of the committee shall not receive compensation but shall be reimbursed for travel expenses as provided under RCW 43.03.050 and 43.03.060.

(2) The department shall provide staff support for the committee.

(3) The committee's report shall include recommendations on the following:

(a) The adequacy of current waste tire programs and recommendations for changes;

(b) The geographical distribution and number of existing tire dumps and collection sites;

(c) Financial responsibility requirements needed to cover tire collectors and processors;

(d) The optimum number and location of collection sites to facilitate the processing of waste tires;

(e) Alternative methods, including the costs, of collecting waste tires that are in small tire dumps and from persons or businesses that generate waste tires;

(f) The options for recycling waste tires including the current uses of recycled waste tires and the feasibility of developing future uses;

(g) Methods to establish reliable sources of waste tires for users of waste tires;

(h) The types of facilities in this state that can use waste tires as a fuel source, the cost of equipment needed to modify existing types of facilities, the cost of test burns, the feasibility of operating each type of facility using waste tires as a fuel source, and the locations of those facilities; and

(i) The establishment of a state-wide waste tire collection system.

(2) The report shall be submitted to the appropriate standing committees of the legislature by December 1, 1988.

(3) This section shall expire January 1, 1989.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4 through 6 of this act.

(1) "Storage" or "storing" means the placing of more than eight hundred waste tires in a manner that does not constitute final disposal of the waste tires.

(2) "Transportation" or "transporting" means picking up or transporting waste tires for the purpose of storage or final disposal.

(3) "Waste tires" means tires that are no longer suitable for their original intended purpose because of wear, damage, or defect.

NEW SECTION. Sec. 4. Any person engaged in the business of transporting or storing waste tires shall be licensed by the department. To obtain a license, each applicant must:

(1) Provide assurances that the applicant is in compliance with this chapter and the rules regarding waste tire storage and transportation; and

(2) Post a bond in the sum of ten thousand dollars in favor of the state of Washington. In lieu of the bond, the applicant may submit financial assurances acceptable to the department.

NEW SECTION. Sec. 5. Any person who transports or stores waste tires without a license in violation of section 4 of this act shall be guilty of a gross misdemeanor and upon conviction shall be punished under RCW 9A.20.020(2).

NEW SECTION. Sec. 6. No business may enter into a contract for:

(1) Transportation of waste tires with an unlicensed waste tire transporter; or

(2) Waste tire storage with an unlicensed owner or operator of a waste tire storage site.

NEW SECTION, Sec. 7. Sections 3 through 6 of this act are each added to chapter 70.95 RCW."

On page 1, line 1 of the title, after "tires;" strike the remainder of the title and insert "amending RCW 70.95.530; adding new sections to chapter 70.95 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6720.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6720, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6720, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 6; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 40.

Absent: Senators Benitz, Deccio, Owen, Saling, West, Williams - 6.

Excused: Senators Cantu, Garrett, Lee - 3.

ENGROSSED SENATE BILL NO. 6720, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1988

Mr. President:

The House has passed SENATE JOINT MEMORIAL NO. 8028 with the following amendment:

Strike everything after line 7 and insert the following:

"WHEREAS, Congress passed the Columbia River Gorge National Scenic Area Act to protect the resources and support the economy of the Columbia River Gorge; and

WHEREAS, Congress authorized construction of a new navigation lock at Bonneville Lock and Dam within the Scenic Area; and

WHEREAS, Construction of the new navigation lock will produce 4.7 million cubic yards of spoil material; and

WHEREAS, Congress failed to provide for recreational development on the Bonneville Pool at the time of construction of the dam, as was provided at other Columbia and Snake River dam projects; and

WHEREAS, Public access to the Columbia River in the Scenic Area is severely limited by highway and rail line and by the topography of the Gorge; and

WHEREAS, The five port districts on the Bonneville Pool and other agencies have proposed uses for all 4.7 million cubic yards of material produced by construction of the new lock; and

WHEREAS, The proposed uses would improve public access to the Columbia River and enhance the economy of the Gorge;

NOW, THEREFORE, Your Memorialists respectfully pray that: (1) Congress and the Army Corps of Engineers designate sites in the National Scenic Area as the sole eligible recipients of remaining spoil material from construction of the new navigation lock and of spoil material from other Corps projects on the Bonneville Pool;

(2) Congress and the Army Corps of Engineers assign highest priority to sites identified by the port districts on the Bonneville Pool and to sites where deposition would improve recreational access or wildlife habitat so long as those sites are found by the Columbia Gorge Commission and the Secretary of Agriculture to be consistent with the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663; and

(3) The spoils be delivered to the designated sites at no cost to agencies which own or manage the sites.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the amendment and the joint memorial are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

Senator McCaslin moved that the Senate do concur in the House amendment to Senate Joint Memorial No. 8028.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McCaslin that the Senate do concur in the House amendment to Senate Joint Memorial No. 8028.

The motion by Senator McCaslin carried and the Senate concurred in the House amendment to Senate Joint Memorial No. 8028.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8028, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8028, as amended by the House, and the memorial passed the Senate by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, Wojahn, Zimmerman - 42.

Absent: Senators Benitz, Hayner, West, Williams - 4.

Excused: Senators Cantu, Garrett, Lee - 3.

SENATE JOINT MEMORIAL NO. 8028, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 1851 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Sayan, Brekke and Winsley.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Engrossed House Bill No. 1851 and the Senate amendment thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1851 and the Senate amendment thereto: Senators Johnson, Wojahn and Smith.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1585 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Brekke, Leonard and Winsley.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate granted the request of the House for a conference on Engrossed House Bill No. 1585 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1585 and the Senate amendments thereto: Senators Kiskaddon, Stratton and Bailey.

MOTION

On motion of Senator Nelson, the Conference Committee appointments were confirmed.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9180, Donald J. Hale, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

Senator Nelson spoke to the confirmation of Donald J. Hale.

APPOINTMENT OF DONALD J. HALE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Hayner, West - 2.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9183, Dr. Evelyn Carlson Kest, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF DR. EVELYN CARLSON KEST

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Deccio, McDonald, West - 3.

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

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1819 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Appelwick, Unsoeld and Taylor.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on House Bill No. 1819 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1819 and the Senate amendments thereto: Senators Cantu, Kreidler and Newhouse.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9173, David A. Ballaine, as a member of the Housing Finance Commission, was confirmed.

APPOINTMENT OF DAVID A. BALLAINE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.
Absent: Senators McMullen, Patterson, Saling, West - 4.

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

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1302 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Crane, Armstrong and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1302 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1302 and the Senate amendments thereto: Senators Pullen, Talmadge and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1892 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Ebersole, Spanel and Betzoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute House Bill No. 1892 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1892 and the Senate amendments thereto: Senators Bailey, Rinehart and Kiskaddon.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

President Pro Tempore Bluechel assumed the chair.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

MOTION

On motion of Senator Zimmerman, Senators Patterson and Saling were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9185, Bonnie J. Polhamus, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF BONNIE J. POLHAMUS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Pullen, West - 2.

Excused: Senators Patterson, Saling - 2.

MOTION

On motion of Senator Anderson, Senator West was excused.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9188, Michael R. Thorp, as a member of the Puget Sound Water Quality Authority, was confirmed.

Senators Rasmussen and Talmadge spoke to the confirmation of Michael R. Thorp.

APPOINTMENT OF MICHAEL R. THORP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Kiskaddon, McDonald - 2.

Excused: Senators Patterson, Saling, West - 3.

MOTION

On motion of Senator Anderson, Gubernatorial Appointment No. 9191, Judith Wiseman, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF JUDITH WISEMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Smith, Warnke - 2.

Excused: Senator West - 1.

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9192, Nancy Abraham, as Director of the Department of Information Services, was confirmed.

APPOINTMENT OF NANCY ABRAHAM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Lee, Sellar, Smith - 3.

Excused: Senator West - 1.

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

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to recede from its amendments to SENATE BILL NO. 6297 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Wang, Jones and Patrick.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Senate Bill No. 6297 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6297 and the House amendments thereto: Senators von Reichbauer, West and Moore.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 5595 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Armstrong, Appelwick and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5595 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5595 and the House amendments thereto: Senators Lee, Niemi and West.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9194, James L. Kirschbaum, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF JAMES L. KIRSCHBAUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Johnson, Lee, Sellar, Warnke - 4.

Excused: Senator West - 1.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9195, Ted S. Semon, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

Senator Anderson spoke to the confirmation of Ted S. Semon.

APPOINTMENT OF TED S. SEMON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 5; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Fleming, Johnson, Lee, Smith, Warnke - 5.

Excused: Senator West - 1.

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

MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6124 and asks the Senate for a conference thereon. The Speaker

has appointed the following members as Conferees: Representatives Braddock, Sprengle and Brooks.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 6124 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6124 and the House amendments thereto: Senators Zimmerman, Wojahn and Johnson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6235 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Rust, Hine and Schoon.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 6235 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6235 and the House amendments thereto: Senators Barr, Kreidler and Lee.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9196, David P. Yang, as a member of the Board of Trustees of Clark Community College District No. 14, was confirmed.

Senator Zimmerman spoke to the confirmation of David P. Yang.

APPOINTMENT OF DAVID P. YANG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Lee, Warnke - 2.

Excused: Senators Benitz, West - 2.

MOTION

At 2:58 p.m., on motion of Senator Newhouse, the Senate recessed until 4:30 p.m.

The Senate was called to order at 4:34 p.m. by President Cherberg.

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

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House concurred in the Senate amendment to HOUSE BILL NO. 1836 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6160 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Peery, Spanel and Betrozoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 6160 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6160 and the House amendments thereto: Senators Bailey, Bender and Craswell.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 6157 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Peery, Spanel and Betrozoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 6157 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6157 and the House amendments thereto: Senators Bailey, Rinehart and Kiskaddon.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 6439. (See request for conference on March 7, 1988). The Speaker has appointed the following members as Conferees: Representatives Armstrong, Appelwick and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

At 4:37 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Wednesday, March 9, 1988.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 9, 1988

The Senate was called to order at 8:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Craswell, Fleming, Lee, Moore, Rasmussen, Rinehart and Warnke.

The Sergeant at Arms Color Guard, consisting of Pages Mary Lou Mercer and Ernestina Candanoza, presented the Colors. Reverend Ronald Gadde, co-pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

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

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9197, Anna-Greta Boice, as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

APPOINTMENT OF ANNA-GRETA BOICE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 8.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, West, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Bender, Craswell, Fleming, Lee, Moore, Rasmussen, Rinehart, Warnke - 8.

MOTION

On motion of Senator Vognlid, Senators Fleming and Moore were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9198, Richard R. Albrecht, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF RICHARD R. ALBRECHT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Rasmussen - 2.

Excused: Senators Fleming, Moore - 2.

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

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to recede from its amendment to SUBSTITUTE SENATE BILL NO. 6238 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Rust, Valle and Walker.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 6238 and the House amendment thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6238 and the House amendment thereto: Senators Barr, Owen and Metcalf.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5558, and the pending House amendments, deferred March 8, 1988.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Saling, the President finds that Substitute Senate Bill No. 5558 is a measure which would authorize recipients of the Washington Scholars Award who choose to attend an independent college or university in this state to receive grants, on a yearly basis, not to exceed the yearly, full-time, resident, tuition and fees in effect at Washington State University; establishes minimum criteria for receipt of the grants and defines 'independent college or university.'

"The amendments proposed by the House of Representatives would also authorize recipients of the Washington Scholars Award who choose to attend an independent college or university in this state to receive grants, on a yearly basis, not to exceed the yearly, full-time, resident, tuition and fees in effect at the state-funded research universities; establishes minimum criteria for receipt of the grants, defines 'independent college or university;' and permits recipients of the grants to transfer between public and independent colleges of universities.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and the point of order is not well taken."

The amendments by the House of Representatives were ruled in order.

MOTION

Senator Saling moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 5558.

MOTION

Senator Smitherman moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5558.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Smitherman that the Senate do concur in the House amendments to Substitute Senate Bill No. 5558.

The motion by Senator Smitherman carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5558.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5558, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5558, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Pullen, Rasmussen, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Wojahn, Zimmerman - 36.

Voting nay: Senators Anderson, Bender, DeJarnatt, Garrett, Kreidler, Lee, McCaslin, Moore, Patterson, Rinehart, Saling, Williams - 12.

Excused: Senator Fleming - 1.

SUBSTITUTE SENATE BILL NO. 5558, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1729 and the pending positive motion by Senator Talmadge that the Senate do recede from the Senate amendments, deferred March 8, 1988.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Talmadge that the Senate recede from its amendments to Substitute House Bill No. 1729.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Talmadge that the Senate do recede from its amendments to Substitute House Bill No. 1729.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge to recede from the Senate amendments failed by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 27.

Excused: Senator Fleming - 1.

MOTION

On motion of Senator Pullen, the Senate insists on its position regarding the Senate amendments to Substitute House Bill No. 1729 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to recede from its amendments to SENATE BILL NO. 6671, insists on its position and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Lee moved that the Senate do concur in the House amendments to Senate Bill No. 6671.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Lee that the Senate do concur in the House amendments to Senate Bill No. 6671.

The motion by Senator Lee carried and the Senate concurred in the House amendments to Senate Bill No. 6671.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6671, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6671, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Fleming - 1.

SENATE BILL NO. 6671, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House grants the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 1271. (See request for conference on March 7, 1988.) The Speaker has appointed the following members as Conferees: Representatives Sprenkle, Braddock and Brooks.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House receded from its amendment to page 1, line 24, of SUBSTITUTE SENATE BILL NO. 6376, and has passed the bill without said amendment, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6376, as amended by the House on page 2, lines 13 and 24, but without the amendment on page 1, line 24.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6376, as amended by the House on page 2, line 13, but without the House amendment on page 1, line 24, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McMullen, Metcalf, Newhouse, Owen, Patterson, Rinehart, Smitherman, Vognlid, von Reichbauer, Warnke, Williams, Zimmerman - 25.

Voting nay: Senators Barr, Bauer, Cantu, Conner, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Madsen, McCaslin, Moore, Nelson, Niemi, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, Talmadge, West, Wojahn - 23.

Excused: Senator Fleming - 1.

SUBSTITUTE SENATE BILL NO. 6376, as amended by the House on page 2, lines 13 and 24, but without the House amendment on page 1, line 24, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House suspended the rules, receded from its amendment No. 314 to the Human Services Committee amendment and passed SENATE BILL NO. 6675 with the following Committee on Human Service amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 74.21 RCW to read as follows:

The family independence program implementation plan submitted to the legislature pursuant to RCW 74.21.140 and 74.21.200 is approved. The governor or the governor's designee is

authorized to sign and complete all necessary agreements with the federal government, provided that nothing in the agreements is inconsistent with chapter 74.21 RCW.

Sec. 2. Section 2, chapter 434, Laws of 1987 and RCW 74.21.020 are each amended to read as follows:

The legislature hereby establishes as state policy the goal of economic independence for employable adults receiving public assistance, through employment, training, and education. The legislature finds that children living in families with incomes below the needs standard have reduced opportunities for physical and intellectual development. A family's economic future is frequently not improved by the current program.

Therefore, in order to break the cycle of poverty and dependence, a family independence program is established. Participating families are to receive benefits under this program at no less than they would otherwise have been entitled to receive.

The legislature finds that the state has a vital interest in ensuring that citizens who are in economic need are provided appropriate financial assistance. It is the intent of the legislature to maintain the existing partnership between state and federal government and that this program remain part of the federal welfare entitlement program. The legislature seeks federal authority for a five-year demonstration project and recognizes that waivers and congressional action may be required to achieve our purpose. The legislature does not seek a block grant approach to welfare.

The legislature recognizes that any program intended to assist new and current public assistance recipients will be more likely to succeed when the state, private sector, and recipients work together.

The legislature also recognizes the value of building on successful programs that utilize the development of networking and mentoring strategies to assist public assistance recipients to gain self-sufficiency. The legislature further encourages public-private cooperation in the areas of job readiness training, education, job training, and work opportunities, including community-based organizations as service providers in these areas through contractual relationships.

The legislature finds that the goal of economic independence requires increased efforts to assist parents in exercising their children's right to economic support from absent parents.

The legislature recognizes the substantial participation in the workforce of women with preschool children, and the difficulty in reentering employment after long absences.

The legislature further recognizes that public assistance recipients can play a major role in setting their own goals.

The objectives of this chapter are to assure that: The maximum number of recipients of public assistance become independent and self-sufficient through employment, training, and education; caseloads be correspondingly reduced on a long-term basis; financial incentives be available to recipients participating in job readiness, education, training, and work programs; the number of children growing up in poverty be substantially reduced; and unemployed recipients be afforded a basic level of financial and medical assistance consistent with the state's financial capabilities.

Sec. 3. Section 6, chapter 434, Laws of 1987 and RCW 74.21.060 are each amended to read as follows:

(1) The executive committee shall establish a family opportunity advisory council in each of the department's regions to make recommendations on the social services, procedures, and income maintenance operations used in the family independence program. The councils shall also assist in providing mentors, mutual self-help, and information on alternatives to welfare dependency. The councils shall include: (a) Individuals currently receiving assistance; (b) individuals who have received public assistance in the past but have subsequently achieved economic independence; and (c) persons who are board members or employees of nonprofit organizations providing services of the types offered to family independence program recipients, including those with experience in developing self-esteem and individual motivation. A regional advisory council may establish panels representing specific geographic areas within the region.

(2) Each advisory council shall nominate three persons from which the executive committee shall elect one person from each region to be a member of the advisory committee authorized by RCW 74.21.050. Appointments shall be for a term of two years. Terms may be renewed for one additional two-year term. Three regional appointments shall initially be for a term of one year. The regional representatives shall constitute the consumer and enrollee representatives required by 74.21.050.

(3) Recipients and former recipients may be paid a per diem rate established by the executive committee. Members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Recipients and former recipients may also be reimbursed for dependent care expenses required to permit their participation in the family opportunity advisory councils, the executive committee, and the family independence program advisory committee.

(4) The department may, within available funds, provide grants to each family opportunity council to assist and support their activities and to assist in the recruitment and training of volunteer mentors.

Sec. 4. Section 14, chapter 434, Laws of 1987 and RCW 74.21.140 are each amended to read as follows:

(1) By January 1, 1988, the executive committee shall submit to the legislature:

(a) A child-care plan, which may include creative solutions to assist enrollees in making child-care arrangements;

(b) In consultation with the superintendent of public instruction, a plan for assisting high school students who are parents or pregnant to remain in school or complete their high school education;

(c) A plan for motivating those who are discouraged to seek self-sufficiency through work, education, or training;

(d) An employment plan for enrollees; and

(e) A plan for phased-in implementation of the family independence program.

(2) By January 1, 1988, the legislative budget committee, after consultation with the executive committee, shall submit to the legislature:

(a) An evaluation plan satisfactory to the federal government, including a plan for analysis, within available funds, of:

(i) The costs and effectiveness of the family independence program;

(ii) The extent to which education and training opportunities have led to employment and economic independence;

(iii) The extent to which support services have been provided for such education and training opportunities;

(iv) The impact of support services, training opportunities, and employment on the well-being of the children and families of enrollees;

(v) ~~The impact of the family independence program on the labor market opportunities available to nonenrollees;~~

(vi) The impact of the family independence program on the early childhood education assistance program;

~~((vii))~~ (vi) A comparison of the family independence program enrollees with a sample of aid to families with dependent children recipients entering assistance between July 1, 1987, through June 30, 1988, to determine the characteristics of the caseloads of the family independence program and the aid to families with dependent children program, including demographic characteristics, employment, training, and educational histories, spells on assistance, and reasons for entry onto and exit from assistance;

~~((viii))~~ (vi) Such administrative and operational factors as may be requested by the executive committee;

~~((ix))~~ (viii) A longitudinal study over time of a sample of public assistance recipients or persons at risk of becoming eligible for assistance, to determine the causes of public dependency and the impact of changes in the economy or of public programs on dependency, work, or other relevant behaviors of the sample population.

(3) The legislative budget committee shall cause the evaluation plan to be implemented ~~((subject to legislative approval))~~ as approved by the legislative budget committee in a manner that will insure the independence of the evaluation through appropriate arrangements, which may include contracts, with objective evaluators. The evaluation plan and all evaluation products shall receive the review and comment of evaluation advisory groups to be convened by the Washington Institute of Public Policy and which include representatives of the executive committee, appropriate legislative committee staffs, persons from the state's higher education institutions, staff members of the department and the employment security department, recipients, and former recipients. The reviews shall consider relevance to state policy and budget concerns, methodological procedure, implementation, and results.

(4) The first report of this evaluation shall be submitted to the legislature no later than ~~((November 16, 1988))~~ December 1, 1989, and annually thereafter, with a final report due no later than November 15, 1993.

Sec. 5. Section 25, chapter 434, Laws of 1987 and RCW 74.21.904 are each amended to read as follows:

This chapter shall expire on June 30, ~~((1989))~~ 1993, unless extended by law.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Kiskaddon moved that the Senate do concur in the House amendment to Senate Bill No. 6675.

MOTION

Senator Wojahn moved that the Senate concur in the House amendment to Senate Bill No. 6675 with the exception of subsection (v) of Section 4.

PARLIAMENTARY INQUIRY

Senator Kiskaddon: "Mr. President, a point of parliamentary inquiry. I believe the motion to concur in the amendment would take precedence."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that your version is correct."

POINT OF ORDER

Senator Wojahn: "Mr. President, a point of order. What I would like to know is, do I get to argue my position, Mr. President?"

REPLY BY THE PRESIDENT

President Cherberg: "You may state your beliefs."
Debate ensued.

MOTION

Senator Wojahn moved that the question be divided.
Debate ensued.

At 9:55 a.m., the President declared the Senate to be at ease.
The Senate was called to order at 10:00 a.m. by President Cherberg.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1988 Skagit Valley Tulip Festival Royalty and appointed Senators McMullen, Metcalf and Stratton to escort the honored guests to the Senate Rostrum.

The President introduced four-year old Genevieve Hayton, the Tulip Festival Poster Girl and her six-year old sister, Jessie Hayton, both bearing baskets of Skagit Valley tulips.

Senator McMullen gave special thanks to the promoters of the Tulip Festival and introduced Ms. Kate Skeldon, executive director of the Mt. Vernon Chamber of Commerce.

With permission of the Senate, business was suspended to permit Ms. Skeldon to address the Senate.

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

MOTION

On motion of Senator McMullen, the following resolution was adopted:

SENATE RESOLUTION 1988-8743

by Senators McMullen, Rasmussen and Metcalf

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and
WHEREAS, Every April the tulips are in bloom celebrating the beginning of spring; and

WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and

WHEREAS, This year's fifth annual event will run from April 2 through April 10, with the Festival focusing on Sedro Woolley and Burlington the first weekend and Anacortes, LaConner, and Mount Vernon the second weekend; and

WHEREAS, Nearly a half of a million people visited the Festival last year, bringing pleasure and excitement to visitors and a strong economic impact to Skagit Valley; and

WHEREAS, The American Bus Association has designated the Skagit Valley Tulip Festival as one of the top one hundred events in North America in 1988, bringing national attention to Skagit Valley; and

WHEREAS, Visitors will be overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow; and

WHEREAS, The taste of Skagit food fair, the blue grass music festival, the Paccar open house, the Ecumenical Easter Sunrise Services, the 10K run, and the tenth annual Slug Run highlight the event;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute the five communities of Skagit County and the Chambers of Commerce for their pending Fifth Annual Skagit County Tulip Festival; and

BE IT FURTHER RESOLVED, That we commend those community leaders responsible for the success of this important event and that we encourage citizens from across Washington State to take the time to enjoy the Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the Washington State Senate issue this resolution in recognition of the Skagit Valley Tulip Festival, April 2 through April 10, 1988.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 6675 and the pending House amendment and the pending motion by Senator Wojahn to divide the question, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "The President believes Senator Wojahn's point is well taken. The precedent established in the Senate has been to allow the members to concur with part of a House striking amendment.

"The President, therefore, believes that the motion is in order."

The question was divided.

The President declared the question before the Senate to be the motion by Senator Wojahn that the Senate do concur in the House amendment to Senate Bill No. 6675, with the exception of subsection (v) of Section 4.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Wojahn that the Senate do concur in the House amendment to Senate Bill No. 6675, with the exception of subsection (v) of Section 4.

The motion by Senator Wojahn carried and the Senate concurred in the House amendment, with the exception of subsection (v) of Section 4.

MOTION

Senator Kiskaddon moved that the Senate do concur in the amendment to subsection (v) of Section 4.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Kiskaddon that the Senate do concur in the House amendment to subsection (v) of Section 4 to Senate Bill No. 6675.

ROLL CALL

The Secretary called the roll and the motion by Senator Kiskaddon carried and the Senate concurred in the House amendment to subsection (v) of Section 4, by the following vote: Yeas, 25; nays, 22; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

Absent: Senator Moore - 1.

Excused: Senator Fleming - 1.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6675, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6675, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Deccio - 1.

Excused: Senator Fleming - 1.

SENATE BILL NO. 6675, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House suspended the rules, reconsidered the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1333, refused to concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTIONS

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1333 was returned to second reading and read the second time.

Senator Pullen moved that the following amendments by Senators Pullen and Talmadge be considered simultaneously and be adopted:

On page 4, line 30, strike "contact" and insert "intercourse"

On page 5, line 3, after "victim" strike "and" and insert ", is"

On page 5, line 4, after "victim" insert ", and abuses a supervisory position within that relationship in order to engage in sexual contact with the victim"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Pullen and Talmadge to Substitute House Bill No. 1333.

The motion by Senator Pullen carried and the amendments were adopted.

MOTION

On motion of Senator Pullen, the rules were suspended, Substitute House Bill No. 1333, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1333, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1333, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1333, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Pullen, Substitute House Bill No. 1333, as amended by the Senate under suspension of the rules, was ordered immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

March 7, 1988

Mr. President:

The Speaker ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 657 beyond the scope and object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Pullen, the Senate insists on its position regarding the Senate amendments to Substitute House Bill No. 657 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Zimmerman, the Senate insists on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 1849 and once again asks the House to concur therein.

*EDITOR'S NOTE: See motion for reconsideration of Engrossed Substitute House Bill No. 1849 later on in day.

MOTION

On motion of Senator Bender, Senator McMullen was excused.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1857 and asks the Senate to recede therefrom, and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate receded from its amendment to Substitute House Bill No. 1857.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1857, without the Senate amendment.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1857, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Absent: Senators Deccio, Wojahn - 2.

Excused: Senator McMullen - 1.

SUBSTITUTE HOUSE BILL NO. 1857, without the Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge moved that the Senate immediately reconsider the vote taken earlier today by which the Senate insisted on its position regarding its amendments to Engrossed Substitute House Bill No. 1849.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1849 was deferred.

INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Ed Aliverti, newly selected member of the National Association of Intercollegiate Athletics Wrestling Hall of Fame, who was seated on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Mr. Aliverti to address the Senate.

Senators Kiskaddon and Hayner welcomed Mr. Aliverti to the Senate.

MOTION

At 10:53 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:23 a.m. by President Cherberg.

CALL OF THE SENATE

Senators Newhouse, Nelson and Zimmerman demanded a Call of the Senate and the demand was sustained.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

MOTION

On motion of Senator Newhouse, the Senate proceeded under the Call of the Senate.

MESSAGE FROM THE HOUSE

March 8, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Bailey, the Senate insists on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 1655 and once again asks the House to concur therein.

MESSAGES FROM THE HOUSE

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to HOUSE BILL NO. 1292 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 8, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 8, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1340 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 8, 1988

Mr. President:

The House has adopted SUBSTITUTE SENATE CONCURRENT RESOLUTION BILL NO. 8430, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SHB 608

Imposing penalties for malicious reporting of child or dependent adult abuse or neglect.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the Senate Committee on Law and Justice striking amendments with the following change:

On page 12, beginning on line 38, of the Senate striking amendment, strike all material down to and including line 5, on page 13, and insert the following:

"(4) A person who maliciously makes a false report of abuse or neglect knowing the report is false shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021."

Signed by Senators Pullen, McCaslin; Representatives P. King, Armstrong, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 608 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 1302

Establishing penalties for sexual offenses against developmentally disabled persons.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 118, Laws of 1983 and RCW 9A.44.050 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

(a) By forcible compulsion; ~~((or))~~

(b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; or

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim.

(2) Rape in the second degree is a class B felony.

Sec. 2. Section 9A.88.100, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 10, chapter ... (SHB 1333), Laws of 1988 and RCW 9A.44.100 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; or

(c) When the victim is developmentally disabled and the perpetrator is a person who is not married to the victim and who has supervisory authority over the victim.

(2) Indecent liberties is a class B felony.

Sec. 3. Section 1, chapter 14, Laws of 1975 1st ex. sess. as last amended by section 1, chapter ... (SHB 1333), Laws of 1988 and RCW 9A.44.010 are each amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause(;;).

(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act(;;).

(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped(;;).

(7) "Consent" means that at the time of the act of sexual intercourse there are actual words or conduct indicating freely given agreement to have sexual intercourse(;;).

(8) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors; or

(b) A person who in the course of his or her employment supervises minors.

(9) "Abuse of a supervisory position" means a direct or indirect threat or promise to use authority to the detriment or benefit of a minor.

(10) "Developmentally disabled," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person as defined in RCW 71.20.016.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled persons at the facility.

NEW SECTION. Sec. 4. A new section is added to chapter 9A.88 RCW to read as follows:

Patronizing a prostitute. (1) A person is guilty of patronizing a prostitute if:

(a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or

(b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or

(c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

(2) For purposes of this section, "sexual conduct" has the meaning given in RCW 9A.88.030.

(3) Patronizing a prostitute is a misdemeanor.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. Section 4 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. The remainder of this act shall take effect July 1, 1988."

On page 1, line 1 of the title, after "offenses" strike the remainder of the title and insert "amending RCW 9A.44.050, 9A.44.100, and 9A.44.010; adding a new section to chapter 9A.88 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Senators Pullen, Talmadge, Anderson: Representatives Crane, Armstrong, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 1302 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 1271

Revising provisions relating to the department of corrections.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the Senate Committee on Health Care and Corrections amendment to page 12, after line 9, and the corresponding title amendment:

Reject the amendment by Senator Owen to page 9, after line 14

Adopt the following amendments:

On page 9, after line 24 of the Substitute House Bill, insert the following:

"NEW SECTION. Sec. 14. The training center general population housing units at the Washington correction center at Shelton shall be subject to an inmate population limit of no more than one hundred fifteen percent of the rated capacity. However, the governor may declare an emergency and increase by fifteen percent for a twelve-month period of time the population limitation of the training center general population housing units."

Renumber the sections consecutively and correct internal references accordingly.

On page 12, after line 9 of the Substitute House Bill, insert the following:

"Sec. 20. Section 1, chapter 402, Laws of 1987 and section 2, chapter 456, Laws of 1987 and RCW 9.94A.120 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ((of)) prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44-.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ((of)) prior to any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ((of)) prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sexual offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the

department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ((of)) prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(15) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision.

(16) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release.

Sec. 21. Section 17, chapter 137, Laws of 1981 and RCW 9.94A.170 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from ((supervision)) confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) A term of supervision ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3) Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.195 and is later found not to have violated a condition or requirement of supervision, time spent in confinement due to such detention shall not toll the period of supervision.

(4) For confinement sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement. For sentences involving supervision, the date for the tolling of the sentence shall be established by the court, based on reports from the entity responsible for the supervision.

Sec. 22. Section 22, chapter 209, Laws of 1984 and RCW 9.94A.383 are each amended to read as follows:

On all sentences of confinement for one year or less, the court may impose up to one year of community supervision. ~~(For confinement sentences, unless otherwise ordered by the court, the period of community supervision begins at the date of release from confinement. For non-confinement sentences, the period of community supervision begins at the date of entry of the judgment and sentence.)~~ An offender shall be on community supervision as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community supervision shall toll.

Sec. 23. Section 11, chapter 115, Laws of 1983 as last amended by section 5, chapter 456, Laws of 1987 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition does not apply in cases involving vehicular assault or vehicular homicide if the victims occupied the same vehicle. However, the sentencing judge may consider multiple victims in such instances as an aggravating circumstance under RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

NEW SECTION. Sec. 24. Increased sanctions authorized by sections 20 through 23 of this act are applicable only to those persons committing offenses after the effective date of this section.

NEW SECTION. Sec. 25. Sections 20 through 23 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, strike "and 72.08.380" and insert "72.08.380, 9.94A.170, 9.94A.383, and 9.94A.400"

On page 1, line 4 of the title, after "72.01.050" insert "and 9.94A.120"

On page 1, line 4 of the title, after "72.02 RCW;" insert "creating new sections;"

On page 1, line 6 of the title, after "72.08.380;" strike "and"

On page 1, line 13 of the title, after "72.15.070" and before the period insert "; and declaring an emergency"

Signed by Senators Deccio, Owen, West: Representatives Sprengle, Braddock.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 1271 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

*EDITOR'S NOTE: See Revised Report of Conference Committee on ESHB 1420 considered later on in the day.

RE: ESHB 1420

Revising provisions on property taxes.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature finds that, due to statutory and constitutional limitations, the interdependence of the regular property tax levies of the state, counties, county road districts, cities and towns, and junior taxing districts can cause significant reductions in the otherwise authorized levies of those taxing districts, resulting in serious disruptions to essential services provided by those taxing districts. The purpose of this act is to avoid unnecessary reductions in regular property tax revenue without exceeding existing statutory and constitutional tax limitations on cumulative regular property tax levy rates. The legislature declares that it is a purpose of the state, counties, county road districts, cities and towns, public hospital districts, library districts, fire protection districts, metropolitan park districts, and other taxing districts to participate in the methods provided by this act by which revenue levels supporting the services provided by all taxing districts might be maintained.

Sec. 2. Section 1, chapter 107, Laws of 1986 and RCW 39.67.010 are each amended to read as follows:

Any agreement or contract between two taxing districts other than the state which is otherwise authorized by law may be made contingent upon a particular property tax levy rate of an identified taxing district other than the state where such rate affects the regular property tax rate of one of the parties to the contract and therefore affects the party's resources with which to perform under the contract. The governing body of every taxing district that could have its tax levy adversely affected by such a contract shall be notified about the contract.

~~((This section shall expire December 31, 1988:))~~

Sec. 3. Section 2, chapter 107, Laws of 1986 and RCW 39.67.020 are each amended to read as follows:

Any taxing district other than the state may transfer funds to another taxing district other than the state where the regular property tax levy rate of the second district may affect the regular property tax levy rate of the first district and where such transfer is part of an agreement whereby proration or reduction of property taxes is lessened or avoided. The governing body of every taxing district that could have its tax levy adversely affected by such an agreement shall be notified about the agreement.

~~((This section shall expire December 31, 1988:))~~

Sec. 4. Section 3, chapter 107, Laws of 1986 and RCW 84.55.092 are each amended to read as follows:

The regular property tax ~~((levies))~~ levy for each taxing district other than the state ~~((for taxes due in 1987 through 1991))~~ may be set at the amount which would ~~((otherwise))~~ be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 ~~((and 1987))~~ had been set at the full amount allowed under this chapter.

~~((This section shall expire December 31, 1991:))~~ The purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level permitted under this

chapter, and to protect the future levy capacity of a taxing district that reduces its tax levy below the level that it otherwise could impose under this chapter, by removing the adverse consequences to future levy capacities resulting from such levy reductions.

Sec. 5, Section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy ((or)) by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by ((or-for)) any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value((:-PROVIDED FURTHER, That counties of the fifth class and under are)). However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes ((and from one dollar and fifty-seven and one-half cents to two dollars and twenty-five cents per thousand dollars of assessed value for county road purposes)) if the total ((levy)) levies for both ((purposes does)) the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value((:-PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy two dollars and two and one-half cents per thousand dollars of assessed value until such time as the junior taxing agencies are utilizing all the dollar rates available to them: AND PROVIDED FURTHER, That the total property tax levy authorized by law without a vote of the people shall not exceed nine dollars and fifteen cents per thousand dollars of assessed value)), and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and fifty-five cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district ((shall not be included in the limitation set forth by this proviso:

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district)); (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069.

(3) It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including ((section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess)) RCW 84.52.050.

Sec. 6, Section 7, chapter 138, Laws of 1987 and RCW 84.52.100 are each amended to read as follows:

(1) The governing body of any library district, public hospital district, metropolitan park district, or fire protection district may provide for the submission of a ballot proposition to the voters of the taxing district authorizing the taxing district to maintain its otherwise authorized tax levy rate, and authorizing an increase in the cumulative regular property tax limitation established in RCW 84.52.043 of ((nine)) five dollars and ((fifteen)) fifty-five cents per thousand dollars of assessed valuation within the taxing district, as provided in this section. A fire protection district may use this authority to increase its regular property tax levy up to fifty cents per thousand dollars of assessed valuation.

(2) A resolution by a governing body, requesting that a special election be called to submit such a ballot proposition to the voters, must be transmitted to the county legislative authority of the county, or county legislative authorities of the counties, within which the taxing district is located, at least forty-five days before the special election date at which the ballot proposition is submitted. The ballot proposition shall be worded substantially as follows:

"Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to maintain its otherwise statutory authorized property tax rate?"

The ballot proposition for a fire protection district shall be worded substantially as follows:

"Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five

consecutive year period allowing (insert the name of the taxing district) to permit the fire protection district to impose its property tax at a value up to fifty cents per thousand dollars of assessed valuation?"

Approval of this ballot proposition by a simple majority vote shall authorize the following for the succeeding five consecutive year period: (a) Property tax rates of junior taxing districts are calculated first as if this proposition had not been approved; (b) subject to the one hundred six percent limitation, the regular property tax rate of the taxing district receiving such authorization is increased to a level not exceeding the lesser of: (i) Its maximum statutory authorized regular property tax rate; or (ii) whatever tax rate it otherwise would have been able to impose plus an additional thirty-five cents per thousand dollars of assessed valuation; and (c) the cumulative property tax rate limitation is increased within the boundaries of the taxing district receiving this authorization to an amount equal to ((nine)) five dollars and ((fifteen)) fifty-five cents per thousand dollars of assessed valuation plus the increased amount of the regular levy rate of this taxing district, but not to exceed ((nine)) five dollars and ((fifty)) ninety cents per thousand dollars of assessed valuation.

(3) If two or more taxing districts that occupy a portion of the same territory receive such approval, the additional authorized taxing capacity above ((nine)) five dollars and ((fifteen)) fifty-five cents per thousand dollars of assessed valuation shall be distributed among these taxing districts by adjusting their levy rate requests in the same manner and under the same conditions as if they were the only taxing districts in the area subject to adjustment of their property tax rates and the levy rate adjustments were being made with the cumulative limitation of ((nine)) five dollars and ((fifteen)) fifty-five cents per thousand dollars of assessed valuation.

(4) Levies authorized under RCW 84.52.069 are not subject to the rate adjustments and the ((nine)) five dollar and ((fifty)) ninety cent per thousand dollar of assessed valuation cumulative limitation on regular property tax rates established by this section.

Sec. 7. Section 84.52.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 255, Laws of 1987 and RCW 84.52.010 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, as now or hereafter amended, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law (~~(- PROVIDED, That in the event of a levy made pursuant to RCW 84.34.230, the rates of levy for county and county road district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to RCW 84.34.230)~~), subject to subsection (2)(e) of this section; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010; and

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, public hospital districts, metropolitan park districts, and library districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; (~~and~~)

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for cities and towns, fire protection districts under RCW 52.16.130, public hospital districts, metropolitan park districts, and library districts shall be adjusted as provided in section 8 of this 1988 act; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.130, and the certified property tax levy rates of public hospital districts, metropolitan park districts, and library districts, shall be reduced on a pro rata basis or eliminated.

NEW SECTION. Sec. 8. A new section is added to chapter 84.52 RCW to read as follows:

(1) In any county, if, after any reduction in levy rates required by RCW 84.52.010(2)(a) through (d), the consolidated tax levy rate still exceeds the limitations in RCW 84.52.043 or 84.52.050, then the department pursuant to rules shall direct the county assessor to adjust the regular property tax levy rates in the following manner:

(a) First, the assessor determines a first preliminary rate pursuant to RCW 84.52.010(2)(f).

(b) Second, the assessor determines a second preliminary rate which is the additional rate, if any, permitted by RCW 84.52.100.

(i) If the preliminary rates together are sufficient to permit all rates subject to RCW 84.52.010(2)(f) to be levied without reduction, then the assessor shall extend on the tax rolls the full certified rates pursuant to RCW 84.52.010(2)(f) and 84.52.100.

(ii) If the preliminary rates together are not sufficient to permit all rates subject to RCW 84.52.010(2)(f) to be levied without reduction pursuant to both RCW 84.52.010(2)(f) and 84.52.100, the assessor shall reduce the rate of the taxing district subject to RCW 84.52.010(2)(e) with the smallest assessed valuation such that, after first allowing for any additional rate permitted by RCW 84.52.100, there is no reduction of the rates under RCW 84.52.010(2)(f). Where the reduction of the levy of a taxing district is not sufficient, the taxing district with the next smallest assessed valuation shall have its levy reduced under this subsection until there is no reduction of rates under RCW 84.52.010(2)(f). The assessor shall then extend on the tax rolls the rates derived pursuant to this subsection (b)(ii).

(2) The taxing districts whose levies would have been reduced but for subsection (1) of this section shall pay to each district that had its levy so reduced pursuant to subsection (1) of this section a proportionate share of the reduced amount based on the amount by which each district would have had its total levy rate reduced if subsection (1) of this section were not in effect and the rates had been adjusted pursuant to RCW 84.52.010(2)(f) and 84.52.100.

(a) In the case of a public hospital district, library district, fire protection district, or metropolitan park district whose levy is reduced under subsection (1) of this section, the district shall bear a proportionate share as if its rate were sufficient to collect its certified levy.

(b) In the case of a city or town that is annexed by a library district or a fire protection district, which city's or town's levy is reduced under this section, or is in a tax code area where a levy rate is reduced under this section, the city or town shall forgo receipt of, or pay to each district whose levy rate is reduced, ten percent of the amount which would otherwise be paid to the city or town from each district whose levy rate is not reduced as a result of subsection (1) of this section, collectively not to exceed one-half of the following amount: The assessed valuation of the reduced district multiplied by a rate equal to the city's or town's levy rate, calculated based on its certified levy request, plus the rate(s) of the annexing district(s) minus the rate the city or town would have been able to levy were it not annexed, not to exceed twenty-two and one-half cents.

(3) Fifty-five percent of the amount under subsection (2) of this section shall be distributed on or before May 31 of the tax collection year for which the levy is reduced and forty-five percent on or before November 30 of that year.

(4) This section shall expire on January 15, 1989.

NEW SECTION. Sec. 9. The department of revenue shall adopt such rules consistent with this act as shall be necessary or desirable to permit its effective administration. The rules shall provide how section 8 of this act shall apply to a taxing district that has received authorization to increase its levy according to RCW 84.52.100 and use the method that will be the least costly to all taxing districts involved.

NEW SECTION. Sec. 10. There is created in the custody of the state treasurer an account to be known as the "small county assistance account." Effective July 1, 1988, and notwithstanding RCW 43.84.092, one-half of the investment income earned on moneys in the local sales and use tax account created by RCW 82.14.050 and which has not been distributed according to RCW 82.14.060 shall be placed into this account. Any moneys in the account on December 31, 1989, shall be transferred to the general fund.

The state treasurer shall disburse moneys from this account, upon certification by the director of revenue, to each fifth class and smaller county that contracts with, or transfers funds to, a taxing district or districts under RCW 39.67.010 or 39.67.020 if, as a result of the contracts or transfers, the county is able to increase its county-wide general tax levy above one dollar and eighty cents per thousand dollars of assessed valuation, in accordance with RCW 84.52.043.

Each eligible county shall receive an amount of money from this account that is equal to the amount that the county transfers or pays to the other taxing district or districts. One-half of

the distributions shall be made to each eligible county on or before April 30, 1989, and one-half of the distributions shall be made to each eligible county on or before October 31, 1989. These amounts shall be proportionally reduced if the moneys in the account are insufficient to reimburse the full amount that these counties transferred or paid to such taxing districts. Distributions from this account are not subject to appropriation.

Each county that so transfers or pays moneys to taxing districts shall provide evidence of such arrangements to the director of revenue on or before January 31, 1989. The director of revenue shall certify to the state treasurer each county that is eligible for such disbursements and the amount that the county so transferred or paid.

This section expires January 1, 1990.

NEW SECTION, Sec. 11. The sum of one hundred thousand dollars is appropriated for the biennium ending June 30, 1989, from the general fund to the small county assistance account to be used exclusively for purposes specified in section 10 of this act.

NEW SECTION, Sec. 12. A new section is added to chapter 52.04 RCW to read as follows:

Any attempted annexation in 1987 and thereafter by a fire protection district of contiguous territory, that is located in a county other than the county in which the fire protection district was located, is validated where the annexation would have occurred if the territory had been located in the same county as the fire protection district. The effective date of such annexations occurring in 1987 shall be February 1, 1988, for purposes of establishing the boundaries of taxing districts for purposes of imposing property taxes as provided in RCW 84.09.030.

Any reference to a county official of the county in which a fire protection district is located or proposed to be located shall be deemed to refer to the appropriate county official of each county in which the fire protection district is located or proposed to be located.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 39.67.010, 39.67.020, 84.55.092, 84.52.043, 84.52.100, and 84.52.010; adding a new section to chapter 84.52 RCW; adding a new section to chapter 52.04 RCW; creating new sections; and making an appropriation."

Signed by Senators Cantu, Garrett, Lee; Representatives Appelwick, Haugen, Ferguson.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1420 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: SHB 1445

Prohibiting drug-related activities in rental dwellings.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the Senate Committee on Law and Justice striking amendment; and

Adopt the following amendments to the committee amendment:

On page 11, after line 30 of the senate amendment, insert the following:

"NEW SECTION, Sec. 8. A new section is added to chapter 69.41 RCW to read as follows:

Whenever a legend drug which is sold, delivered, or possessed in violation of this chapter is seized at rental premises, the law enforcement agency shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing, at the last address listed in the property tax records and at any other address known by the law enforcement agency, of the seizure and the location of the seizure.

NEW SECTION, Sec. 9. A new section is added to chapter 69.50 RCW to read as follows:

Whenever a controlled substance which is manufactured, distributed, dispensed, or acquired in violation of this chapter is seized at rental premises, the law enforcement agency shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing, at the last address listed in the property tax records and at any other address known by the law enforcement agency, of the seizure and the location of the seizure.

NEW SECTION, Sec. 10. A new section is added to chapter 69.52 RCW to read as follows:

Whenever an imitation controlled substance which is manufactured, distributed, or possessed in violation of this chapter is seized at rental premises, the law enforcement agency shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency, of the seizure and the location of the seizure.

NEW SECTION, Sec. 11. A new section is added to chapter 59.18 RCW to read as follows:

Any law enforcement agency which seizes a legend drug pursuant to a violation of chapter 69.41 RCW, a controlled substance pursuant to a violation of chapter 69.50 RCW, or an imitation controlled substance pursuant to a violation of chapter 69.52 RCW, shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency, of the seizure and the location of the seizure of the illegal drugs or substances.

NEW SECTION, Sec. 12. A new section is added to chapter 59.20 RCW to read as follows:

Any law enforcement agency which seizes a legend drug pursuant to a violation of chapter 69.41 RCW, a controlled substance pursuant to a violation of chapter 69.50 RCW, or an imitation controlled substance pursuant to a violation of chapter 69.52 RCW, shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency, of the seizure and the location of the seizure of the illegal drugs or substances."

Renumber the sections consecutively and correct any internal references accordingly.

On page 14, line 6 of the senate title amendment, after "69.53.020;" insert "adding a new section to chapter 69.41 RCW; adding a new section to chapter 69.50 RCW; adding a new section to chapter 69.52 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 59.20 RCW;"

Signed by Senators Pullen, Halsan, McCaslin; Representatives Armstrong, Wineberry, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 1445 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: HB 1515

Modifying the termination dates of various state agencies.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the following Senate Committee on Governmental Operations amendments:

On page 2, after line 20, strike all of the material down to and including the period on line 28

Renumber the remaining parts and sections accordingly.

On page 7, after line 18, strike all material down to and including the period on line 23

On line 5 of the title, after "43.117.910" strike the remainder of the title; and

Adopt the following amendments:

On page 7 of the House Bill, as amended by the Senate Committee Amendment, after section 16, insert the following:

"PART IX

WASHINGTON STATE GUARD

NEW SECTION, Sec. 17. A new section is added to chapter 38.16 RCW to read as follows:

To assist the state of Washington in the event of mobilization of state and federal military forces in the state, and notwithstanding other provisions of the state military law and other regulations governing appointment and promotion of officers and enlisted personnel of the Washington state guard, members of the Washington committee for employer support of the guard and reserve may be appointed to serve in a civil affairs unit of the Washington state guard. The rank shall be determined by the adjutant general."

In line 4 of the title, after "43.131.334;" insert "adding a new section to chapter 38.16 RCW;"

On page 7 of the House Bill as amended by the Senate Committee Amendment, after section 16, insert the following:

"NEW SECTION, Sec. 17. LEGISLATIVE INTENT. The legislature intends, by enacting this 1988 Administrative Procedure Act, to clarify the existing law of administrative procedure, to achieve greater consistency with other states and the federal government in administrative procedure, and to provide greater public and legislative access to administrative decision making. The legislature intends that to the greatest extent possible and unless this chapter clearly requires otherwise, current agency practices and court decisions interpreting the Administrative Procedure Act in effect before the effective date of this act shall remain in effect. The legislature also intends that the courts should interpret provisions of this chapter consistently with decisions of other courts interpreting similar provisions of other states, the federal government, and model acts.

PART IX.
GENERAL PROVISIONS

Sec. 101. DEFINITIONS. Section 5, chapter 10, Laws of 1982 and RCW 34.04.010 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Adjudicative proceedings" means a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the issuance of an order by the agency. Adjudicative proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law.

(2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to ((~~adjudicate contested cases~~)) conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law.

(3) "Agency action" means the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the issuance, denial, or suspension of a license, the imposition of sanctions, or the granting or withholding of benefits.

Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by eminent domain of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision of the department of natural resources in the management of public lands, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency.

(4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

(5) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective.

(6) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head.

(7) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions."

(8) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order.

(9)(a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency.

(b) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license.

(10) (a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons.

(b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule.

(11) "Party to agency proceedings," or "party" in a context so indicating, means:

(a) A person to whom the agency action is specifically directed; or

(b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

(12) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means:

(a) A person who files a petition for a judicial review or civil enforcement proceeding; or

(b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding.

(13) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency.

(14) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach.

((2)) (15) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to ((REW 34.04.080, as now or hereafter amended)) section 203 of this act, ((or)) (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes.

((3)) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before such agency is required by law or constitutional right prior or subsequent to the determination by the agency of the legal rights, duties, or privileges of specific parties. Contested cases shall also include all cases of licensing and rate-making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law or agency rules.

(4) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes.

(5) "Licensing" includes the agency process respecting the or modification of a license.

(6)) (16) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to ((REW 34.04.210)) section 601 of this act for the purpose of selectively reviewing existing and proposed rules of state agencies.

(17) "Rule making" means the process for formulation and adoption of a rule.

Sec. 102. SAVINGS—AUTHORITY OF AGENCIES TO COMPLY WITH CHAPTER—EFFECT OF SUBSEQUENT LEGISLATION. Section 24, chapter 237, Laws of 1967 and RCW 34.04.940 are each amended to read as follows:

Nothing in ((the Administrative Procedure Act shall)) this chapter may be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. Every agency is granted all authority necessary to comply with the requirements of ((the Administrative Procedure Act)) this chapter through the issuance of rules or otherwise. No subsequent legislation shall be held to supersede or modify the provisions of ((the Administrative Procedure Act)) this chapter or its applicability to any agency except to the extent that such legislation shall do so expressly.

Sec. 103. EXCLUSIONS FROM CHAPTER OR PARTS OF CHAPTER. Section 15, chapter 234, Laws of 1959 as last amended by section 8, chapter 141, Laws of 1984 and RCW 34.04.150 are each amended to read as follows:

((Except as provided under RCW 34.04.296;)) (1) This chapter shall not apply to:

(a) The state militia, or

~~(b) The board of ((prison terms and paroles, or any institution of higher education as defined in RCW 20B-19-020)) clemency and pardons, or~~

~~(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.~~

~~(2) The provisions of ((RCW 34.04.090 through 34.04.130)) sections 401 through 522 of this act shall not apply ((to));~~

~~(a) To adjudicative proceedings of the board of industrial insurance appeals ((or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply));~~

~~(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing((--To the extent they are inconsistent with RCW 80.50.140, the provisions of RCW 34.04.130, 34.04.133, and 34.04.140 shall not apply to review of decisions made under RCW 80.50.100));~~

~~(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;~~

~~(d) To actions of the state personnel board, the higher education personnel board, or the personnel appeals board; or~~

~~(e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW((--the provisions of this chapter shall not apply to such provisions)).~~

~~(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, sections 401 through 429 of this act do not apply to a review hearing conducted by the board of tax appeals.~~

~~(4) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.~~

Sec. 104. OPERATION OF CHAPTER IF IN CONFLICT WITH FEDERAL LAW. Section 19, chapter 234, Laws of 1959 and RCW 34.04.930 are each amended to read as follows:

If any part of this chapter ((shall be)) is found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, ((such)) the conflicting part of this chapter is ((hereby declared to be)) inoperative solely to the extent of ((such)) the conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned.

NEW SECTION. Sec. 105. WAIVER. Except to the extent precluded by another provision of law, a person may waive any right conferred upon that person by this chapter.

NEW SECTION. Sec. 106. INFORMAL SETTLEMENTS. Except to the extent precluded by another provision of law and subject to approval by agency order, informal settlement of matters that may make unnecessary more elaborate proceedings under this chapter is strongly encouraged. Agencies may establish by rule specific procedures for attempting and executing informal settlement of matters. This section does not require any party or other person to settle a matter.

NEW SECTION. Sec. 107. CONVERSION OF PROCEEDINGS. (1) If it becomes apparent during the course of an adjudicative or rule-making proceeding undertaken pursuant to this chapter that another form of proceeding under this chapter is necessary, is in the public interest, or is more appropriate to resolve issues affecting the participants, on his or her own motion or on the motion of any party, the presiding officer or other official responsible for the original proceeding shall advise the parties of necessary steps for conversion and, if within the official's power, commence the new proceeding. If the agency refuses to convert to another proceeding, that decision is not subject to judicial review. Commencement of the new proceeding shall be accomplished pursuant to the procedural rules of the new proceeding, except that elements already performed need not be repeated.

(2) If appropriate, a new proceeding may be commenced independently of the original proceeding or may replace the original proceeding.

(3) Conversion to a replacement proceeding shall not be undertaken if the rights of any party will be substantially prejudiced.

(4) To the extent feasible the record of the original proceeding shall be included in the record of a replacement proceeding.

(5) The time of commencement of a replacement proceeding shall be considered to be the time of commencement of the original proceeding.

NEW SECTION. Sec. 108. VARIATION FROM TIME LIMITS. (1) An agency may modify time limits established in this chapter only as set forth in this section.

(2) The time limits set forth in this chapter may be modified by rule of the agency or by rule of the chief administrative law judge if:

(a) The agency has an agency head composed of a body of individuals serving part time who do not regularly meet on a schedule that would allow compliance with the time limits of this chapter in the normal course of agency affairs;

(b) The agency does not have a permanent staff to comply with the time limits set forth in this chapter without substantial loss of efficiency and economy; and

(c) The rights of persons dealing with the agency are not substantially impaired.

(3) The time limits set forth in this chapter may be modified by rule if the agency determines that the change is necessary to the performance of its statutory duties. Agency rule may provide for emergency variation when required in a specific case.

(4) Time limits may be changed pursuant to section 104 of this act.

(5) Time limits may be waived pursuant to section 105 of this act.

(6) Any modification in the time limits set forth in this chapter shall be to new time limits that are reasonable under the specific circumstances.

(7) In any rule-making or adjudicative proceeding, any agency whose time limits vary from those set forth in this chapter shall provide reasonable and adequate notice of the pertinent time limits to persons affected. In an adjudicative proceeding, such notice may be given by the presiding or reviewing officer involved in the proceeding. In a rule-making proceeding, the notice may be given in the notice of proposed rule-making.

(8) Two years after the effective date of this section, the chief administrative law judge shall cause a survey to be made of variations by agencies from the time limits set forth in this chapter, and shall submit a written report of the results of the survey to the office of the governor.

PART X.

PUBLIC ACCESS TO AGENCY RULES

Sec. 201. PUBLICATION OF CODE AND REGISTER—REMOVAL OF UNCONSTITUTIONAL RULES—DISTRIBUTION OF REGISTERS AND CODES—COUNTY LAW LIBRARIES—JUDICIAL NOTICE OF RULES. Section 5, chapter 234, Laws of 1959 as last amended by section 7, chapter 32, Laws of 1982 1st ex. sess. and RCW 34.04.050 are each amended to read as follows:

(1) The code reviser shall ~~(as soon as practicable after March 23, 1960, compile and index)~~ cause the Washington Administrative Code to be compiled, indexed by subject, and published. All current, permanently effective rules ~~((adopted by each agency and remaining in effect))~~ of each agency shall be published in the Washington Administrative Code. Compilations shall be supplemented or revised as often as necessary and at least ~~((once every two years))~~ annually in a form compatible with the main compilation.

(2) Subject to the provisions of this chapter, the code reviser shall prescribe a uniform numbering system, form, and style for all proposed and adopted rules.

(3) The code reviser shall publish a register ~~((in which he shall set))~~ setting forth the text of all rules filed during the appropriate register publication period.

~~((3))~~ (4) The code reviser may ~~((in his discretion;))~~ omit from the register or the compilation, rules ~~((the publication of which))~~ that would be unduly cumbersome, expensive, or otherwise inexpedient to publish, if such rules are made available in printed or processed form on application to the adopting agency, and if ~~((such))~~ the register or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

~~((4))~~ (5) The code reviser may edit and revise rules for publication, codification, and compilation, without changing the meaning of any such rule ~~((in accordance with the provisions of RCW 34.04.052)).~~

~~((5))~~ (6) When a rule, in whole or in part, is declared invalid and unconstitutional by a court of final appeal, the adopting agency shall give notice to that effect in the register. With the consent of the attorney general, the code reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when:

(a) The rules are declared unconstitutional by a court of final appeal; or

(b) The adopting agency ceases to exist and the rules are not transferred by statute to a successor agency.

~~((6))~~ (7) Registers and compilations shall be made available, in written form to (a) state elected officials whose offices are created by Article II or III of the state Constitution or by RCW 48.02.010, upon request, (b) to the secretary of the senate and the chief clerk of the house for committee use, as required, but not to exceed the number of standing committees in each body, (c) to county boards of law library trustees and to the Olympia representatives of the Associated Press and the United Press International without request, free of charge, and (d) to other persons at a price fixed by the code reviser.

~~((7))~~ (8) The board of law library trustees of each county shall keep and maintain a complete and current set of registers and compilations for use and inspection as provided in RCW 27.24.060.

~~((8))~~ (9) Judicial notice shall be taken of rules filed and published as provided in ~~((RCW 34.04.040))~~ section 315 of this act and this section.

Sec. 202. RULES FOR AGENCY PROCEDURE—INDEXES OF OPINIONS AND STATEMENTS. Section 2, chapter 234, Laws of 1959 as last amended by section 13, chapter 67, Laws of 1981 and RCW 34.04.020 are each amended to read as follows:

(1) In addition to other rule-making requirements imposed by law:

~~((+)) (a) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions(~~(-PROVIDED, That)~~). Rules for the conduct of ~~((contested cases))~~ adjudicative proceedings shall be those which are ~~((promulgated))~~ adopted by the chief administrative law judge ~~((pursuant to RCW 34.04.022, as now or hereafter amended))~~ under section 205 of this act.~~

~~((2)) (b) To assist interested persons dealing with it, each agency shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests. No person may be required to comply with agency procedure not adopted as a rule as herein required.~~

~~((3)) (2) To the extent not prohibited by federal law or regulation, nor prohibited for reasons of confidentiality by state law, each agency shall keep on file for public inspection all final orders, decisions, and opinions in ~~((contested cases))~~ adjudicative proceedings, interpretive statements, policy statements, and any digest or index to those orders, decisions, ~~((or))~~ opinions, or statements prepared by or for the agency ~~((for its own use))~~.~~

~~(3) No agency order, decision, or opinion is valid or effective against any person, nor may it be invoked by the agency for any purpose, unless it is available for public inspection ~~((as herein required))~~. A written final order issued after the effective date of this section, may not be relied on as precedent by an agency to the detriment of any person until it has been indexed as required by RCW 42.17.260. This ~~((provision))~~ subsection is not applicable in favor of any person who has actual knowledge ~~((thereof))~~ of the order, decision, or opinion. The agency has the burden of proving that knowledge, but may meet that burden by proving that the person has been properly served with a copy of the order.~~

~~(4) Each agency that is authorized by law to exercise discretion in deciding individual cases is encouraged to formalize the general principles that may evolve from these decisions by adopting the principles as rules that the agency will follow until they are amended or repealed.~~

NEW SECTION. Sec. 203. INTERPRETIVE AND POLICY STATEMENTS. (1) If the adoption of rules is not feasible and practicable, an agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. An agency is encouraged to convert long-standing interpretive and policy statements into rules.

(2) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service.

Sec. 204. DECLARATORY ORDER BY AGENCY—PETITION—COURT REVIEW. Section 8, chapter 234, Laws of 1959 and RCW 34.04.080 are each amended to read as follows:

~~((On petition of any interested)) (1) Any person~~(:)~~ may petition an agency ~~((may issue))~~ for a declaratory ~~((ruling))~~ order with respect to the applicability to ~~((any person, property, or state of facts of any))~~ specified circumstances of a rule, order, or statute enforceable by ~~((it. A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the superior court of Thurston county in the manner hereinafter provided for the review of decisions in contested cases. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition))~~ the agency. The petition shall set forth facts and reasons on which the petitioner relies to show:~~

(a) That uncertainty necessitating resolution exists;

(b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion;

(c) That the uncertainty adversely affects the petitioner;

(d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested; and

(e) That the petition complies with any additional requirements established by the agency under subsection (2) of this section.

(2) Each agency may adopt rules that provide for: (a) The form, contents, and filing of petitions for a declaratory order; (b) the procedural rights of persons in relation thereto; and (c) the disposition of those petitions. These rules may include a description of the classes of circumstances in which the agency will not enter a declaratory order and shall be consistent with the public interest and with the general policy of this chapter to facilitate and encourage agencies to provide reliable advice.

(3) Within fifteen days after receipt of a petition for a declaratory order, the agency shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person it deems desirable.

(4) Sections 401 through 429 of this act apply to agency proceedings for declaratory orders only to the extent an agency so provides by rule or order.

(5) Within thirty days after receipt of a petition for a declaratory order an agency, in writing, shall do one of the following:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;

(b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition;

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its action.

(6) The time limits of subsection (5)(b) and (c) of this section may be extended by the agency for good cause.

(7) An agency may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

(8) A declaratory order has the same status as any other order entered in an agency adjudicative proceeding. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.

NEW SECTION. Sec. 205. MODEL RULES OF PROCEDURE. The chief administrative law judge shall adopt model rules of procedure appropriate for use by as many agencies as possible. The model rules shall deal with all general functions and duties performed in common by the various agencies. Each agency shall adopt as much of the model rules as is reasonable under its circumstances. Any agency adopting a rule of procedure that differs from the model rules shall include in the order of adoption a finding stating the reasons for variance.

PART XI.

RULE-MAKING PROCEDURES

NEW SECTION. Sec. 301. SOLICITATION OF COMMENTS BEFORE NOTICE PUBLICATION—RULES COORDINATOR. (1) In addition to seeking information by other methods, an agency may, before publication of a notice of a proposed rule adoption under section 303 of this act, solicit comments from the public on a subject of possible rule making under active consideration within the agency, by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) Each agency may appoint committees to comment, before publication of a notice of proposed rule adoption under section 303 of this act, on the subject of a possible rule-making action under active consideration within the agency.

(3) Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible or proposed rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation. The rules coordinator may be an employee of another agency.

NEW SECTION. Sec. 302. RULE-MAKING DOCKET. (1) Each agency shall maintain a current public rule-making docket. The rule-making docket shall contain a listing of the subject of each rule currently being prepared by the agency for proposal under section 303 of this act, the name and address of agency personnel responsible for the proposal, and an indication of the present status of the proposal.

(2) The rule-making docket shall contain a listing of each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced by publication of a notice of proposed rule adoption under section 303 of this act until it is terminated under section 306(3) of this act.

(3) For each rule-making proceeding, the docket shall indicate all of the following:

(a) The subject of the proposed rule;

(b) A citation to all notices relating to the proceeding that have been published in the state register under section 303 of this act;

(c) The place where written submissions about the proposed rule may be inspected;

(d) The time during which written submissions will be accepted;

(e) The current timetable established for the agency proceeding, including the time and place of any rule-making hearing, the date of the rule's adoption, filing, indexing, publication, and its effective date.

Sec. 303. NOTICE OF PROPOSED RULE—CONTENTS—DISTRIBUTION BY AGENCY—INSTITUTIONS OF HIGHER EDUCATION. Section 1, chapter 84, Laws of 1977 ex. sess. as last amended by section 2, chapter 221, Laws of 1982 and RCW 34.04.045 are each amended to read as follows:

(1) ((For the purpose of legislative review of agency rules filed pursuant to this chapter, any proposed new or amendatory rule shall be accompanied by a statement prepared by the

~~adopting agency which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall be on the agency's stationery or a form bearing the agency's name and shall contain, but is not limited to:)~~ At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, ~~((containing))~~ a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; and

(k) A copy of the small business economic impact statement, ((where)) if applicable.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the statement on file and available for public inspection and shall forward three copies of the notice and the statement to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person who has made a timely request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing individual mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

NEW SECTION. Sec. 304. PUBLIC PARTICIPATION IN RULE MAKING. (1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to section 303 of this act accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(4) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under section 303 of this act.

Sec. 305. PETITION FOR ADOPTION, AMENDMENT, REPEAL OF RULE—AGENCY ACTION. Section 6, chapter 234, Laws of 1959 as amended by section 5, chapter 237, Laws of 1967 and RCW 34.04.060 are each amended to read as follows:

Any ~~((interested))~~ person may petition an agency requesting the ~~((promulgation))~~ adoption, amendment, or repeal of any rule. Each agency ~~((shall))~~ may prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition. Within ~~((thirty))~~ sixty days after submission of a petition, ~~((or at the next meeting of the agency if it does not meet within thirty days.))~~ the agency shall ~~((formally consider the petition and shall within thirty days thereafter))~~ (1) either deny the petition in writing ((c)), stating its reasons for the denial((c)), or (2) initiate rule-making proceedings in accordance with ~~((RCW 34.04.025))~~ this chapter.

Sec. 306. WITHDRAWAL OF PROPOSAL—TIME AND MANNER OF ADOPTION. Section 11, chapter 186, Laws of 1980 and RCW 34.04.048 are each amended to read as follows:

(1) A proposed rule may be withdrawn by the proposing agency at any time before adoption. A withdrawn rule may not be adopted unless it is again proposed in accordance with ~~((RCW 34.04.025 as now or hereafter amended))~~ section 303 of this act.

(2) Before adopting a rule, an agency shall consider the written and oral submissions, or any memorandum summarizing oral submissions.

(3) Rules not adopted within one ~~((year))~~ hundred eighty days after publication of the text as last proposed in the register shall be regarded as withdrawn. An agency may not thereafter adopt the text of the rules without filing the text in accordance with ~~((RCW 34.04.025 as now or hereafter amended))~~ section 303 of this act. The code reviser shall give notice of the withdrawal in the register.

(4) An agency may not adopt a rule before the time established in the published notice, or such later time established on the record or by publication in the state register.

NEW SECTION, Sec. 307. VARIANCE BETWEEN PROPOSED AND FINAL RULE. (1) Unless it complies with subsection (3) of this section, an agency may not adopt a rule that is substantially different from the rule proposed in the published notice of proposed rule adoption or a supplemental notice in the proceeding. If an agency contemplates making a substantial variance from a proposed rule described in a published notice, it may file a supplemental notice with the code reviser meeting the requirements of section 303 of this act and reopen the proceedings for public comment on the proposed variance, or the agency may reject the proposed rule and commence a new rule-making proceeding to adopt a substantially different rule. If a new rule-making proceeding is commenced, relevant public comment received regarding the initial proposed rule shall be considered in the new proceeding.

(2) The following factors shall be considered in determining whether an adopted rule is substantially different from the proposed rule on which it is based:

(a) The extent to which a reasonable person affected by the adopted rule would have understood that the published proposed rule would affect his or her interests;

(b) The extent to which the subject of the adopted rule or the issues determined in it are substantially different from the subject or issues involved in the published proposed rule; and

(c) The extent to which the effects of the adopted rule differ from the effects of the published proposed rule.

(3) If the agency, without filing a supplemental notice under subsection (1) of this section, adopts a rule that varies in content from the proposed rule, the general subject matter of the adopted rule must remain the same as the proposed rule. The agency shall briefly describe any changes, other than editing changes, and the principal reasons for adopting the changes. The brief description shall be filed with the code reviser together with the order of adoption for publication in the state register. Within sixty days of publication of the adopted rule in the state register, any interested person may petition the agency to amend any portion of the adopted rule that is substantially different from the proposed rule. The petition shall briefly demonstrate how the adopted rule is substantially different from the proposed rule and shall contain the text of the petitioner's proposed amendment. For purposes of the petition, an adopted rule is substantially different if the issues determined in the adopted rule differ from the issues determined in the proposed rule or the anticipated effects of the adopted rule differ from those of the proposed rule. If the petition meets the requirements of this subsection and section 305 of this act, the agency shall initiate rule-making proceedings upon the proposed amendments within the time provided in section 305 of this act.

Sec. 308. FAILURE TO GIVE TWENTY DAYS NOTICE OF INTENDED ACTION—EFFECT. Section 4, chapter 237, Laws of 1967 and RCW 34.04.027 are each amended to read as follows:

Except for emergency rules adopted under section 309 of this act, when twenty days notice of intended action to adopt, amend, or repeal a rule has not been ~~((filed with the code reviser, as required in RCW 34.04.025))~~ published in the state register, as required by section 303 of this act, the code reviser shall not publish such rule and such rule shall not be effective for any purpose.

Sec. 309. EMERGENCY RULES AND AMENDMENTS. Section 3, chapter 234, Laws of 1959 as last amended by section 4, chapter 324, Laws of 1981 and RCW 34.04.030 are each amended to read as follows:

(1) If ~~((the))~~ an agency for good cause finds:

(a) That immediate adoption ~~((or)),~~ amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that ~~((observance of))~~ observing the time requirements of notice and opportunity to ~~((present views on the proposed action))~~ comment upon adoption of a permanent rule would be contrary to the public interest~~((:));~~ or

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule,

the agency may dispense with ~~((such))~~ those requirements and adopt, amend, or repeal the rule ~~((or amendment as))~~ on an emergency ~~((rule or amendment))~~ basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for

adoption of the emergency rule or amendment ((as)) filed with the office of the code reviser under ((RCW 34.04.040)) section 315 of this act and with the rules review committee.

(2) An emergency rule ((or amendment)) adopted under this section takes effect upon filing with the code reviser and may not remain in effect for longer than ((ninety)) one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has published notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

NEW SECTION. Sec. 310. CONCISE EXPLANATORY STATEMENT. (1) At the time it files an adopted rule with the code reviser or within thirty days thereafter, an agency shall place into the rule-making file maintained under section 313 of this act a concise explanatory statement about the rule, identifying (a) the agency's reasons for adopting the rule, and (b) a description of any difference between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for change.

(2) Upon the request of any interested person within thirty days after adoption of a rule, the agency shall issue a concise statement of the principal reasons for overruling the considerations urged against its adoption.

NEW SECTION. Sec. 311. ORDER ADOPTING RULE, CONTENTS. The order of adoption by which each rule is adopted by an agency shall contain all of the following:

- (1) The date the agency adopted the rule;
- (2) A concise statement of the purpose of the rule;
- (3) A reference to all rules repealed, amended, or suspended by the rule;
- (4) A reference to the specific statutory or other authority authorizing adoption of the rule;
- (5) Any findings required by any provision of law as a precondition to adoption or effectiveness of the rule; and
- (6) The effective date of the rule if other than that specified in section 315(2) of this act.

NEW SECTION. Sec. 312. INCORPORATION BY REFERENCE. An agency may incorporate by reference and without publishing the incorporated matter in full, all or any part of a code, standard, rule, or regulation that has been adopted by an agency of the United States, of this state, or of another state, by a political subdivision of this state, or by a generally recognized organization or association if incorporation of the full text in the agency rules would be unduly cumbersome, expensive, or otherwise inexpedient. The reference in agency rules shall fully identify the incorporated matter. An agency may incorporate by reference such matter in its rules only if the agency, organization, or association originally issuing that matter makes copies readily available to the public. The incorporating agency shall have, maintain, and make available for public inspection a copy of the incorporated matter. The rule must state where copies of the incorporated matter are available.

NEW SECTION. Sec. 313. RULE-MAKING FILE. (1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

- (2) The agency rule-making file shall contain all of the following:
- (a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;
 - (b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;
 - (c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;
 - (d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;
 - (e) The concise explanatory statement required by section 310 of this act;
 - (f) All petitions for exceptions to, amendment of, or repeal or suspension of, the rule; and
 - (g) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

NEW SECTION. Sec. 314. SUBSTANTIAL COMPLIANCE WITH PROCEDURES. No rule proposed after the effective date of this section, is valid unless it is adopted in substantial compliance with sections 301 through 318 of this act. Inadvertent failure to mail notice of a proposed rule adoption to any person as required by section 303(3) of this act does not invalidate a rule. No action based upon this section may be maintained to contest the validity of any rule unless it is commenced within two years after the effective date of the rule.

Sec. 315. RULES FILED WITH CODE REVISER—REGISTER—EFFECTIVE DATES. Section 4, chapter 234, Laws of 1959 as last amended by section 17, chapter 505, Laws of 1987 and RCW 34.04.040 are each amended to read as follows:

(1) Each agency shall file ~~((forthwith))~~ in the office of the code reviser a certified copy of all rules ~~((now in effect and hereafter adopted))~~ it adopts, except ~~((the))~~ for rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall place upon each rule a notation of the time and date of filing and shall keep a permanent register of ~~((such))~~ filed rules open to public inspection. In filing a rule, each agency shall use the standard form prescribed for this purpose by the code reviser.

(2) Emergency rules adopted under ~~((RCW 34.04.030 shall))~~ section 309 of this act become effective upon filing. All other rules ~~((hereafter adopted shall))~~ become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

(3) A rule may become effective immediately upon its filing with the code reviser or on any subsequent date earlier than that established by subsection (2) of this section, if the agency establishes that effective date in the adopting order and finds that:

(a) Such action is required by the state or federal Constitution, a statute, or court order;

(b) The rule only delays the effective date of another rule that is not yet effective; or

(c) The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

The finding and a brief statement of the reasons therefor required by this subsection shall be made a part of the order adopting the rule.

(4) With respect to a rule made effective pursuant to subsection (3) of this section, each agency shall make reasonable efforts to make the effective date known to persons who may be affected by it.

Sec. 316. RULES FOR FILING AND FORM OF RULES AND NOTICES. Section 13, chapter 237, Laws of 1967 and RCW 34.04.055 are each amended to read as follows:

The code reviser may ~~((prescribe regulations))~~ adopt rules for carrying out the provisions of this chapter relating to the filing and publication of rules and notices of intention to adopt rules, including the form and style to be employed by the various agencies in the drafting of such rules and notices.

Sec. 317. STYLE, FORMAT, AND NUMBERING OF RULES—AGENCY COMPLIANCE. Section 14, chapter 237, Laws of 1967 and RCW 34.04.057 are each amended to read as follows:

After the rules of an agency have been published by the code reviser:

(1) All agency orders amending or rescinding such rules, or creating new rules, shall be formulated in accordance with the style, format, and numbering system of the Washington Administrative Code ~~((and));~~

(2) Any subsequent printing or reprinting of such rules shall be printed in the style and format (including the numbering system) of such code; and

(3) Amendments of previously adopted rules shall incorporate any editorial corrections made by the code reviser.

Sec. 318. FORMAT AND STYLE OF RULES AMENDING EXISTING SECTIONS, ADDING NEW SECTIONS—EFFECT OF FAILURE TO COMPLY. Section 1, chapter 19, Laws of 1977 as amended by section 14, chapter 186, Laws of 1980 and RCW 34.04.058 are each amended to read as follows:

(1) Rules ~~((promulgated))~~ proposed or adopted by an agency pursuant to ~~((RCW 34.04.025 or 34.04.030, as now or hereafter amended, which))~~ this chapter that amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. ~~((in the case of))~~ A new section ~~((such))~~ shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule may be forwarded by any agency to the code reviser, nor may the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the register published pursuant to ~~((RCW 34.04.050(2)))~~ section 201(3) of this act, include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the agency in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended thereto by the

code reviser in accordance with (~~RCW 34.04.050, as now or hereafter amended, and RCW 34.04.052~~) section 201 of this act.

PART XII.

ADJUDICATIVE PROCEEDINGS

NEW SECTION. Sec. 401. APPLICATION OF PART IV. (1) Adjudicative proceedings are governed by sections 402 through 423 of this act, except as otherwise provided:

(a) By a rule that adopts the procedures for brief adjudicative proceedings in accordance with the standards provided in section 425 of this act for those proceedings;

(b) By section 424 of this act pertaining to emergency adjudicative proceedings; or

(c) By section 204 of this act pertaining to declaratory proceedings.

(2) Sections 401 through 429 of this act do not apply to rule-making proceedings unless another statute expressly so requires.

NEW SECTION. Sec. 402. COMMENCEMENT—WHEN REQUIRED. (1) Within the scope of its authority, an agency may commence an adjudicative proceeding at any time with respect to a matter within the agency's jurisdiction.

(2) When required by law or constitutional right, and upon the timely application of any person, an agency shall commence an adjudicative proceeding.

(3) An agency may require by rule that an application for an adjudicative proceeding be in writing and that it be filed at a specific address and in a specified manner.

(4) If an agency is required to hold an adjudicative proceeding, an application for an agency to enter an order includes an application for the agency to conduct appropriate adjudicative proceedings, whether or not the applicant expressly requests those proceedings.

(5) An adjudicative proceeding commences when the agency or a presiding officer notifies a party that a prehearing conference, hearing, or other stage of an adjudicative proceeding will be conducted.

NEW SECTION. Sec. 403. DECISION NOT TO CONDUCT AN ADJUDICATION. If an agency decides not to conduct an adjudicative proceeding in response to an application, the agency shall furnish the applicant a copy of its decision in writing, with a brief statement of the agency's reasons and of any administrative review available to the applicant.

NEW SECTION. Sec. 404. AGENCY ACTION ON APPLICATIONS FOR ADJUDICATION. After receipt of an application for an adjudicative proceeding, other than a declaratory order, an agency shall proceed as follows:

(1) Except in situations governed by subsection (2) or (3) of this section, within ninety days after receipt of the application or of the response to a timely request made by the agency under subsection (2) of this section, the agency shall do one of the following:

(a) Approve or deny the application, in whole or in part, on the basis of brief or emergency adjudicative proceedings, if those proceedings are available under this chapter for disposition of the matter;

(b) Commence an adjudicative proceeding in accordance with this chapter; or

(c) Dispose of the application in accordance with section 403 of this act;

(2) Within thirty days after receipt of the application, the agency shall examine the application, notify the applicant of any obvious errors or omissions, request any additional information the agency wishes to obtain and is permitted by law to require, and notify the applicant of the name, mailing address, and telephone number of an office that may be contacted regarding the application;

(3) If the application seeks relief that is not available when the application is filed but may be available in the future, the agency may proceed to make a determination of eligibility within the time limits provided in subsection (1) of this section. If the agency determines that the applicant is eligible, the agency shall maintain the application on the agency's list of eligible applicants as provided by law and, upon request, shall notify the applicant of the status of the application.

Sec. 405. RATE CHANGES, LICENSES. Section 8, chapter 237, Laws of 1967 as amended by section 1, chapter 33, Laws of 1980 and RCW 34.04.170 are each amended to read as follows:

(1) Unless otherwise provided by law: (a) Applications for rate changes and uncontested applications for licenses may, in the agency's discretion, be conducted as adjudicative proceedings; (b) applications for licenses that are contested and review of denials of applications for licenses or rate changes shall be conducted as adjudicative proceedings; and (c) an agency may not revoke, suspend, modify, annul, withdraw, or amend a license unless the agency gives notice of an opportunity for an appropriate adjudicative proceeding in accordance with this chapter or other statute.

(2) An agency with authority to grant or deny a professional or occupational license shall notify an applicant for a new or renewal license not later than twenty days prior to the date of the examination required for that license of any grounds for denial of the license which are based on specific information disclosed in the application submitted to the agency. The agency shall notify the applicant either that the license is denied or that the decision to grant or deny the license will be made at a future date. If the agency fails to give the notification prior to the examination and the applicant is denied licensure, the examination fee shall be

refunded to the applicant. If the applicant takes the examination, the agency shall notify the applicant of the result.

(3) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, an existing full, temporary, or provisional license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

((2)) (4) If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

NEW SECTION. Sec. 406. PRESIDING OFFICERS—DISQUALIFICATION, SUBSTITUTION. (1) Except as provided in subsection (2) of this section, in the discretion of the agency head, the presiding officer in an administrative hearing shall be:

(a) The agency head or one or more members of the agency head;

(b) If the agency has statutory authority to do so, a person other than the agency head or an administrative law judge designated by the agency head to make the final decision and enter the final order; or

(c) One or more administrative law judges assigned by the office of administrative hearings in accordance with chapter 34.12 RCW.

(2) An agency expressly exempted under RCW 34.12.020(4) or other statute from the provisions of chapter 34.12 RCW or an institution of higher education shall designate a presiding officer as provided by rules adopted by the agency.

(3) Any individual serving or designated to serve alone or with others as presiding officer is subject to disqualification for bias, prejudice, interest, or any other cause provided in this chapter or for which a judge is disqualified.

(4) Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification.

(5) The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.

(6) If a substitute is required for an individual who becomes unavailable as a result of disqualification or any other reason, the substitute must be appointed by the appropriate appointing authority.

(7) Any action taken by a duly appointed substitute for an unavailable individual is as effective as if taken by the unavailable individual.

NEW SECTION. Sec. 407. REPRESENTATION. (1) A party to an adjudicatory proceeding may participate personally or, if the party is a corporation or other artificial person, by a duly authorized representative.

(2) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel or, if permitted by provision of law, other representative.

NEW SECTION. Sec. 408. CONFERENCE—PROCEDURE AND PARTICIPATION. (1) Agencies may hold prehearing or other conferences for the settlement or simplification of issues. Every agency shall by rule describe the conditions under which and the manner in which conferences are to be held.

(2) In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, all or part of the conference may be conducted by telephone, television, or other electronic means. Each participant in the conference must have an opportunity to participate effectively in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

Sec. 409. NOTICE OF HEARING. Section 9, chapter 234, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1980 and RCW 34.04.090 are each amended to read as follows:

(1) ((In any contested case all parties shall be afforded an opportunity for hearing after not less than twenty days' notice, but no hearing shall be required until the hearing is demanded unless other statutory provisions or agency rules provide otherwise.)) The agency or the office of administrative hearings shall set the time and place of the hearing and give not less than seven days advance written notice to all parties and to all persons who have filed written petitions to intervene in the matter.

(2) The notice shall include:

(a) Unless otherwise ordered by the presiding officer, the names and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their representatives;

(b) If the agency intends to appear, the mailing address and telephone number of the office designated to represent the agency in the proceeding;

(c) The official file or other reference number and the name of the proceeding;

(d) The name, official title, mailing address, and telephone number of the presiding officer, if known;

(e) A statement of the time, place and nature of the proceeding;
 ((b)) (f) A statement of the legal authority and jurisdiction under which the hearing is to be held;

((c)) (g) A reference to the particular sections of the statutes and rules involved;

((d)) (h) A short and plain statement of the matters asserted by the agency; and

(i) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in default in accordance with this chapter. ((If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.

(2) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(3) An agency may provide by rule for entry of summary orders in part or in whole after notice and hearing to all parties. The motion shall be granted if the pleadings, dispositions and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to the order as a matter of law.

(4) Unless precluded by law, informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default.

(5) The record in a contested case shall include:

(a) All pleadings, motions, intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and ruling thereon;

(e) Proposed findings and exceptions;

(f) Any decision, opinion, or report by the officer presiding at the hearing;

(6) Oral proceedings shall be transcribed for the purposes of agency decision pursuant to RCW 34.04.110, as now or hereafter amended, rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof.

(7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(8) Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

(9) Agencies, or their authorized agents, may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law;

(b) Issue subpoenas as provided in RCW 34.04.105;

(c) Rule upon offers of proof and receive relevant evidence;

(d) Take or cause depositions to be taken pursuant to rules promulgated by the agency; and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding;

(e) Regulate the course of the hearing;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(g) Dispose of procedural requests or similar matters;

(h) Issue summary orders;

(i) Make decisions or proposals for decisions pursuant to RCW 34.04.110;

(j) Take any other action authorized by agency rule consistent with this chapter.))

(3) If the agency is unable to state the matters required by subsection (2)(h) of this section at the time the notice is served, the initial notice may be limited to a statement of the issues involved. If the proceeding is initiated by a person other than the agency, the initial notice may be limited to the inclusion of a copy of the initiating document. Thereafter, upon request, a more definite and detailed statement shall be furnished.

(4) The notice may include any other matters considered desirable by the agency.

NEW SECTION, Sec. 410. PLEADINGS, BRIEFS, MOTIONS, SERVICE. (1) The presiding officer, at appropriate stages of the proceedings, shall give all parties full opportunity to submit and respond to pleadings, motions, objections, and offers of settlement.

(2) At appropriate stages of the proceedings, the presiding officer may give all parties full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders.

(3) A party that files a pleading, brief, or other paper with the agency or presiding officer shall serve copies on all other parties, unless a different procedure is specified by agency rule.

NEW SECTION, Sec. 411. DEFAULT. (1) An agency may provide forms for and, by rule, may provide procedures for and impose time limits upon, submission of requests for hearing. Failure of a party to request a hearing within the time limit or limits established by the agency rule constitutes a waiver of that party's right to hearing, and the agency may proceed to resolve the case without further notice to, or hearing for the benefit of, that party. There shall be a

minimum of twenty days from notice of an opportunity to request a hearing before a party is deemed to have waived his or her right to a hearing under this subsection.

(2) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order.

(3) Within seven days after service of a default order under subsection (2) of this section, or such longer period as provided by agency rule, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings.

NEW SECTION. Sec. 412. INTERVENTION. (1) The presiding officer may grant a petition for intervention at any time, upon determining that the petitioner qualifies as an intervenor under any provision of law and that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.

(2) If a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition; and

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(3) The presiding officer shall timely grant or deny each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The presiding officer may modify the order at any time, stating the reasons for the modification. The presiding officer shall promptly give notice of the decision granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

Sec. 413. SUBPOENAS, DISCOVERY, AND PROTECTIVE ORDERS. Section 10, chapter 237, Laws of 1967 and RCW 34.04.105 are each amended to read as follows:

~~(1) ((In order to determine the necessity or desirability of adopting, amending, repealing, or otherwise revising a rule or proposed rule, agencies may hold public hearings, subpoena witnesses, administer oaths, take the testimony of any person under oath, and in connection therewith, require the production for examination of any books or papers relating to the subject matter of contemplated regulation. Each agency may make rules as to the issuance of subpoenas by the agency or its authorized agents. This subsection shall not preclude the exercise of subpoena powers for investigative purposes granted agencies by other statutory provisions.~~

~~(2) In any contested case after service of notice as required in RCW 34.04.090(1), as now or hereafter amended, agencies, their authorized agents, and hearing examiners hearing the case:~~

~~(a) Shall issue a subpoena upon the request of any party and, to the extent required by agency rule, upon a statement showing general relevance and reasonable scope of the evidence sought; PROVIDED, HOWEVER, That such subpoena may be issued with like effect by the attorney of record of the party to the contested case in whose behalf the witness is required to appear, and the form of such subpoena in each case may be the same as when issued by the agency except that it shall only be subscribed by the signature of such attorney;~~

~~(b) May issue a subpoena upon their own motion;~~

~~(3)) The presiding officer may issue subpoenas and may enter protective orders. A subpoena may be issued with like effect by the agency or the attorney of record in whose behalf the witness is required to appear.~~

~~(2) An agency may by rule determine whether or not discovery is to be available in adjudicative proceedings and, if so, which forms of discovery may be used.~~

~~(3) Except as otherwise provided by agency rules, the presiding officer may decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules. The presiding officer may condition use of discovery on a showing of necessity and unavailability by other means. In exercising such discretion, the presiding officer shall consider: (a) Whether all parties are represented by counsel; (b) whether undue expense or delay in bringing the case to hearing will result; (c) whether the discovery will promote the orderly and prompt conduct of the proceeding; and (d) whether the interests of justice will be promoted.~~

~~(4) Subpoenas issued and discovery orders and protective orders entered under this section may be enforced under the provisions of this chapter on civil enforcement of agency action.~~

~~(5) The subpoena powers created by this section shall be state-wide in effect.~~

~~((4)) (6) Witnesses in an (agency hearing or contested case) adjudicatory proceeding shall be paid the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010. ((as now or hereafter amended-PROVIDED:)) except that the agency shall have the power to fix the allowance for meals and lodging in like manner as is provided in RCW 5.56.010((-as now or hereafter amended:)) as to courts. ((Such)) The person initiating an adjudicative proceeding or the party requesting issuance of a subpoena shall pay the fees and allowances((;)) and the cost of producing records required to be produced by ((agency)) subpoena((- shall be paid by the agency or, in a contested case, by the party requesting the issuance of the subpoena.~~

~~(5) If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the agency or attorney issuing the subpoena may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, and in the case of a rule-making hearing that the requested appearance and testimony are necessary to secure information the expected nature of which would reasonably tend to cause the agency to exercise its rule-making authority, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court).~~

NEW SECTION. Sec. 414. PROCEDURE AT HEARING. (1) The presiding officer shall regulate the course of the proceedings, in conformity with the prehearing order, if any.

(2) To the extent necessary for full disclosure of all relevant facts and issues, the presiding officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the prehearing order.

(3) In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, all or part of the hearing may be conducted by telephone, television, or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

(4) The presiding officer shall cause the hearing to be recorded by a method chosen by the agency. The agency is not required, at its expense, to prepare a transcript, unless required to do so by a provision of law. Any party, at the party's expense, may cause a reporter approved by the agency to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if the making of the additional recording does not cause distraction or disruption.

(5) The hearing is open to public observation, except for the parts that the presiding officer states to be closed under a provision of law expressly authorizing closure or under a protective order issued by the presiding officer pursuant to rules adopted by the chief administrative law judge. A presiding officer may order the exclusion of witnesses upon a showing of good cause. To the extent that the hearing is conducted by telephone, television, or other electronic means, and is not closed, the availability of public observation is satisfied by giving members of the public an opportunity, at reasonable times, to hear or inspect the agency's record, and to inspect any transcript obtained by the agency.

Sec. 415. RULES OF EVIDENCE—CROSS-EXAMINATION. Section 10, chapter 234, Laws of 1959 and RCW 34.04.100 are each amended to read as follows:

~~((In contested cases:))~~

~~(1) ((Agencies, or their authorized agents, may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.~~

~~(2) All evidence, including but not limited to records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case:)) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.~~

(2) If not inconsistent with subsection (1) of this section, the presiding officer shall refer to the Washington Rules of Evidence as guidelines for evidentiary rulings.

(3) All testimony of parties and witnesses shall be made under oath or affirmation.

(4) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

~~((3) Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.~~

(4) Agencies, or their authorized agents, may take) (5) Official notice may be taken of (a) any judicially cognizable facts ((and in addition may take notice of general)), (b) technical((;)) or scientific facts within ((their)) the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. ((Agencies, or their authorized agents, may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them:)) A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

NEW SECTION, Sec. 416. EX PARTE COMMUNICATIONS. (1) A presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding other than communications necessary to procedural aspects of maintaining an orderly process, with any person employed by the agency without notice and opportunity for all parties to participate, except as provided in this subsection:

(a) Where the ultimate legal authority of an agency is vested in a multimember body, and where that body presides at an adjudication, members of the body may communicate with one another regarding the proceeding;

(b) Any presiding officer may receive aid from legal counsel, or from staff assistants who are subject to the presiding officer's supervision; and

(c) Presiding officers may communicate with other employees or consultants of the agency who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

(d) This subsection does not apply to communications required for the disposition of ex parte matters specifically authorized by statute.

(2) Unless required for the disposition of ex parte matters specifically authorized by statute or unless necessary to procedural aspects of maintaining an orderly process, a presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding, with any person not employed by the agency who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

(3) Unless necessary to procedural aspects of maintaining an orderly process, persons to whom a presiding officer may not communicate under subsections (1) and (2) of this section may not communicate with presiding officers without notice and opportunity for all parties to participate.

(4) If, before serving as presiding officer in an adjudicative proceeding, a person receives an ex parte communication of a type that could not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5) of this section.

(5) A presiding officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record. Portions of the record pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the matter unless a party moves the admission of any portion of the record for purposes of establishing a fact at issue and that portion is admitted pursuant to section 415 of this act.

(6) If necessary to eliminate the effect of an ex parte communication received in violation of this section, a presiding officer who receives the communication may be disqualified, and the portions of the record pertaining to the communication may be sealed by protective order.

(7) The agency shall, and any party may, report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law. In addition, each agency by rule may provide for appropriate sanctions, including default, for any violations of this section.

NEW SECTION, Sec. 417. SEPARATION OF FUNCTIONS. (1) A person who has served as investigator, prosecutor, or advocate in an adjudicative proceeding or in its preadjudicative stage, or one who is subject to the authority, direction, or discretion of such a person, may not serve as a presiding officer in the same proceeding.

(2) A person, including an agency head, who has participated in a determination of probable cause or other equivalent preliminary determination in an adjudicative proceeding may serve as presiding officer or assist or advise a presiding officer in the same proceeding unless a party demonstrates grounds for disqualification in accordance with section 406 of this act.

(3) A person may serve as presiding officer at successive stages of the same adjudicative proceeding unless a party demonstrates grounds for disqualification in accordance with section 406 of this act.

NEW SECTION. Sec. 418. ENTRY OF ORDERS. (1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in section 406 of this act. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8) Initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(9) The presiding officer shall cause copies of initial and final orders to be delivered to each party and to the agency head.

NEW SECTION. Sec. 419. REVIEW OF INITIAL ORDERS. (1) As authorized by law, an agency may by rule provide that initial orders in specified classes of cases may become final without further agency action unless, within a specified period, (a) the agency head upon its own motion determines that the initial order should be reviewed, or (b) a party to the proceedings files exceptions to the initial order. Upon occurrence of either event, notice shall be given to all parties to the proceeding.

(2) As provided by law, an agency head may appoint a person to review initial orders and to prepare and enter final agency orders.

(3) Sections 406 and 416 of this act apply to any person reviewing an initial order on behalf of an agency as part of the decision process, and to persons communicating with them, to the same extent that it is applicable to presiding officers.

(4) The officer reviewing the initial order (including the agency head reviewing an initial order) is, for the purposes of this chapter, termed the reviewing officer. The reviewing officer shall exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to

the extent that the issues subject to review are limited by a provision of law or by the reviewing officer upon notice to all the parties. In reviewing findings of fact by presiding officers, the reviewing officers shall give due regard to the presiding officer's opportunity to observe the witnesses.

(5) The reviewing officer shall personally consider the whole record or such portions of it as may be cited by the parties.

(6) The reviewing officer shall afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument.

(7) The reviewing officer shall enter a final order disposing of the proceeding or remand the matter for further proceedings, with instructions to the presiding officer who entered the initial order. Upon remanding a matter, the reviewing officer shall order such temporary relief as is authorized and appropriate.

(8) A final order shall include, or incorporate by reference to the initial order, all matters required by section 418(3) of this act.

(9) The reviewing officer shall cause copies of the final order or order remanding the matter for further proceedings to be served upon each party.

NEW SECTION. Sec. 420. STAY. A party may submit to the presiding or reviewing officer, as is appropriate to the stage of the proceeding, a petition for stay of effectiveness of a final order within ten days of its service unless otherwise provided by statute or stated in the final order. Disposition of the petition for stay shall be made by the presiding officer, reviewing officer, or agency head as provided by agency rule. Disposition may be made either before or after the effective date of the final order. Disposition denying a stay is not subject to judicial review.

NEW SECTION. Sec. 421. RECONSIDERATION. (1) Within ten days of the service of a final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested. The place of filing shall be specified by agency rule.

(2) The petition shall be disposed of by the same person or persons who entered the order, if reasonably available. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further hearing. The petition shall be deemed to have been denied if not disposed of within twenty days.

(3) No petition for reconsideration may stay the effectiveness of an order.

(4) The agency head may extend the time limits in this section for good cause, with due consideration that the rights of the parties will not be prejudiced by the extension and that extension will be in the public interest.

(5) The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. An order denying reconsideration, or an extension of time limits pursuant to subsection (4) of this section is not subject to judicial review.

NEW SECTION. Sec. 422. EFFECTIVENESS OF ORDERS. (1) Unless a later date is stated in an order or a stay is granted, an order is effective when signed, but:

(a) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the final order;

(b) A nonparty may not be required to comply with a final order unless the agency has made the final order available for public inspection and copying or the nonparty has actual knowledge of the final order;

(c) For purposes of determining time limits for further administrative procedure or for judicial review, the determinative date is the date of service of the order.

(2) Unless a later date is stated in the initial order or a stay is granted, the time when an initial order becomes a final order in accordance with section 418 of this act is determined as follows:

(a) When the initial order is entered, if administrative review is unavailable; or

(b) When the agency head with such authority enters an order stating, after a petition for administrative review has been filed, that review will not be exercised.

(3) This section does not preclude an agency from taking immediate action to protect the public interest in accordance with section 424 of this act.

NEW SECTION. Sec. 423. AGENCY RECORD. (1) An agency shall maintain an official record of each adjudicative proceeding under this chapter.

(2) The agency record shall include:

(a) Notices of all proceedings;

(b) Any prehearing order;

(c) Any motions, pleadings, briefs, petitions, requests, and intermediate rulings;

(d) Evidence received or considered;

(e) A statement of matters officially noticed;

(f) Proffers of proof and objections and rulings thereon;

(g) Proposed findings, requested orders, and exceptions;

(h) The recording prepared for the presiding officer at the hearing, together with any transcript of all or part of the hearing considered before final disposition of the proceeding;

(i) Any final order, initial order, or order on reconsideration;

(j) Staff memoranda or data submitted to the presiding officer, unless prepared and submitted by personal assistants and not inconsistent with section 416 of this act; and

(k) Matters placed on the record after an ex parte communication.

(3) Except to the extent that this chapter or another statute provides otherwise, the agency record constitutes the exclusive basis for agency action in adjudicative proceedings under this chapter and for judicial review of adjudicative proceedings.

NEW SECTION. Sec. 424. EMERGENCY ADJUDICATIVE PROCEEDINGS. (1) Unless otherwise provided by law, an agency may use emergency adjudicative proceedings in a situation involving an immediate danger to the public health, safety, or welfare requiring immediate agency action.

(2) The agency may take only such action as is necessary to prevent or avoid the immediate danger to the public health, safety, or welfare that justifies use of emergency adjudication.

(3) The agency shall enter an order, including a brief statement of findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the agency's discretion, to justify the determination of an immediate danger and the agency's decision to take the specific action.

(4) The agency shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when entered.

(5) After entering an order under this section, the agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

(6) The agency record consists of any documents regarding the matter that were considered or prepared by the agency. The agency shall maintain these documents as its official record.

(7) Unless otherwise required by a provision of law, the agency record need not constitute the exclusive basis for agency action in emergency adjudicative proceedings or for judicial review thereof.

(8) This section shall not apply to agency action taken pursuant to a provision of law that expressly authorizes the agency to issue a cease and desist order. The agency may proceed, alternatively, under that independent authority.

NEW SECTION. Sec. 425. BRIEF ADJUDICATIVE PROCEEDINGS—APPLICABILITY. (1) An agency may use brief adjudicative proceedings if:

(a) The use of those proceedings in the circumstances does not violate any provision of law;

(b) The protection of the public interest does not require the agency to give notice and an opportunity to participate to persons other than the parties;

(c) The matter is entirely within one or more categories for which the agency by rule has adopted this section and sections 426 through 429 of this act; and

(d) The issue and interests involved in the controversy do not warrant use of the procedures of sections 402 through 424 of this act.

(2) Brief adjudicative proceedings are not authorized for public assistance and food stamp programs provided for in Title 74 RCW, including but not limited to public assistance as defined in RCW 74.04.005(1).

NEW SECTION. Sec. 426. BRIEF ADJUDICATIVE PROCEEDINGS—PROCEDURE. (1) If not specifically prohibited by law, the following persons may be designated as the presiding officer of a brief adjudicative proceeding:

(a) The agency head;

(b) One or more members of the agency head;

(c) One or more administrative law judges; or

(d) One or more other persons designated by the agency head.

(2) Before taking action, the presiding officer shall give each party an opportunity to be informed of the agency's view of the matter and to explain the party's view of the matter.

(3) At the time any unfavorable action is taken the presiding officer shall give each party a brief statement of the reasons for the decision. Within ten days, the presiding officer shall give the parties a brief written statement of the reasons for the decision and information about any internal administrative review available.

(4) The brief written statement is a proposed order. If no review is taken of the proposed order as authorized by sections 427 and 428 of this act, the proposed order shall be the final order.

NEW SECTION. Sec. 427. BRIEF PROCEEDINGS—ADMINISTRATIVE REVIEW—APPLICABILITY. Unless prohibited by any provision of law, an agency, on its own motion, may conduct administrative review of an order resulting from brief adjudicative proceedings. An agency shall conduct this review upon the written or oral request of a party if the agency receives the request within twenty-one days after furnishing the written statement required by section 426(3) of this act.

NEW SECTION. Sec. 428. BRIEF PROCEEDINGS—ADMINISTRATIVE REVIEW—PROCEDURES. Unless otherwise provided by statute:

(1) If the parties have not requested review, the agency may review an order resulting from a brief adjudicative proceeding on its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(2) The reviewing officer may be any person who could have presided at the brief proceeding, but the reviewing officer must be one who is authorized to grant appropriate relief upon review.

(3) The reviewing officer shall give each party an opportunity to explain the party's view of the matter and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative hearing.

(4) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(5) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within twenty days after the request is submitted.

NEW SECTION. Sec. 429. AGENCY RECORD IN BRIEF PROCEEDINGS. (1) The agency record consists of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. The agency shall maintain these documents as its official record.

(2) Unless otherwise required by a provision of law, the agency record need not constitute the exclusive basis for agency action in brief adjudicative proceedings or for the judicial review of brief adjudicative proceedings.

PART XIII.

JUDICIAL REVIEW AND CIVIL ENFORCEMENT

NEW SECTION. Sec. 501. RELATIONSHIP BETWEEN THIS CHAPTER AND OTHER JUDICIAL REVIEW AUTHORITY. This chapter establishes the exclusive means of judicial review of agency action, except:

(1) The provisions of this chapter for judicial review do not apply to litigation in which the sole issue is a claim for money damages or compensation and the agency whose action is at issue does not have statutory authority to determine the claim.

(2) Ancillary procedural matters before the reviewing court, including intervention, class actions, consolidation, joinder, severance, transfer, protective orders, and other relief from disclosure of privileged or confidential material, are governed, to the extent not inconsistent with this chapter, by court rule.

(3) To the extent that de novo review or jury trial review of agency action is expressly authorized by provision of law.

NEW SECTION. Sec. 502. PETITION FOR REVIEW—WHERE FILED. (1) Except as provided in subsection (2) of this section and section 508 of this act, proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

Sec. 503. DIRECT REVIEW BY COURT OF APPEALS. Section 1, chapter 76, Laws of 1980 and RCW 34.04.133 are each amended to read as follows:

The final decision of an administrative agency in ~~((a contested case))~~ an adjudicative proceeding under this chapter ((34.04 RCW)) may be directly reviewed by the court of appeals upon certification by the superior court pursuant to this section. An application for ~~((such))~~ direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(1) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(2) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(3) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(4) The appellate court's determination in the proceeding would have significant precedential value.

Sec. 504. REFUSAL OF REVIEW BY COURT OF APPEALS. Section 2, chapter 76, Laws of 1980 and RCW 34.04.135 are each amended to read as follows:

The court of appeals may refuse to accept review of a case certified pursuant to ~~((RCW 34.04.133))~~ section 503 of this act. The refusal to accept such review is not subject to further

appellate review, notwithstanding anything in Rule 13.3 of the Rules of Appellate Procedure to the contrary.

Sec. 505. APPEAL TO SUPREME COURT OR COURT OF APPEALS. Section 14, chapter 234, Laws of 1959 as amended by section 87, chapter 81, Laws of 1971 and RCW 34.04.140 are each amended to read as follows:

An aggrieved party may secure a review of any final judgment of the superior court under this chapter by appeal to the supreme court or the court of appeals. ~~((Such))~~ The appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

NEW SECTION. Sec. 506. STANDING. A person has standing to obtain judicial review of agency action if that person is aggrieved or adversely affected by the agency action. A person is aggrieved or adversely affected within the meaning of this section only when all three of the following conditions are present:

- (1) The agency action has prejudiced or is likely to prejudice that person;
- (2) That person's asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged; and
- (3) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the agency action.

NEW SECTION. Sec. 507. EXHAUSTION OF ADMINISTRATIVE REMEDIES. A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except:

- (1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, or have petitioned for its amendment or repeal;
- (2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or
- (3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that:
 - (a) The remedies would be patently inadequate;
 - (b) The exhaustion of remedies would be futile; or
 - (c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

Sec. 508. DECLARATORY JUDGMENT ON VALIDITY OF RULE. Section 7, chapter 234, Laws of 1959 as amended by section 8, chapter 6, Laws of 1982 and RCW 34.04.070 are each amended to read as follows:

~~((+))~~ The validity of any rule may be determined upon petition for a declaratory judgment ~~((thereon))~~ addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair, the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment order may be ~~((rendered))~~ entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

~~((2))~~ ~~In a proceeding under subsection (1) of this section the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures:~~

~~(3) A petition for a declaratory judgment pursuant to this section may not be solely based on the contents of the small business economic impact statement. However, in the case of a petition for a declaratory judgment as to the validity of any rule which is adopted after June 10, 1982, and which is based on grounds other than the contents of the small business economic impact statement, the compliance or noncompliance by the agency with the provisions of this chapter and where applicable the small business economic impact statement shall constitute part of the whole record of the agency's action in connection with the petition.))~~

NEW SECTION. Sec. 509. TIME FOR FILING PETITION FOR REVIEW. Subject to other requirements of this chapter or of another statute:

- (1) A petition for judicial review of a rule may be filed at any time, except as limited by section 314 of this act.
- (2) A petition for judicial review of an order shall be filed with the court and served on the agency, the office of the attorney general, and all parties of record within thirty days after service of the final order.
- (3) A petition for judicial review of agency action other than the adoption of a rule or the entry of an order is not timely unless filed with the court and served on the agency, the office of the attorney general, and all other parties of record within thirty days after the agency action, but the time is extended during any period that the petitioner did not know and was under no duty to discover or could not reasonably have discovered that the agency had taken the action or that the agency action had a sufficient effect to confer standing upon the petitioner to obtain judicial review under this chapter.

(4) Service of the petition on the agency shall be by delivery of a copy of the petition to the office of the director, or other chief administrative officer or chairperson of the agency, at the principal office of the agency. Service of a copy by mail upon the other parties of record and the office of the attorney general shall be deemed complete upon deposit in the United States mail, as evidenced by the postmark.

(5) Failure to timely serve a petition on the office of the attorney general is not grounds for dismissal of the petition.

NEW SECTION, Sec. 510. PETITION FOR REVIEW—CONTENTS. A petition for review must set forth:

- (1) The name and mailing address of the petitioner;
- (2) The name and mailing address of the petitioner's attorney, if any;
- (3) The name and mailing address of the agency whose action is at issue;
- (4) Identification of the agency action at issue, together with a duplicate copy, summary, or brief description of the agency action;
- (5) Identification of persons who were parties in any adjudicative proceedings that led to the agency action;
- (6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;
- (7) The petitioner's reasons for believing that relief should be granted; and
- (8) A request for relief, specifying the type and extent of relief requested.

NEW SECTION, Sec. 511. STAY AND OTHER TEMPORARY REMEDIES. (1) Unless precluded by law, the agency may grant a stay, in whole or in part, or other temporary remedy during the pendency of judicial review.

(2) After a petition for review has been filed, a party may file a motion in the reviewing court seeking a stay or other temporary remedy.

(3) If judicial relief is sought for a stay or other temporary remedy from agency action based on public health, safety, or welfare grounds the court shall not grant such relief unless the court finds that:

- (a) The applicant is likely to prevail when the court finally disposes of the matter;
- (b) Without relief the applicant will suffer irreparable injury;
- (c) The grant of relief to the applicant will not substantially harm other parties to the proceedings; and
- (d) The threat to the public health, safety, or welfare is not sufficiently serious to justify the agency action in the circumstances.

(4) If the court determines that relief should be granted from the agency's action granting a stay or other temporary remedies, the court may remand the matter or may enter an order denying a stay or granting a stay on appropriate terms.

NEW SECTION, Sec. 512. LIMITATION ON NEW ISSUES. (1) Issues not raised before the agency may not be raised on appeal, except to the extent that:

- (a) The person did not know and was under no duty to discover or could not have reasonably discovered facts giving rise to the issue;
- (b) The agency action subject to judicial review is a rule and the person has not been a party in adjudicative proceedings that provided an adequate opportunity to raise the issue;
- (c) The agency action subject to judicial review is an order and the person was not notified of the adjudicative proceeding in substantial compliance with this chapter; or
- (d) The interests of justice would be served by resolution of an issue arising from:
 - (i) A change in controlling law occurring after the agency action; or
 - (ii) Agency action occurring after the person exhausted the last feasible opportunity for seeking relief from the agency.

(2) The court shall remand to the agency for determination any issue that is properly raised pursuant to subsection (1) of this section.

NEW SECTION, Sec. 513. JUDICIAL REVIEW OF FACTS CONFINED TO RECORD. Judicial review of disputed issues of fact shall be conducted by the court without a jury and must be confined to the agency record for judicial review as defined by this chapter, supplemented by additional evidence taken pursuant to this chapter.

NEW SECTION, Sec. 514. NEW EVIDENCE TAKEN BY COURT OR AGENCY. (1) The court may receive evidence in addition to that contained in the agency record for judicial review, only if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues regarding:

- (a) Improper constitution as a decision-making body or grounds for disqualification of those taking the agency action;
- (b) Unlawfulness of procedure or of decision-making process; or
- (c) Material facts in rule making, brief adjudications, or other proceedings not required to be determined on the agency record.

(2) The court may remand a matter to the agency, before final disposition of a petition for review, with directions that the agency conduct fact-finding and other proceedings the court considers necessary and that the agency take such further action on the basis thereof as the court directs, if:

(a) The agency was required by this chapter or any other provision of law to base its action exclusively on a record of a type reasonably suitable for judicial review, but the agency failed to prepare or preserve an adequate record;

(b) The court finds that (i) new evidence has become available that relates to the validity of the agency action at the time it was taken, that one or more of the parties did not know and was under no duty to discover or could not have reasonably been discovered until after the agency action, and (ii) the interests of justice would be served by remand to the agency;

(c) The agency improperly excluded or omitted evidence from the record; or

(d) A relevant provision of law changed after the agency action and the court determines that the new provision may control the outcome.

NEW SECTION. Sec. 515. AGENCY RECORD FOR REVIEW—COSTS. (1) Within thirty days after service of the petition, or within further time allowed by the court or by other provision of law, the agency shall transmit to the court the original or a certified copy of the agency record for judicial review of the agency action. The record shall consist of any agency documents expressing the agency action, other documents identified by the agency as having been considered by it before its action and used as a basis for its action, and any other material described in this chapter as the agency record for the type of agency action at issue, subject to the provisions of this section.

(2) If part of the record has been preserved without a transcript, the agency shall prepare a transcript for inclusion in the record transmitted to the court, except for portions that the parties stipulate to omit in accordance with subsection (4) of this section.

(3) The agency may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay any of this cost to the agency relieves the agency from the responsibility for preparation of the record and transmittal to the court.

(4) The record may be shortened, summarized, or organized temporarily or, by stipulation of all parties, permanently.

(5) The court may tax the cost of preparing transcripts and copies for the record:

(a) Against a party who unreasonably refuses to stipulate to shorten, summarize, or organize the record;

(b) As provided by section 516 of this act; or

(c) In accordance with any other provision of law.

(6) Additions to the record pursuant to section 514 of this act must be made as ordered by the court.

(7) The court may require or permit subsequent corrections or additions to the record.

Sec. 516. JUDICIAL REVIEW. Section 13, chapter 234, Laws of 1959 as last amended by section 1, chapter 52, Laws of 1977 ex. sess. and RCW 34.04.130 are each amended to read as follows:

(1) ~~(Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof only under the provisions of this 1967 amendatory act, and such person may not use any other procedure to obtain judicial review of a final decision, even though another procedure is provided elsewhere by a special statute or a statute of general application. Where the agency's rules provide a procedure for rehearing or reconsideration, and that procedure has been invoked, the agency decision shall not be final until the agency shall have acted thereon.~~

~~(2) Proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located. The petition shall be served and filed within thirty days after the service of the final decision of the agency. Copies of the petition shall be served upon the agency and all parties of record. If a timely petition is filed any party of record not filing or joining in the first petition who wants relief from the decision must join in the petition or serve and file a cross-petition within twenty days after service of the first petition or thirty days after service of the final decision of the agency, whichever period of time is longer. The court, in its discretion, may permit other interested persons to intervene.~~

~~(3) The filing of the petition shall not stay enforcement of the agency decision. Where other statutes provide for stay or supersedeas of an agency decision, it may be stayed by the agency or the reviewing court only as provided therein; otherwise the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.~~

~~(4) Within thirty days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.~~

~~(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not~~

~~shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs:~~

~~(6) The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are)) Generally, Except to the extent that this chapter or another statute provides otherwise:~~

~~(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;~~

~~(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;~~

~~(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and~~

~~(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.~~

~~(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to section 508 of this act or by review of other agency action.~~

~~(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.~~

~~(c) In a declaratory judgment proceeding, the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures.~~

~~(3) Review of agency orders. The court shall grant relief from an agency order only if it determines that:~~

~~(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied; ((or))~~

~~(b) ((in excess of)) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law; ((or))~~

~~(c) ((made upon)) The agency has engaged in unlawful procedure or decision making process, or has failed to follow a prescribed procedure; ((or))~~

~~(d) ((affected by other error of)) The agency has erroneously interpreted or applied the law; ((or))~~

~~(e) ((clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order)) The order, other than a rule, is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter; ((or))~~

~~(f) The agency has not decided all issues requiring resolution by the agency;~~

~~(g) The persons entering the order were subject to disqualification;~~

~~(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or~~

~~(i) The order is arbitrary or capricious.~~

~~(4) Review of other agency action.~~

~~(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.~~

~~(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to section 502 of this act, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to section 514 of this act, on material issues of fact raised by the petition.~~

~~(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:~~

~~(i) Unconstitutional;~~

~~(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;~~

~~(iii) Arbitrary or capricious; or~~

~~(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.~~

NEW SECTION. Sec. 517. TYPE OF RELIEF. (1) The court may order an agency to take action required by law, order an agency to exercise discretion required by law, affirm or set aside agency action, enjoin or stay the agency action, remand the matter for further proceedings, or enter a declaratory judgment order. In reviewing matters within agency discretion, the court shall limit its function to assuring that the agency has exercised its discretion in accordance

with law, and shall not itself undertake to exercise the discretion that the legislature has placed in the agency. The court shall remand to the agency for modification of agency action, unless remand is impracticable or would cause unnecessary delay.

(2) The sole remedy available to a person who is wrongfully denied licensure based upon a failure to pass an examination administered by a state agency, or under its auspices, is the right to retake the examination free of the defect or defects the court may have found in the examination or the examination procedure.

(3) The court may award damages, compensation, or ancillary relief only to the extent expressly authorized by another provision of law.

(4) If the court sets aside or modifies agency action or remands the matter to the agency for further proceedings, the court may make any interlocutory order it finds necessary to preserve the interests of the parties and the public, pending further proceedings or agency action.

NEW SECTION. Sec. 518. PETITION BY AGENCY FOR ENFORCEMENT. (1) In addition to other remedies provided by law, an agency may seek enforcement of its rule or order by filing a petition for civil enforcement in the superior court.

(2) The petition must name as respondent each alleged person against whom the agency seeks to obtain civil enforcement.

(3) Venue is determined as in other civil cases.

(4) A petition for civil enforcement filed by an agency may request, and the court may grant, declaratory relief, temporary or permanent injunctive relief, any other civil remedy provided by law, or any combination of the foregoing.

NEW SECTION. Sec. 519. PETITION BY OTHERS FOR ENFORCEMENT. (1) Any person who would qualify under this chapter as having standing to obtain judicial review of an agency's failure to enforce an order directed to another person may file a petition for civil enforcement of that order, but the action may not be commenced:

(a) Until at least sixty days after the petitioner has given notice of the alleged violation and of the petitioner's intent to seek civil enforcement to the head of the agency concerned, to the attorney general, and to each person against whom the petitioner seeks civil enforcement;

(b) If the agency has filed and is diligently prosecuting a petition for civil enforcement of the same order against the same person; or

(c) If a petition for review of the same order has been filed and a stay is in effect.

(2) The petition shall name, as respondents, the agency whose order is sought to be enforced and each person against whom the petitioner seeks civil enforcement.

(3) The agency whose order is sought to be enforced may move to dismiss the petition on the grounds that it fails to qualify under this section or that the enforcement would be contrary to the policy of the agency. The court shall grant the motion to dismiss the petition unless the petitioner demonstrates that (a) the petition qualifies under this section and (b) the agency's failure to enforce its order is based on an exercise of discretion that is arbitrary or capricious.

(4) Except to the extent expressly authorized by law, a petition for civil enforcement may not request, and the court may not grant, any monetary payment apart from taxable costs.

NEW SECTION. Sec. 520. DEFENSES—LIMITATION ON NEW ISSUES. (1) In a proceeding for civil enforcement a respondent may only assert as a defense:

(a) That the rule or order is invalid under section 516(3) (a) or (b) of this act. The court may only consider issues and receive evidence within the limitations provided by sections 512, 513, and 514 of this act;

(b) That the rule or order does not apply to the party or that the party has not violated the rule or order; and

(c) A defense specifically authorized by statute.

(2) The court, to the extent necessary for the determination of the matter, may consider new issues or take new evidence.

NEW SECTION. Sec. 521. INCORPORATION OF OTHER JUDICIAL REVIEW PROVISIONS. Proceedings for civil enforcement are governed by the following provisions of this chapter on judicial review, as modified where necessary to adapt them to those proceedings:

(1) Section 501(2) of this act (ancillary procedural matters); and

(2) Section 515 of this act (agency record for judicial review).

NEW SECTION. Sec. 522. REVIEW BY HIGHER COURT. Decisions on petitions for civil enforcement are reviewable as in other civil cases.

PART XIV.

LEGISLATIVE REVIEW AND MISCELLANEOUS PROVISIONS

Sec. 601. JOINT ADMINISTRATIVE RULES REVIEW COMMITTEE—MEMBERS—APPOINTMENT—TERMS—VACANCIES. Section 5, chapter 324, Laws of 1981 as amended by section 1, chapter 53, Laws of 1983 and RCW 34.04.210 are each amended to read as follows:

(1) There is hereby created a joint administrative rules review committee which shall be a bipartisan committee consisting of four senators and four representatives from the state legislature. The senate members of the committee shall be appointed by the president of the senate, and the house members of the committee shall be appointed by the speaker of the house. Not

more than two members from each house may be from the same political party. All appointments to the committee are subject to approval by the caucuses to which the appointed members belong.

(2) ~~((The initial members of the committee shall be appointed as soon as possible after July 26, 1981, and shall serve until the next regular session of the legislature convenes in an odd-numbered year. Thereafter))~~ Members shall be appointed as soon as possible after the legislature convenes in regular session in an odd-numbered year, and their terms shall extend until their successors are appointed and qualified at the next regular session of the legislature in an odd-numbered year or until such members no longer serve in the legislature, whichever occurs first. Members may be reappointed to a committee.

(3) The president of the senate shall appoint the chairperson in even-numbered years and the vice chairperson in odd-numbered years from among committee membership. The speaker of the house shall appoint the chairperson in odd-numbered years and the vice chairperson in even-numbered years from among committee membership. Such appointments shall be made in January of each year as soon as possible after a legislative session convenes.

(4) A vacancy on the committee shall be filled by appointment of a legislator from the same political party as the original appointment. The appropriate appointing authority shall make the appointment within thirty days of the vacancy occurring.

Sec. 602. REVIEW OF PROPOSED RULES—NOTICE. Section 6, chapter 324, Laws of 1981 as amended by section 1, chapter 451, Laws of 1987 and RCW 34.04.220 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the committee shall give the affected agency written notice of its decision. The notice shall be given at least seven days prior to any hearing scheduled for consideration of or adoption of the proposed rule pursuant to ~~((RCW 34.04.025(1)(a)(iii)))~~ section 303 of this act. The notice shall include a statement of the review committee's findings and the reasons therefor. When the agency holds a hearing on the proposed rule, the agency shall consider the review committee's decision.

Sec. 603. REVIEW OF EXISTING RULES—POLICY STATEMENTS, GUIDELINES, ISSUANCES—NOTICE—HEARING. Section 7, chapter 324, Laws of 1981 as amended by section 2, chapter 451, Laws of 1987 and RCW 34.04.230 are each amended to read as follows:

(1) All rules required to be filed pursuant to ~~((RCW 34.04.048))~~ section 315 of this act, and emergency rules adopted pursuant to ~~((RCW 34.04.036))~~ section 309 of this act, are subject to selective review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, and issuances that are of general applicability, or their equivalents to determine whether or not an agency has failed to adopt a rule ~~((as defined in RCW 34.04.010(2)))~~.

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, (b) that the rule has not been adopted in accordance with all applicable provisions of law, or (c) that an agency is using a policy statement, guideline, or issuance in place of a rule, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rules review committee's finding with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in ~~((RCW 34.04.025, as now or hereafter amended))~~ section 303 of this act. The agency's notice shall include the rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

(4) The agency shall consider fully all written and oral submissions regarding (a) whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements, (b) whether the rule was adopted in accordance with all applicable provisions of law, or (c) whether the agency is using a policy statement, guideline, or issuance in place of a rule.

Sec. 604. COMMITTEE OBJECTIONS TO AGENCY ACTION OR FAILURE TO ADOPT RULE—STATEMENT IN REGISTER AND WAC—SUSPENSION OF RULE. Section 8, chapter 324, Laws of 1981 as amended by section 3, chapter 451, Laws of 1987 and RCW 34.04.240 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to ~~((RCW 34.04.220 or 34.04.230))~~ section 602 or 603 of this act, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a committee finding of the agency's failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members: (a) That the proposed or existing rule in question has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, or (b) that the agency is using a policy statement, guideline, or issuance in place of a rule, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a two-thirds vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next regular legislative session.

(4) The code reviser shall publish transmittals from the rules review committee or the governor issued pursuant to subsection (1), (2), or (3) of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

(5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

Sec. 605. RECOMMENDATIONS BY COMMITTEE TO LEGISLATURE. Section 9, chapter 324, Laws of 1981 as amended by section 4, chapter 451, Laws of 1987 and RCW 34.04.250 are each amended to read as follows:

The rules review committee may recommend to the legislature that the original enabling legislation serving as authority for the (~~promulgation~~) adoption of any rule reviewed by the committee be amended or repealed in such manner as the committee deems advisable.

Sec. 606. REVIEW AND OBJECTION PROCEDURES—NO PRESUMPTION ESTABLISHED. Section 10, chapter 324, Laws of 1981 and RCW 34.04.260 are each amended to read as follows:

It is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by (~~RCW 34.04.230(2) and 34.04.240(2)~~) sections 603(2) and 604(2) of this act in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

NEW SECTION, Sec. 607. The provisions of RCW 4.84.185 relating to civil actions that are frivolous and advanced without reasonable cause apply to petitions for judicial review under this chapter.

PART XV. TECHNICAL PROVISIONS

NEW SECTION, Sec. 701. REPEALER. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.010;
- (2) Section 2, chapter 57, Laws of 1971 ex. sess., section 42, chapter 169, Laws of 1977 ex. sess., section 11, chapter 324, Laws of 1981 and RCW 28B.19.020;
- (3) Section 3, chapter 57, Laws of 1971 ex. sess., section 10, chapter 240, Laws of 1977 ex. sess., section 12, chapter 324, Laws of 1981, section 7, chapter 221, Laws of 1982 and RCW 28B.19.030;
- (4) Section 23, chapter 186, Laws of 1980, section 8, chapter 221, Laws of 1982 and RCW 28B.19.033;
- (5) Section 24, chapter 186, Laws of 1980 and RCW 28B.19.037;
- (6) Section 4, chapter 57, Laws of 1971 ex. sess., section 4, chapter 46, Laws of 1973 1st ex. sess., section 11, chapter 240, Laws of 1977 ex. sess., section 13, chapter 324, Laws of 1981 and RCW 28B.19.040;
- (7) Section 5, chapter 57, Laws of 1971 ex. sess., section 9, chapter 87, Laws of 1980, section 12, chapter 505, Laws of 1987 and RCW 28B.19.050;
- (8) Section 6, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.060;
- (9) Section 7, chapter 57, Laws of 1971 ex. sess., section 25, chapter 186, Laws of 1980 and RCW 28B.19.070;
- (10) Section 26, chapter 186, Laws of 1980 and RCW 28B.19.073;
- (11) Section 27, chapter 186, Laws of 1980 and RCW 28B.19.077;
- (12) Section 8, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.080;
- (13) Section 9, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.090;
- (14) Section 10, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.100;

(15) Section 11, chapter 57, Laws of 1971 ex. sess., section 5, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.19.110;

(16) Section 12, chapter 57, Laws of 1971 ex. sess., section 6, chapter 46, Laws of 1973 1st ex. sess., section 26, chapter 67, Laws of 1981 and RCW 28B.19.120;

(17) Section 13, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.130;

(18) Section 14, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.140;

(19) Section 15, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.150;

(20) Section 14, chapter 324, Laws of 1981 and RCW 28B.19.160;

(21) Section 15, chapter 324, Laws of 1981 and RCW 28B.19.163;

(22) Section 16, chapter 324, Laws of 1981 and RCW 28B.19.165;

(23) Section 17, chapter 324, Laws of 1981 and RCW 28B.19.168;

(24) Section 16, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.200;

(25) Section 20, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.210;

(26) Section 19, chapter 57, Laws of 1971 ex. sess. (uncodified);

(27) Section 22, chapter 57, Laws of 1971 ex. sess. (uncodified);

(28) Section 12, chapter 237, Laws of 1967, section 14, chapter 67, Laws of 1981 and RCW 34.04.022;

(29) Section 3, chapter 237, Laws of 1967, section 17, chapter 250, Laws of 1971 ex. sess., section 7, chapter 240, Laws of 1977 ex. sess., section 3, chapter 324, Laws of 1981, section 1, chapter 221, Laws of 1982 and RCW 34.04.025;

(30) Section 2, chapter 19, Laws of 1977 and RCW 34.04.026;

(31) Section 13, chapter 186, Laws of 1980 and RCW 34.04.052;

(32) Section 9, chapter 234, Laws of 1959, section 9, chapter 237, Laws of 1967, section 1, chapter 31, Laws of 1980 and RCW 34.04.090;

(33) Section 11, chapter 234, Laws of 1959 and RCW 34.04.110;

(34) Section 12, chapter 234, Laws of 1959, section 1, chapter 12, Laws of 1975 and RCW 34.04.120;

(35) Section 3, chapter 221, Laws of 1982 and RCW 34.04.270;

(36) Section 4, chapter 221, Laws of 1982, section 18, chapter 505, Laws of 1987 and RCW 34.04.280;

(37) Section 5, chapter 221, Laws of 1982 and RCW 34.04.290;

(38) Section 16, chapter 234, Laws of 1959 and RCW 34.04.900;

(39) Section 27, chapter 237, Laws of 1967 and RCW 34.04.901;

(40) Section 17, chapter 234, Laws of 1959, section 25, chapter 237, Laws of 1967 and RCW 34.04.910;

(41) Section 18, chapter 234, Laws of 1959 and RCW 34.04.920;

(42) Section 29, chapter 237, Laws of 1967 and RCW 34.04.921; and

(43) Section 26, chapter 237, Laws of 1967 and RCW 34.04.931.

Sec. 702. DOCUMENTS AND INDEXES TO BE MADE PUBLIC. Section 26, chapter 1, Laws of 1973 as last amended by section 3, chapter 403, Laws of 1987 and RCW 42.17.260 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (5) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after ~~((January 1, 1973))~~ the effective date of this section:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency under section 203 of this act;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index for records issued, adopted, or promulgated before the effective date of this section or for records described in (c) through (f) of subsection (2) of this section, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) (a) Except as provided in (b) of this subsection, this chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law((~~PROVIDED, HOWEVER, That~~)).

(b) Lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor((~~PROVIDED FURTHER, That~~)). Such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter ((~~34.04~~)) RCW (sections 101 through 607 of this act).

NEW SECTION. Sec. 703. CAPTIONS AND HEADINGS. Section captions and subchapter headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 704. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 705. EFFECTIVE DATE—APPLICATION. This act shall take effect on July 1, 1989, and shall apply to all rule-making actions and agency proceedings begun on or after that date. Rule-making actions or other agency proceedings begun before July 1, 1989, shall be completed under the applicable provisions of chapter 28B.19 or 34.04 RCW existing immediately before that date in the same manner as if they were not amended by this act or repealed by section 701 of this act.

NEW SECTION. Sec. 706. Parts IX through XIV of this act shall constitute a new chapter in Title 34 RCW, and the sections amended or set forth in this act shall be recodified in the order they appear in this act. The code reviser shall correct all statutory references to these sections and to the repealed chapters 28B.19 and 34.04 RCW to reflect this recodification and repeal."

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

In line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 43.131.215, 43.131.216,

43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.323, 43.131.327, 43.131.328, 43.131.329, 43.131.330, 43.131.331, 43.131.332, 43.131.333, 43.131.334, 34.04.010, 34.04.940, 34.04.150, 34.04.930, 34.04.050, 34.04.020, 34.04.080, 34.04.045, 34.04.060, 34.04.048, 34.04.027, 34.04.030, 34.04.040, 34.04.055, 34.04.057, 34.04.058, 34.04.170, 34.04.090, 34.04.105, 34.04.100, 34.04.135, 34.04.070, 34.04.130, 34.04.210, 34.04.220, 34.04.230, 34.04.240, 34.04.250, 34.04.260, and 42.17.260; creating a new chapter in Title 34 RCW; creating new sections; recodifying sections; repealing RCW 43.117.910, 28B.19.010, 28B.19.020, 28B.19.030, 28B.19.033, 28B.19.037, 28B.19.040, 28B.19.050, 28B.19.060, 28B.19.070, 28B.19.073, 28B.19.077, 28B.19.080, 28B.19.090, 28B.19.100, 28B.19.110, 28B.19.120, 28B.19.130, 28B.19.140, 28B.19.150, 28B.19.160, 28B.19.163, 28B.19.165, 28B.19.168, 28B.19.200, 28B.19.210, 34.04.022, 34.04.025, 34.04.026, 34.04.052, 34.04.090, 34.04.110, 34.04.120, 34.04.270, 34.04.280, 34.04.290, 34.04.900, 34.04.901, 34.04.910, 34.04.920, 34.04.921, and 34.04.931; repealing section 19, chapter 57, Laws of 1971 ex. sess. (uncodified); repealing section 22, chapter 57, Laws of 1971 ex. sess. (uncodified); and providing an effective date."

Signed by Senators Newhouse, Halsan, McCaslin; Representatives H. Sommers, Locke, Hankins.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on House Bill No. 1515 was adopted and the committee was granted the powers of Free Conference.

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

MOTION

On motion of Senator Halsan, the following resolution was adopted:

SENATE RESOLUTION 1988-8751

by Senators Halsan and Rasmussen

WHEREAS, The Morton High School Huskies won the 1988 State Class B Boys Basketball Championship in Spokane by defeating the St. John-Endicott Eagles in the finals for the second straight year, 56-45; and

WHEREAS, The Huskies showed great character in overcoming all the pressures that come with being defending champions to win their second straight basketball title, which hasn't been done in over three years; and

WHEREAS, The Morton Huskies have proven themselves as model citizens by showing others in their community and across the state what can be achieved through a winning attitude; and

WHEREAS, The Huskies finished the 1988 season with an outstanding record of 24-4, including winning their last thirteen games in a row; and

WHEREAS, Husky players Jason Wood, Troy Trevino, Steve Brewer, Chris Johnson, Kurt Van Fossen, Dennis Tauscher, Jason Eastman, Rick Goble, Chris Trevino, Bob Redick, Kevin Moore, Ed Ruyle and Anthony Koopman; coaches Jay Henderson, Jim Johnson, Kirk Hoff; managers Kyle Henderson and Tim Johnson; cameraman Ray Anderson; stats person Heidi Chambers; and bus driver Debbie Trevino; have given to the town of Morton a strong sense of community spirit and pride;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Morton High School Huskies, their coaches, and community supporters be congratulated for their remarkable accomplishments; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to head coach Jay Henderson and the members of the Morton High School basketball team.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the 1988 Morton High School championship basketball team and their coaches who were seated in the gallery.

MOTION

At 11:46 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Cherberg.

At 1:00 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 3:34 p.m. by President Cherberg.

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

MESSAGES FROM THE HOUSE

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1586 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1469 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1713 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1783 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1796 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403 and passed the resolution as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1683 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1652 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1366 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1660 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1588 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1633 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1389 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1673 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4231 and passed the resolution as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse moved to reconsider the vote by which the Report of the Conference Committee on Engrossed Substitute House Bill No. 1420 was adopted and the powers of Free Conference were granted earlier today.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the Report of the Conference Committee on Engrossed Substitute House Bill No. 1420 was adopted and the powers of Free Conference were granted.

The motion by Senator Newhouse for reconsideration of the Report of the Conference Committee on Engrossed Substitute House Bill No. 1420 carried.

MOTION

On motion of Senator Newhouse, the Senate commenced consideration of the revised Report of the Conference Committee on Engrossed Substitute House Bill No. 1420.

REVISED REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1420

Revising provisions on property taxes.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that, due to statutory and constitutional limitations, the interdependence of the regular property tax levies of the state, counties, county road districts, cities and towns, and junior taxing districts can cause significant reductions in the otherwise authorized levies of those taxing districts, resulting in serious disruptions to essential services provided by those taxing districts. The purpose of this act is to avoid unnecessary reductions in regular property tax revenue without exceeding existing statutory and constitutional tax limitations on cumulative regular property tax levy rates. The legislature declares that it is a purpose of the state, counties, county road districts, cities and towns, public hospital districts, library districts, fire protection districts, metropolitan park districts, and other taxing districts to participate in the methods provided by this act by which revenue levels supporting the services provided by all taxing districts might be maintained.

Sec. 2. Section 1, chapter 107, Laws of 1986 and RCW 39.67.010 are each amended to read as follows:

Any agreement or contract between two taxing districts other than the state which is otherwise authorized by law may be made contingent upon a particular property tax levy rate of an identified taxing district other than the state where such rate affects the regular property tax rate of one of the parties to the contract and therefore affects the party's resources with

which to perform under the contract. The governing body of every taxing district that could have its tax levy adversely affected by such a contract shall be notified about the contract.

~~((This section shall expire December 31, 1988.))~~

Sec. 3. Section 2, chapter 107, Laws of 1986 and RCW 39.67.020 are each amended to read as follows:

Any taxing district other than the state may transfer funds to another taxing district other than the state where the regular property tax levy rate of the second district may affect the regular property tax levy rate of the first district and where such transfer is part of an agreement whereby proration or reduction of property taxes is lessened or avoided. The governing body of every taxing district that could have its tax levy adversely affected by such an agreement shall be notified about the agreement.

~~((This section shall expire December 31, 1988.))~~

Sec. 4. Section 3, chapter 107, Laws of 1986 and RCW 84.55.092 are each amended to read as follows:

The regular property tax ~~((levies))~~ levy for each taxing district other than the state ~~((for taxes due in 1987 through 1991))~~ may be set at the amount which would ~~((otherwise))~~ be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 ~~((and 1987))~~ had been set at the full amount allowed under this chapter.

~~((This section shall expire December 31, 1991.))~~ The purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level permitted under this chapter, and to protect the future levy capacity of a taxing district that reduces its tax levy below the level that it otherwise could impose under this chapter, by removing the adverse consequences to future levy capacities resulting from such levy reductions.

Sec. 5. Section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy ~~((for))~~ by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by ~~((or for))~~ any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value ~~((PROVIDED FURTHER. That counties of the fifth class and under are)).~~ However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes ~~((and from one dollar and fifty-seven and one-half cents to two dollars and twenty-five cents per thousand dollars of assessed value for county road purposes))~~ if the total ~~((levy))~~ levies for both ~~((purposes does))~~ the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value ~~((PROVIDED FURTHER. That counties of the fourth and the ninth class are hereby authorized to levy two dollars and two and one-half cents per thousand dollars of assessed value until such time as the junior taxing agencies are utilizing all the dollar rates available to them: AND PROVIDED FURTHER. That the total property tax levy authorized by law without a vote of the people shall not exceed nine dollars and fifteen cents per thousand dollars of assessed value))~~, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and fifty-five cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district ~~((shall not be included in the limitation set forth by this proviso.~~

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district); (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; and (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069.

(3) It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including ~~((section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess.))~~ RCW 84.52.050.

Sec. 6. Section 7, chapter 138, Laws of 1987 and RCW 84.52.100 are each amended to read as follows:

(1) The governing body of any library district, public hospital district, metropolitan park district, or fire protection district may provide for the submission of a ballot proposition to the voters of the taxing district authorizing the taxing district to maintain its otherwise authorized tax levy rate, and authorizing an increase in the cumulative regular property tax limitation established in RCW 84.52.043 of ~~((nine))~~ five dollars and ~~((fifteen))~~ fifty-five cents per thousand dollars of assessed valuation within the taxing district, as provided in this section. A fire protection district may use this authority to increase its regular property tax levy up to fifty cents per thousand dollars of assessed valuation.

(2) A resolution by a governing body, requesting that a special election be called to submit such a ballot proposition to the voters, must be transmitted to the county legislative authority of the county, or county legislative authorities of the counties, within which the taxing district is located, at least forty-five days before the special election date at which the ballot proposition is submitted. The ballot proposition shall be worded substantially as follows:

"Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to maintain its otherwise statutory authorized property tax rate?"

The ballot proposition for a fire protection district shall be worded substantially as follows:

"Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to permit the fire protection district to impose its property tax at a value up to fifty cents per thousand dollars of assessed valuation?"

Approval of this ballot proposition by a simple majority vote shall authorize the following for the succeeding five consecutive year period: (a) Property tax rates of junior taxing districts are calculated first as if this proposition had not been approved; (b) subject to the one hundred six percent limitation, the regular property tax rate of the taxing district receiving such authorization is increased to a level not exceeding the lesser of: (i) Its maximum statutory authorized regular property tax rate; or (ii) whatever tax rate it otherwise would have been able to impose plus an additional thirty-five cents per thousand dollars of assessed valuation; and (c) the cumulative property tax rate limitation is increased within the boundaries of the taxing district receiving this authorization to an amount equal to ~~((nine))~~ five dollars and ~~((fifteen))~~ fifty-five cents per thousand dollars of assessed valuation plus the increased amount of the regular levy rate of this taxing district, but not to exceed ~~((nine))~~ five dollars and ~~((fifty))~~ ninety cents per thousand dollars of assessed valuation.

(3) If two or more taxing districts that occupy a portion of the same territory receive such approval, the additional authorized taxing capacity above ~~((nine))~~ five dollars and ~~((fifteen))~~ fifty-five cents per thousand dollars of assessed valuation shall be distributed among these taxing districts by adjusting their levy rate requests in the same manner and under the same conditions as if they were the only taxing districts in the area subject to adjustment of their property tax rates and the levy rate adjustments were being made with the cumulative limitation of ~~((nine))~~ five dollars and ~~((fifteen))~~ fifty-five cents per thousand dollars of assessed valuation.

(4) Levies authorized under RCW 84.52.069 are not subject to the rate adjustments and the ~~((nine))~~ five dollar and ~~((fifty))~~ ninety cent per thousand dollar of assessed valuation cumulative limitation on regular property tax rates established by this section.

Sec. 7. Section 84.52.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 255, Laws of 1987 and RCW 84.52.010 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, as now or hereafter amended, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law (~~PROVIDED, That in the event of a levy made pursuant to RCW 84.34.236, the rates of levy for county and county road district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy~~

~~had not been made pursuant to RCW 84.34.236), subject to subsection (2)(e) of this section; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010; and~~

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, public hospital districts, metropolitan park districts, and library districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; ~~((and))~~

~~(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for cities and towns, fire protection districts under RCW 52.16.130, public hospital districts, metropolitan park districts, and library districts shall be adjusted as provided in section 8 of this 1988 act; and~~

~~(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.130, and the certified property tax levy rates of public hospital districts, metropolitan park districts, and library districts, shall be reduced on a pro rata basis or eliminated.~~

NEW SECTION. Sec. 8. A new section is added to chapter 84.52 RCW to read as follows:

(1) In any county, if, after any reduction in levy rates required by RCW 84.52.010(2)(a) through (d), the consolidated tax levy rate still exceeds the limitations in RCW 84.52.043 or 84.52.050, then the department pursuant to rules shall direct the county assessor to adjust the regular property tax levy rates in the following manner:

(a) First, the assessor determines a first preliminary rate pursuant to RCW 84.52.010(2)(f).

(b) Second, the assessor determines a second preliminary rate which is the additional rate, if any, permitted by RCW 84.52.100.

(i) If the preliminary rates together are sufficient to permit all rates subject to RCW 84.52.010(2)(f) to be levied without reduction, then the assessor shall extend on the tax rolls the full certified rates pursuant to RCW 84.52.010(2)(f) and 84.52.100.

(ii) If the preliminary rates together are not sufficient to permit all rates subject to RCW 84.52.010(2)(f) to be levied without reduction pursuant to both RCW 84.52.010(2)(f) and 84.52.100, the assessor shall reduce the rate of the taxing district subject to RCW 84.52.010(2)(e) with the smallest assessed valuation such that, after first allowing for any additional rate permitted by RCW 84.52.100, there is no reduction of the rates under RCW 84.52.010(2)(f). Where the reduction of the levy of a taxing district is not sufficient, the taxing district with the next smallest assessed valuation shall have its levy reduced under this subsection until there is no reduction of rates under RCW 84.52.010(2)(f). The assessor shall then extend on the tax rolls the rates derived pursuant to this subsection (b)(ii).

(2) The taxing districts whose levies would have been reduced but for subsection (1) of this section shall pay to each district that had its levy so reduced pursuant to subsection (1) of this section a proportionate share of the reduced amount based on the amount by which each district would have had its total levy rate reduced if subsection (1) of this section were not in effect and the rates had been adjusted pursuant to RCW 84.52.010(2)(f) and 84.52.100.

(a) In the case of a public hospital district, library district, fire protection district, or metropolitan park district whose levy is reduced under subsection (1) of this section, the district shall bear a proportionate share as if its rate were sufficient to collect its certified levy.

(b) In the case of a city or town that is annexed by a library district or a fire protection district, which city's or town's levy is reduced under this section, or is in a tax code area where a levy rate is reduced under this section, the city or town shall forgo receipt of, or pay to each district whose levy rate is reduced, ten percent of the amount which would otherwise be paid to the city or town from each district whose levy rate is not reduced as a result of subsection (1) of this section, collectively not to exceed one-half of the following amount: The assessed valuation of the reduced district multiplied by a rate equal to the city's or town's levy rate, calculated based on its certified levy request, plus the rate(s) of the annexing district(s) minus the rate the city or town would have been able to levy were it not annexed, not to exceed twenty-two and one-half cents.

(3) Fifty-five percent of the amount under subsection (2) of this section shall be distributed on or before May 31 of the tax collection year for which the levy is reduced and forty-five percent on or before November 30 of that year.

(4) This section shall expire on December 31, 1989.

NEW SECTION, Sec. 9. The department of revenue shall adopt such rules consistent with this act as shall be necessary or desirable to permit its effective administration. The rules shall provide how section 8 of this act shall apply to a taxing district that has received authorization to increase its levy according to RCW 84.52.100 and use the method that will be the least costly to all taxing districts involved.

NEW SECTION, Sec. 10. There is created in the custody of the state treasurer an account to be known as the "small county assistance account." Effective July 1, 1988, and notwithstanding RCW 43.84.092, one-half of the investment income earned on moneys in the local sales and use tax account created by RCW 82.14.050 and which has not been distributed according to RCW 82.14.060 shall be placed into this account. Any moneys in the account on December 31, 1989, shall be transferred to the general fund.

The state treasurer shall disburse moneys from this account, upon certification by the director of revenue, to each fifth class and smaller county that contracts with, or transfers funds to, a taxing district or districts under RCW 39.67.010 or 39.67.020 if, as a result of the contracts or transfers, the county is able to increase its county-wide general tax levy above one dollar and eighty cents per thousand dollars of assessed valuation, in accordance with RCW 84.52.043.

Each eligible county shall receive an amount of money from this account that is equal to the amount that the county transfers or pays to the other taxing district or districts. One-half of the distributions shall be made to each eligible county on or before April 30, 1989, and one-half of the distributions shall be made to each eligible county on or before October 31, 1989. These amounts shall be proportionally reduced if the moneys in the account are insufficient to reimburse the full amount that these counties transferred or paid to such taxing districts. Distributions from this account are not subject to appropriation.

Each county that so transfers or pays moneys to taxing districts shall provide evidence of such arrangements to the director of revenue on or before January 31, 1989. The director of revenue shall certify to the state treasurer each county that is eligible for such disbursements and the amount that the county so transferred or paid.

This section expires January 1, 1990.

NEW SECTION, Sec. 11. The sum of one hundred thousand dollars is appropriated for the biennium ending June 30, 1989, from the general fund to the small county assistance account to be used exclusively for purposes specified in section 10 of this act.

NEW SECTION, Sec. 12. A new section is added to chapter 52.04 RCW to read as follows:
Any attempted annexation in 1987 and thereafter by a fire protection district of contiguous territory, that is located in a county other than the county in which the fire protection district was located, is validated where the annexation would have occurred if the territory had been located in the same county as the fire protection district. The effective date of such annexations occurring in 1987 shall be February 1, 1988, for purposes of establishing the boundaries of taxing districts for purposes of imposing property taxes as provided in RCW 84.09.030.

Any reference to a county official of the county in which a fire protection district is located or proposed to be located shall be deemed to refer to the appropriate county official of each county in which the fire protection district is located or proposed to be located.

NEW SECTION, Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 39.67.010, 39.67.020, 84.55.092, 84.52.043, 84.52.100, and 84.52.010; adding a new section to chapter 84.52 RCW; adding a new section to chapter 52.04 RCW; creating new sections; and making an appropriation."

Signed by Senators Cantu, Garrett, Lee: Representatives Appelwick, Haugen, Ferguson.

MOTION

On motion of Senator Newhouse, the Revised Report of the Conference Committee on Engrossed Substitute House Bill No. 1420 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: EHB 1585

Revising provisions for juvenile dependency proceedings.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to

agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the amended Senate Committee on Children and Family Services striking amendment and its corresponding title amendment, and:

Adopt the following amendments to the Senate Committee on Children and Family Services amendments: On page 3, after line 34 of the Senate amendment, insert the following:

"Sec. 3. Section 3, chapter 291, Laws of 1977 ex. sess. as amended by section 2, chapter 155, Laws of 1979 and RCW 13.04.021 are each amended to read as follows:

(1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under chapter 13.34 RCW and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

Sec. 4. Section 6, chapter 50, Laws of 1949 and RCW 26.12.060 are each amended to read as follows:

The family court commissioners shall: (1) Receive all applications and complaints filed in the family court for the purpose of disposing of them pursuant to this chapter; (2) investigate the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings filed in or transferred to the family court pursuant to this chapter; (3) for the purpose of this chapter, exercise all the powers and perform all the duties of regular court commissioners; (4) hold conciliation conferences with parties to and hearings in proceedings under this chapter and make written reports of all proceedings had which shall become a part of the record of the family court; (5) provide such supervision in connection with the exercise of its jurisdiction as the judge of the family court may order; (6) cause the orders and findings of the family court to be entered in the same manner as orders and findings are entered in cases in the superior court; ~~((and))~~ (7) cause such other reports to be made and records kept as will indicate the value and extent of such conciliation service; and (8) conduct hearings under chapter 13.34 RCW as provided in RCW 13.04.021.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 4, line 8 of the Senate amendment to the title, after "13.34.100" strike the remainder of the title and insert ", 13.04.021, and 26.12.060; reenacting and amending RCW 26.44.053; and declaring an emergency."

Signed by Senators Kiskaddon, Stratton, Bailey; Representatives Brekke, Leonard, Winsley.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed House Bill No. 1585 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1594

Providing for a water use efficiency study.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 1, Laws of 1977 ex. sess. as last amended by section 1, chapter 343, Laws of 1987 and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during 1977 and during 1987.

The legislature further finds that there is a continuing agricultural water supply shortage in many areas of the state and that, in relation to the lessening of that unsatisfactory condition, there is an urgent need to both improve water supply facilities and replace other such facilities.

The legislature further finds that in addition to water storage facilities or other augmentation programs, improved efficiency of water use could provide an important new supply of water in many parts of the state with which to meet future water needs and that improved efficiency of water use should receive greater emphasis in the management of the state's water resources.

In order to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate unsatisfactory water supply conditions arising from droughts occurring from time to time in the state of Washington, and to carry out a comprehensive water use efficiency study for the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 2. A committee shall be charged with the task of carrying out a comprehensive study of water use efficiency in this state. The study, however, shall neither be considered a water conservation study, nor a comprehensive study encompassing the exclusive means of creating a new supply of water which limits or restricts the use of water storage facilities as an option in creating a new supply of water. The committee, in consultation with other interested agencies, organizations, and the public, shall investigate and evaluate opportunities and means for achieving water use efficiency improvements. The evaluation shall include but not be limited to the following:

- (1) Review and analysis of water use efficiency initiatives in other states;
- (2) Review of the water use efficiency recommendations of the western governors association;
- (3) Identification of existing institutional and economic disincentives to efficient water use;
- (4) Identification of existing and potential incentives that could bring about improved efficiency of use;
- (5) Identification of alternatives for improving efficiency of use;
- (6) Estimation of potential water savings and public and private costs from implementing alternatives;
- (7) Identification of a recommended approach for improving water use efficiency in municipal and industrial water supply uses, irrigated agriculture and other major out-of-stream uses, and in-stream uses;
- (8) Evaluation of the terminology and development of definitions and methods relating to the efficient utilization of water in chapters 90.03, 90.14, 90.22, 90.44, and 90.54 RCW, and such other provisions of existing law as it finds appropriate;
- (9) Recommendations for a public education program for efficient use of water; and
- (10) Development of recommendations for any needed changes in laws, rules, policies, procedures, and programs to facilitate improved water use efficiency.

NEW SECTION. Sec. 3. (1) The committee created in section 2 of this act shall consist of the following voting members:

- (a) Four members of the house of representatives, appointed by the speaker, two from each major political party;
- (b) Four members of the senate, appointed by the president of the senate, two from each major political party;
- (c) One individual representing the interests of local government;
- (d) One individual representing producers of irrigated agricultural products;
- (e) One individual representing environmental interests;
- (f) One individual representing the interests of the timber industry;
- (g) One individual representing the interests of industries' use of water;
- (h) One individual representing Indian tribes;
- (i) One individual representing the interests of public water utilities;
- (j) One individual representing owners and operators of cattle farms;
- (k) One individual representing the state-wide water resources association created under chapter 87.76 RCW;
- (l) One individual representing hydro power utilities;
- (m) One individual representing the recreational or commercial fishing interest; and

(n) One individual representing the interests of water-oriented recreationists.

(2) An individual from each of the following departments shall be appointed by the director of the department as a nonvoting member of the committee: Ecology, agriculture, social and health services, fisheries, wildlife, and natural resources.

(3) An individual representing the office of the governor shall also be a nonvoting member of the committee. This individual shall convene the initial meeting of the committee and act as the presiding officer of the committee until the committee elects a chair as provided in subsection (6) of this section.

(4) The governor shall appoint the members of the committee listed in subsections (1) (c) through (n) of this section. Wherever possible, the various interest groups listed in each of subsections (1) (c) through (n) of this section shall attempt to identify one nominee in common to represent the interest groups listed in that subsection. Any nominations for appointments to fill positions on the committee listed in subsections (1) (c) through (n) of this section shall be submitted to the director of ecology not later than ten business days after the effective date of this section. The director shall forward such nominations to the governor immediately thereafter for the governor's consideration in appointing the members of the committee.

(5) Members of the committee shall serve without compensation. A member representing a state agency or the office of the governor shall be reimbursed, by his or her employing agency or office, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the committee who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW. All other members of the committee shall be reimbursed by the department of ecology for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) At the initial meeting of the committee, the voting members of the committee shall elect a chair from among themselves. The chair shall preside over the meetings of the committee. The committee shall expire December 31, 1988.

(7) The committee shall consult on a regular and frequent basis with interested organizations and individuals. The committee shall hold public meetings to inform the public about the study, and to receive public comments on a draft report of its study findings and its recommendations.

(8) The committee shall document public comments and the committee's recommendations in a final water use efficiency report. The final report shall also include an estimate of staffing and funding needed to carry out the recommended approach.

NEW SECTION, Sec. 4. It shall be the responsibility of the department of ecology to provide staff support to the committee and to identify water use efficiency options for the tasks identified in section 2 of this act. For the purposes of this section, the department of ecology shall consult with the water research center at Washington State University.

NEW SECTION, Sec. 5. The committee shall report its findings and recommendations to the legislature no later than December 31, 1988. The department shall not implement such recommendations by rule or regulation except upon the enactment of enabling legislation based upon the committee's recommendations.

NEW SECTION, Sec. 6. No aspect of the study authorized by sections 1 through 3 of this act may authorize any interference whatsoever with existing water rights. The study shall in all respects be subject to the provisions of RCW 43.83B.325 to the same extent as any provision of RCW 43.83B.300 through 43.83B.345.

NEW SECTION, Sec. 7. Sections 2 through 6 of this act shall expire June 30, 1989.

NEW SECTION, Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 2 of the title, after "43.83B.300;" strike all material down to and including "(uncodified);" on line 3

On page 1, line 3 of the title, after "sections;" delete "making appropriations;"

Signed by Senators Barr, DeJarnatt, Bailey; Representatives Nealey, Rayburn, H. Sommers.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1594 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: 2SHB 1640

Establishing the G. Robert Ross public service award program for outstanding public service by faculty.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

On page 1, at the beginning of line 19, strike "washington" and insert "Washington"

On page 2, beginning on line 1, strike the remainder of the bill and insert the following:

"Sec. 3. Section 5, chapter 8, Laws of 1987 and RCW 28B.10.870 are each amended to read as follows:

All state four-year institutions of higher education shall be eligible for matching trust funds. An institution may apply to the higher education coordinating board for two hundred fifty thousand dollars from the fund when the institution can match the state funds with an equal amount of pledged or contributed private donations or with funds received through legislative appropriation specifically for the G. Robert Ross distinguished faculty award and designated as being qualified to be matched from trust fund moneys. These donations shall be made specifically to the professorship program, and shall be donated after July 1, 1985.

Upon an application by an institution, the board may designate two hundred fifty thousand dollars from the trust fund for that institution's pledged professorship. If the pledged two hundred fifty thousand dollars is not received within three years, the board shall make the designated funds available for another pledged professorship.

Once the private donation is received by the institution, the higher education coordinating board shall ask the state treasurer to release the state matching funds to a local endowment fund established by the institution for the professorship.

Sec. 4. Section 12, chapter 8, Laws of 1987 (uncodified) is amended to read as follows:

(1) For the biennium ending June 30, 1989, all appropriations to the Washington distinguished professorship trust fund shall be allocated as provided in this section. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts as defined in section 1 of this act for distinguished professorships have been deposited:

(a) (~~Forty-five percent~~) Two million two hundred fifty thousand dollars of the appropriation for the University of Washington;

(b) (~~Thirty percent~~) One million five hundred thousand dollars of the appropriation for Washington State University;

(c) (~~Twenty-five percent~~) One million dollars of the appropriation divided among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College.

(2) Distribution of funds allocated in subsection (1)(c) of this section shall be made in the following manner: Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College are guaranteed one professorship. (~~The remaining professorship shall be allocated on a first come first served basis to a regional university or The Evergreen State College which has used the professorship guaranteed it, and qualified for an additional professorship under section 5 of this act. If the regional universities and The Evergreen State College have not obligated the unassigned professorship by May 1, 1989, that professorship may be allocated to either the University of Washington or Washington State University in accordance with rules promulgated by the higher education coordinating board.~~)

(3) As of January 1, 1989, if any funds reserved in subsection (1) (a) or (b) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher education, which has already fully utilized the professorships allocated to it by this section, and, in the case of the regional universities and The Evergreen State College, has exhausted the allocation in subsection (1)(c) of this section, may be eligible for such funds under rules promulgated by the higher education coordinating board.

NEW SECTION. Sec. 5. The sum of two hundred fifty thousand dollars is appropriated for the biennium ending June 30, 1989, from the state general fund to the Western Washington University for deposit in the G. Robert Ross distinguished faculty endowment fund. The appropriation in this section shall fulfill the matching requirements in RCW 28B.10.870 for an additional two hundred fifty thousand dollars from the distinguished professorship trust fund. This appropriation along with the matching money from the distinguished professorship trust fund will result in a total amount of five hundred thousand dollars to be deposited into the G. Robert Ross distinguished faculty endowment fund.

NEW SECTION. Sec. 6. Section 2 of this act is added to Title 28B RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.102 RCW to read as follows:

The board may waive grade point requirements for an otherwise eligible individual student under special circumstances.

NEW SECTION. Sec. 8. The legislature finds it essential that this and future generations of children be allowed the fullest opportunity to learn and to develop their intellectual and mental capacities and skills at the postsecondary level. The legislature is greatly concerned about the ever-increasing costs of obtaining higher education. The purpose of this chapter is to assist

Washington residents in their quest for higher education and to encourage financial planning to meet higher education costs by creating a college savings bond program.

NEW SECTION. Sec. 9. The following definitions shall apply throughout this chapter, unless the context clearly indicates otherwise:

(1) "College savings bonds" or "bonds" are Washington state general obligation bonds, issued under the authority of and in accordance with this chapter.

(2) "Board" means the higher education coordinating board, or any successor thereto.

NEW SECTION. Sec. 10. For the purpose of providing funds for the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities for the state institutions of higher education, including facilities for the state community college system, and to provide for the administrative costs of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of credit enhancement agreements, and other expenses incidental to the administration of capital projects, the state finance committee is authorized to issue college savings bonds of the state of Washington in the sum of fifty million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto.

Bonds authorized in this section shall be sold in such a manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. The bonds shall not be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of college savings bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal or of interest on the bonds with respect to which the same relate.

If, and to the extent that the state finance committee determines it is economically feasible and in the best interest of the state, the bonds shall be sold at a deep discount from their par value.

College savings bonds authorized under this section shall be sold in accordance with chapter 39.42 RCW.

NEW SECTION. Sec. 11. The proceeds from the sale of the bonds authorized in section 10 of this act shall be deposited in the state building construction account of the general fund in the state treasury, and shall be used exclusively for the purposes specified in section 10 of this act and for the payment of expenses incurred in the issuance and sale of the college savings bonds.

NEW SECTION. Sec. 12. The state higher education bond retirement fund of 1988 is hereby created in the state treasury, and shall be used for the payment of principal and interest on the college savings bonds.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state higher education bond retirement fund of 1988, such amounts and at such times as are required by the bond proceedings. If directed by the state finance committee by resolution, the state higher education bond retirement fund of 1988, or any portion thereof, may be deposited in trust with any qualified public depository.

The owner and holder of each of the college savings bonds or the trustee for the owner and holder of any of the college savings bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 13. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the college savings bonds. Section 12 of this act shall not be deemed to provide an exclusive method for the payment thereof.

NEW SECTION. Sec. 14. The college savings bonds shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 15. The board and the state finance committee shall evaluate the effectiveness of the college savings bond program created by this chapter, and shall submit a report about the program, and recommended changes, to the governor and the appropriate standing committees of the senate and house of representatives on or before December 1, 1990. In the report, the board shall consider the advisability of offering incentives to purchase college savings bonds.

NEW SECTION. Sec. 16. The board and the state finance committee shall create and implement marketing strategies and educational programs designed to publicize the college savings bond program to Washington residents.

NEW SECTION. Sec. 17. Any interest earned on the bonds shall not be income for the purposes of any state income tax.

NEW SECTION. Sec. 18. This chapter may be known and cited as the college savings bond act of 1988.

NEW SECTION. Sec. 19. Sections 8 through 18 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.870; amending section 12, chapter 8, Laws of 1987 (uncodified); adding a new section to chapter 28B.102 RCW; adding a new section to Title 28B RCW; adding a new section to chapter 28B.102 RCW; adding a new chapter to Title 28B RCW; creating new sections; and making an appropriation."

Signed by Senators Saling, Patterson; Representatives Jacobsen, Fox, Miller.

MOTION

On motion of Senator Newhouse, further consideration of the Report of the Conference Committee on Second Substitute House Bill No. 1640 was deferred.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1817

Facilitating public and private funding of local transportation improvements.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the Senate Committee on Transportation striking amendment with the following changes:

On page 3, beginning on line 29 of the striking amendment, strike "highest"

On page 9, line 28, after "land" strike "or" and insert "and/or the costs of constructing"

Signed by Senators Patterson, Bender, Nelson; Representatives Walk, Hine, Schmidt.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1817 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: E2SHB 1835

Providing for economic diversification in the Tri-Cities.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Cutbacks in federal funds and programs to the Tri-Cities pose a substantial threat to the region and the state with massive lay-offs, loss of personal income, and declines in state revenues;

(2) The Tri-Cities is of critical significance to the state because of its leading role in the nuclear industry and its concentration of excellent scientists and engineers. Because of the presence of this highly trained workforce, this region requires a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the Tri-Cities including agriculture, high-technology, tourism, and regional exports;

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region; and

(5) Economic diversification efforts in the Tri-Cities area may bring to the area new industries which use hazardous and toxic chemicals. Concerns about the accidental release of such

chemicals can inhibit economic development efforts. The legislature finds that local emergency response planning may mitigate environmental impacts of economic development efforts. Congress enacted legislation to coordinate emergency response planning efforts and directed preparation of local emergency response plans. The legislature further finds that nongovernmental persons are reluctant to serve on local emergency planning committees due to fear of civil liability.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the Tri-Cities area.

NEW SECTION. Sec. 2. The department of trade and economic development shall begin implementation of the priority goals established by the Tri-Cities diversification study conducted under chapter 501, Laws of 1987, as follows:

- (1) To retain and expand existing businesses and industries within the region;
- (2) To attract businesses and industries to the region that will provide new jobs;
- (3) To encourage the formation of new businesses and industries in the region; and
- (4) To assist in the development of a regional infrastructure favorable to economic diversification.

In evaluating these goals, the department, in consultation with the Tri-Cities diversification board, shall determine which objectives of these priority goals are most likely to lead to economic diversification. Consideration shall be given to potential jobs and income benefits, generation of additional fiscal support, increased private sector participation, and market forces supporting the proposed objectives. The department shall consider such additional studies and governmental agencies which could support the priority goals determined under this section.

For the purposes of sections 1 through 12 of this act, "department" means the department of trade and economic development.

NEW SECTION. Sec. 3. (1) The sum of one million two hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the administrative contingency fund to the employment security department for the purposes of sections 1 through 12 of this act. This appropriation shall be transferred to the department of trade and economic development for the purposes of sections 1 through 12 of this act.

(2) The sum of two hundred twenty-eight thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of trade and economic development for the purposes of sections 1 through 12 of this act.

NEW SECTION. Sec. 4. (1) The department of trade and economic development shall designate a project manager within the department to facilitate the department's activities within the Tri-Cities region. This position shall be located in the Tri-Cities region. The manager's responsibilities shall include but not be limited to:

(a) Seeking to increase the use of existing state economic development programs in the Tri-Cities region;

(b) Helping to locate additional funds to be used for diversification activities;

(c) Forming committees to oversee activities within the priority areas;

(d) Coordinating evaluation of state diversification in the region;

(e) Seeking to increase the effectiveness of existing efforts to incubate new enterprises in the Tri-Cities region and to increase the resources devoted to the incubation of new enterprises;

(f) Facilitating technology transfer from the research base in the region to local businesses, including efforts to increase: The availability and accessibility of venture capital in the Tri-Cities region, especially for the early stages of enterprise development and for the expansion of existing enterprises, the accessibility of legal expertise, especially in regard to licenses and patents, and the identification of and assistance to entrepreneurs with expertise in managing new product development; and

(g) Increasing the availability and coordination of resources devoted to the expansion, development, and modernization of enterprises in existing promising growth areas of the Tri-Cities regional economy such as the industrial applications of advanced technology and recreational development.

(2) A maximum of seventy-five thousand dollars shall be made available for the purposes of this section.

NEW SECTION. Sec. 5. There is established the Tri-Cities diversification board. The board shall consist of fifteen members appointed by the governor, including but not limited to representatives of local businesses, labor organizations, local governments, visitor and convention bureaus, local educational institutions, local associate development organizations, the agribusiness community, and local ports. In making the appointments, the governor shall endeavor to ensure that the appointees have experience in local diversification efforts. Vacancies shall be filled in the same manner as the original appointment.

The board shall review proposals for the diversification of the Tri-Cities area presented to it by the department.

Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. (1) In carrying out the purposes of (a) through (l) of this subsection, the department shall consult with the Tri-Cities diversification board. The department shall contract with local organizations, institutions, or agencies to perform one or more of the following:

(a) Develop a regional export program to identify potential products for export from the region and facilitate their export.

(b) Develop waterfront resources to facilitate increased tourism in the area.

(c) Conduct an import substitution program to connect existing industries with local suppliers of goods and services and identify market gaps that can be filled by start-up firms.

(d) Act as team coordinator of the Tri-Cities business and job retention team. The team may ensure the provision of retention services to small businesses and their employees. The team shall have equal representation from local businesses and local labor. The team may also have representatives from local educational institutions, the private industry council, and local governments. The subcontractor shall conduct a survey of local businesses and coordinate the delivery of marketing, technical, managerial, and training assistance appropriate to client businesses and employees. The surveys shall gather information about business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, the availability of financing, and other appropriate information. The subcontractor shall coordinate team efforts with the Washington ambassadors program and select appropriate marketing, management, training, and technical specialists to assist the team on either a volunteer or subcontract basis. The subcontractor shall conduct an initial assessment of firms or workforces indicating a need for assistance to determine viability, problems, skill levels, public and private costs associated with any potential business failure or layoff, the potential for preventing closure or reduction-in-force, and the potential for a change in ownership, including employee and community buy-outs. If the initial assessment indicates the need for a more thorough study of the feasibility of various options for retaining a firm, the subcontractor may contract or subcontract for such a study under the following conditions:

(i) The small business is engaged in light or heavy manufacturing, the processing of agricultural products, or transportation services;

(ii) Only one study may be funded per business; and

(iii) A maximum of twenty-five thousand dollars in funds received from the state shall be made available per study.

(e) Develop and implement a training program in marketing for small firms producing products suitable for export outside the Tri-Cities area. The program may have a variety of training formats to meet the diverse needs of the targeted firms and should include, but need not be limited to: A presentation on the value and the potential of marketing cooperatives, training programs for sales personnel, and training in the development of marketing plans as part of the overall business plan. The subcontractor may work with public and private schools of business administration in developing the curriculum and may use other subcontractors in implementing the program.

(f) Facilitate the development and operation of small business incubators. The department may subcontract with existing small business incubators in the Tri-Cities or with local governments, community organizations, or educational institutions, to:

(i) Conduct small business incubator feasibility studies;

(ii) Provide technical, managerial, financing and marketing assistance to firms inside and outside incubators;

(iii) Facilitate the creation of an equity capital fund for use by incubated firms;

(iv) Market the services offered by small business incubators and encourage local entrepreneurs to use incubator services and facilities; and

(v) Consolidate the efforts of local educational institutions, the private industry council and the local small business development center in one incubator.

(g) Operate an investment opportunities office. The subcontractor should solicit business plans from local entrepreneurs and, when necessary, assist the entrepreneurs in the development of such plans.

(h) Provide for targeted business recruiting and business development. Business development should include specialized technical or managerial assistance in fields that promote the existing strengths of the region in such areas as agricultural services and processing, the industrial applications of advanced technology, and recreation and tourism.

Specific assistance should be given to small businesses in securing federal contracts from agencies participating in the small business innovation research program.

(i) Develop or conduct such other projects or programs as are approved by the department in consultation with the Tri-Cities diversification board.

(2) The department shall establish such criteria as it deems appropriate for delivery of the services supplied under contract as provided in this section. The department shall provide training and technical assistance to the personnel of any program, team, office, or other effort

provided for under this section, as appropriate. Such training and technical assistance shall be funded out of moneys provided for under sections 4 and 8 of this act.

No contract may be entered into under this section until the department has consulted with the Tri-Cities diversification board.

(3) A maximum of six hundred fifteen thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 7. The sum of two hundred ninety-two thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1989, to Washington State University for the following purposes:

(1) Seventy-five thousand dollars shall be used for one faculty member to research and teach at the Tri-Cities university center in the field of business development, new enterprise development, and the transfer of new technologies to commercial applications.

(2) Seventy-five thousand dollars shall be used for one faculty member to research and teach at the Tri-Cities university center in the field of agribusiness and agricultural services development.

(3) One hundred thousand dollars shall be used for faculty and equipment for wine industry research.

(4) Forty-two thousand dollars shall be used for a high-capacity telecommunications link between Washington State University and the Tri-Cities university center. Washington State University may contract with the United States department of energy's Richland laboratory for the purposes of this section.

NEW SECTION. Sec. 8. The department shall also contract with local organizations, institutions, or agencies to:

(1) Establish a Tri-Cities agribusiness development program in cooperation with the IMPACT program, the Tri-Cities industrial development council, and the agricultural extension program of Washington State University. The subcontractor's duties in operating the agribusiness development program shall include but not be limited to:

(a) Seeking to increase the utilization of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the Tri-Cities region;

(b) Seeking to increase the coordination and effectiveness of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the Tri-Cities region; and

(c) Undertaking efforts to promote and further the existing strengths of the Tri-Cities region in value-added agricultural processing, agricultural services, specialty agriculture, and agricultural diversification.

(2) Evaluate the means for increasing the value of the wine industry to the Tri-Cities and for the region to become a principal center for the wine industry.

No contract may be entered into under this section until the department has consulted with the Tri-Cities diversification board.

A maximum of one hundred eight thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 9. The department shall be responsible for oversight and implementation of all efforts under this act. The department shall be responsible for a social and economic impact assessment; coordination of the multi-agency efforts; and shall act as liaison with local governments, the federal government, financial institutions, and other private entities to address financing and other needs in the Tri-Cities. The assessment shall be submitted as part of the report in section 12 of this act.

A maximum of fifty thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 10. The department shall conduct a study through the Tri-Cities university center on the feasibility of using heat generated by existing nuclear facilities for commercial industrial applications, taking into consideration, and drawing from as appropriate, existing studies on heating and on other warm water uses. Any state appropriations for this study are contingent upon and shall be no more than one-third of the federal funds provided for this study. A maximum of fifty thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 11. (1) Through an interagency agreement with the department, the employment security department shall provide enhanced retraining, support services, and job search assistance, including an out-of-area job search and relocation component, if needed, for dislocated workers in the Tri-Cities region. For the purpose of this section "dislocated workers" means workers in the Tri-Cities who (a) have been terminated or laid off, or received a notice of termination or lay-off from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters. Training and retraining assistance shall be designed to contribute to the diversification of the economy of the

Tri-Cities region or to relieve economic dislocation and distress in the Tri-Cities region resulting from the sudden and severe loss of local sources of employment.

(2) The employment security department shall consult with and may subcontract with local educational institutions, local businesses, local labor organizations, local associate development organizations, local private industry councils, local social service organizations, and local governments in carrying out this program of training and services for dislocated workers in the Tri-Cities region.

(3) Training and retraining assistance provided under sections 1 through 12 of this act should include but need not be limited to the following areas: Entrepreneurial development and training; short-term job creation; training in the incubation of new business enterprises and training at incubator facilities; agriculture, agricultural processing, and agricultural services; the industrial applications of advanced technology; recreational and tourism development; and hazardous materials clean-up.

(4) The employment security department shall subcontract with local organizations, institutions, or agencies to provide expanded services to dislocated workers, older unemployed workers, and the long-term unemployed. Such services shall be either direct or referral services to the unemployed, and should include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; and medical services.

(5) The employment security department shall coordinate the services provided in this section with all other services provided by the department and with the other diversification efforts undertaken by state and local government agencies on behalf of the Tri-Cities region.

(6) Subcontractors shall conduct outreach efforts to encourage the unemployed to seek assistance.

(7) A maximum of three hundred seventy thousand dollars shall be made available for purposes of this section. These funds shall be used for programs and services in addition to those provided by the employment security department using existing federal and state employment and training services.

(8) The department shall make every effort to procure additional federal and other moneys for the efforts enumerated in this section.

NEW SECTION. Sec. 12. Through an interagency agreement with the department, the department of community development shall enhance its services and programs available in the Tri-Cities. Such services and programs may include, but need not be limited to: Assisting in developing the food processing industry, agribusiness financing, loans to businesses, and the funding of diversification projects or studies.

A maximum of two hundred thousand dollars shall be made available for purposes of this section.

NEW SECTION. Sec. 13. The department shall report back to the legislature by December 31, 1988, on the success of activities under sections 1 through 11 of this act.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act shall expire July 1, 1990.

NEW SECTION. Sec. 15. A new section is added to chapter 4.24 RCW to read as follows:

Any person who is appointed by the state emergency response commission under the authority of Sec. 301(c) of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. Sec. 11001) to serve on the state hazardous materials planning committee or a local emergency planning committee who, in good faith, assists in the development or review of local plans to respond to hazardous materials incidents is not liable for civil damages as a result of any act or omission in the development, review, or implementation of such plans unless the act or omission constitutes gross negligence or willful misconduct.

Sec. 16. Section 2, chapter 232, Laws of 1985 as amended by section 12, chapter 116, Laws of 1986 and RCW 82.60.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(1) is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 17. Section 15, chapter 116, Laws of 1986 and RCW 82.62.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 18. Section 2, chapter 164, Laws of 1985 as amended by section 2, chapter 461, Laws of 1987 and RCW 43.168.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; or ((b)) (c) an area within a county, which area: (i) is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "region;" strike the remainder of the title and insert "amending RCW 82.60.020, 82.62.010, and 43.168.020; adding a new section to chapter 4.24 RCW; creating new sections; making appropriations; providing an expiration date; and declaring an emergency."

Signed by Senators Benitz, Williams, Lee; Representatives Ebersole, Grant, Hankins.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1835 was adopted and the committee was granted the powers of Free Conference.

There being no objection, the Senate resumed consideration of the Report of the Conference Committee on Second Substitute House Bill No. 1640, deferred earlier today.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Second Substitute House Bill No. 1640 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House refuses to recede from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6344, insists on its position and again asks the Senate to concur therein, and the bill and the amendment are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6344.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6344, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6344, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6344, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker ruled the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1745 beyond the scope and object of the bill and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate receded from its amendments to Substitute House Bill No. 1745.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1745, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1745, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1745, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I know it's that time of session in which blind faith should be given, but we've not seen any paper work on either Engrossed Substitute Senate Bill No. 6344, on which we just voted a moment ago, or Substitute House Bill No. 1745, that was just the subject of a roll call vote. If at all possible, I think we would like to know exactly where these measures are and what the paper work on them might be—what their status is and how they happened to arrive before the Senate. We didn't have that on either one of the two previous roll calls."

Debate ensued.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1754 and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Nelson, the Senate insists on its position regarding the Senate amendments to Substitute House Bill No. 1754 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1752 and asks the Senate to recede therefrom, and the bill and the amendment are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

Senator Nelson moved that the Senate insist on its position regarding the Senate amendment to Substitute House Bill No. 1752 and once again asks the House to concur therein.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, this is again a bill upon which we have no paper work or no description on what the conflict is between the houses. Could you perhaps give us just a brief idea of what the problem is with respect to 1752?"

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, I can try. Substitute House Bill No. 1752 is in your brown notebooks. It is a bill relating to smelt fishing derbies and has an amendment that I suspect is the one that takes smelt out of the definition of food fish in the licensing measure which we passed last year. That's the amendment."

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate insist on its position regarding the Senate amendment to Substitute House Bill No. 1752 and once again asks the House to concur therein.

The motion by Senator Nelson carried and the Senate insists on its position regarding the Senate amendment to Substitute House Bill No. 1752 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1630 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the Senate insist on its position regarding the Senate amendments to Engrossed House Bill No. 1630 and once again asks the House to concur therein.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the Senate insist on its position regarding the Senate amendments to Engrossed House Bill No. 1630 and once again asks the House to concur therein.

The motion by Senator Nelson carried and the Senate insists on its position regarding the Senate amendments to Engrossed House Bill No. 1630 and once again asks the House to concur therein.

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

MOTION

On motion of Senator Gaspard, the following resolution was adopted:

SENATE RESOLUTION 1988-8754

by Senators Gaspard, DeJarnatt, Bailey, Saling, Fleming, Bauer, Anderson, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Decco, Garrett, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn and Zimmerman

WHEREAS, In January 1989, the Honorable Frank "Buster" Brouillet will retire after thirty-two years of distinguished service as an elected official in the state of Washington; and

WHEREAS, Buster Brouillet is our state's leading educator, possessing a Bachelor's Degree in Education and Bachelor and Master's Degrees in Economics, all from the University of Puget Sound; a Doctorate in Education from the University of Washington and an Honorary Doctor of Humanities Degree from Seattle University; and

WHEREAS, Buster Brouillet first received recognition as a high school student in his native Puyallup, Washington, by excelling in academic studies and being named to all-state football and basketball teams; and

WHEREAS, Buster Brouillet has received honors including the First Annual Distinguished Alumni Award from the University of Washington; the distinguished Alumni of the University of Puget Sound; the Elected Official Environmentalist Award; and the Washington Art Association Appreciation Award for Advancing Art Education; and

WHEREAS, Buster Brouillet has been recognized as one of the four national figures honored for his contribution, dedication, and commitment to the education of migrant children; and

WHEREAS, Buster Brouillet is nationally recognized for his coordination of teacher/student exchanges between Washington State and the People's Republic of China in the furtherance of international education and is the author of numerous scholarly publications concerning the coordination of higher education and education in the People's Republic of China; and

WHEREAS, Buster Brouillet has been recognized nationally by his peers and has represented them as president of the Council of Chief State School Officers and has served as Chairman of many of the Council's committees; and

WHEREAS, During his sixteen years in the Washington State House of Representatives, Buster Brouillet served as chairman of both the House Education Committee and the Joint Committee on Education and as Chairman of the House Democratic Caucus, and through his lifetime service in education has demonstrated his commitment to the health, safety, welfare, and education of all the children within this state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby bestows on Dr. Frank "Buster" Brouillet, the title of Superintendent of Public Instruction Emeritus, and shall forever in that capacity be entitled to address the needs of children before committees of the Senate;

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to Frank "Buster" Brouillet and his wife Marge along with our appreciation, gratitude, and best wishes.

Senators DeJarnatt and Saling spoke to Senate Resolution 1988-8754.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence of Superintendent of Public Instruction Dr. Frank "Buster" Brouillet and Mrs. Brouillet in the Senate Chamber and appointed Senators Gaspard, Bailey, Saling, DeJarnatt, Anderson, Wojahn, Bluechel and Rasmussen to escort the honored guests to the rostrum.

The President turned the gavel over to Senator Marcus Gaspard who introduced Dr. and Mrs. Brouillet.

With permission of the Senate, business was suspended to permit Dr. Brouillet to address the Senate.

Senator Gaspard returned the gavel to President Cherberg and the honored guests were escorted from the Senate Chamber and the committee was discharged.

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

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1915 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Peery, Ebersole and Betrozoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1915 was returned to second reading and read the second time.

MOTION

On motion of Senator McDonald, the following amendment was adopted:
On page 4, line 25, strike "February" and insert "March"

MOTION

Senator Newhouse moved that the rules be suspended, Substitute House Bill No. 1915, as amended by the Senate under suspension of the rules, be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to suspend the rules and advance Substitute House Bill No. 1915, as amended by the Senate under suspension of the rules, to third reading and final passage.

The motion by Senator Newhouse carried and Substitute House Bill No. 1915, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1915, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1915, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1915, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Bluechel, the following resolution was adopted:

SENATE RESOLUTION 1988-8753

by Senators Bluechel, Gaspard and Rinehart

WHEREAS, The importance of land reform initiatives in the effort to end world hunger and provide economic and political stability in developing nations is widely recognized; and

WHEREAS, Professor Roy Prosterman, who graduated Magna Cum Laude from Harvard Law School in 1958, has taught international law at the University of Washington since 1965, is co-author of Land Reform and Democratic Development, has authored many other valuable publications on the subject of land reform, and is recognized throughout the world as one of the leading experts on land reform; and

WHEREAS, The work of Professor Roy Prosterman in the field of land reform, comprising years of pro bono service to agriculture-dependent families and as an advisor to governments throughout the Third World, is a source of pride and inspiration to his law students at the University of Washington and to citizens throughout the state of Washington and the United States of America; and

WHEREAS, Since 1967, Professor Prosterman has, at great personal sacrifice, engaged in land reform fieldwork and developed programs for implementation of land reform in Asia, the Philippines, Latin America, and the Middle East; and

WHEREAS, Professor Prosterman is recognized as the foremost land reform expert in the United States and enjoys strong bipartisan support from members of Congress in the United States for his work; and

WHEREAS, Professor Prosterman has declined compensation from the United States and from foreign governments in order to preserve the independence and credibility of his activities and recommendations; and

WHEREAS, Professor Prosterman's family farm approach has resulted in successful land reform programs, sharp increases in agricultural productivity, increased political stability, and the prevention of hunger-related deaths; and

WHEREAS, Professor Prosterman's work has directly impacted the lives of at least twenty million people, and has affected many others indirectly; and

WHEREAS, Professor Roy Prosterman continues to devote himself to research on and resolution of the legal and political problems of implementing land reform, and is an invaluable asset to the University of Washington faculty and to the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the members of the Senate express their profound gratitude to a man who has

tirelessly, and without remuneration, dedicated himself to the betterment of mankind and to the improvement of the lives of millions of individuals in Washington, the United States, and in distant lands; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transferred by the Secretary of the Senate to Professor Roy Prosterman, to the President of the University of Washington, and to the Dean of the School of Law at the University of Washington.

Senator Gaspard spoke to Senate Resolution 1988-8753.

MOTION

On motion of Senator Bluechel, the following resolution was adopted:

SENATE RESOLUTION 1988-8755

by Senators West, Warnke, Smitherman, Smith, Kiskaddon, Anderson and Vognild

WHEREAS, The collective bargaining laws pertaining to local government permit public employers to unilaterally implement their last offer upon impasse; and

WHEREAS, The potential threat of unilateral implementation may act as a deterrent to good-faith negotiations, because there are no adequate or practical remedies available to employees; and

WHEREAS, The only apparent remedy for public employees in case of unilateral implementation by the employer is a strike, which is contrary to the public interest and of dubious legality; and

WHEREAS, An unfair labor practice charge was filed against a public employer in August 1985, and no decision has yet been rendered; and

WHEREAS, Until 1976, unilateral implementation of bargaining proposals was prohibited; and

WHEREAS, Public employee productivity and morale suffer when wages and working conditions can be changed arbitrarily, without showing business or economic necessity; and

WHEREAS, There is a growing recognition that it is beneficial to the state to try to foster cooperation between labor and management;

NOW, THEREFORE, BE IT RESOLVED, That the Lieutenant Governor shall appoint a temporary committee consisting of four Senators, two from each caucus, to study unilateral implementation by public employers and submit recommendations to the Senate at the commencement of the 1989 Legislative Session. The Lieutenant Governor shall also appoint an advisory committee of at least six members who shall equally represent local government management organizations and local government employee organizations. The temporary committee may conduct hearings and seek input from other interested parties and organizations. The temporary committee and the advisory committee shall cease to exist on the first day of the 1989 Legislative Session.

Senators West and Warnke spoke to Senate Resolution 1988-8755.

MOTION

On motion of Senator Smith, the following resolution was adopted:

SENATE RESOLUTION 1988-8738

by Senators Smith, Metcalf, Owen and Rasmussen

WHEREAS, The Department of Fisheries issues personal use recreational fishing licenses, salmon punchcards, sturgeon punchcards, salmon stamps, Hood Canal Shrimp licenses and razor clam licenses; and

WHEREAS, The Department of Wildlife issues recreational fishing licenses and steelhead punchcards; and

WHEREAS, The dual recreational licensing system of those two fishing management agencies causes confusion and does not serve the public efficiently; and

WHEREAS, Virtually all other states in the United States have a single recreational fishing licensing system; and

WHEREAS, Simplification and consolidation of the current licensing system would provide benefits to the fishermen and the management agency; and

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Senate Environment and Natural Resources Committee investigate the issue of combining the recreational fishing licenses into a single document that will be used for all fish and game fish recreational licensing applications.

Senators Metcalf, Owen and DeJarnatt spoke to Senate Resolution 1988-8738.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1988-8759

by Senators Kiskaddon, Metcalf, Bailey, Hansen, Smith, Craswell, Smitherman, Gaspard, Garrett, DeJarnatt, Barr, Newhouse, Benitz, McDonald, Saling, Zimmerman, Hayner, Anderson, Cantu, Deccio, McCaslin, McMullen, von Reichbauer and Johnson

BE IT RESOLVED, By the Senate of the state of Washington, That the Legislative Transportation Committee is requested to undertake a study on the intrastate motor freight carrier provisions of chapter 81.80 RCW. The study shall include, but not be limited to:

(1) A review of current tariff procedures, including the need for tariff publication;

(2) The timeliness of rendering a decision on entry and extension applications;

(3) The need for streamlining the process by which rates and operating authority is determined;

(4) The feasibility and impact of extending the utilities and transportation commission's safety inspection authority to private carriers;

(5) The feasibility and impact of exempting certain agricultural and horticultural products from rate regulation;

(6) A review of the effectiveness of the Texas rate window law;

(7) A review of the recent modifications in intrastate motor carrier rate and entry regulations in the state of California.

The committee shall report its findings, and any recommendations, to the 1989 session of the Legislature; and

BE IT FURTHER RESOLVED, That the Utilities and Transportation Commission is requested to undertake a study on the feasibility and impact of modifying the system of establishing rates for the transportation of logs. The study shall include, but not be limited to:

(1) Separation of domestic and export log income and cost statistics so as to arrive at a rate that more accurately reflects domestic log hauling costs;

(2) Establishment of log hauling rates by region rather than state-wide in order to reflect differing circumstances within the regions;

(3) Maintenance of continuous traffic studies on the log trucking and timber industries in order to establish equitable rates that more accurately reflect current log hauling costs; and

BE IT FURTHER RESOLVED, That the commission is requested to implement any changes it finds reasonable and provide the Legislative Transportation Committee with a periodic update on its actions and recommendations.

Senator Kiskaddon spoke to Senate Resolution 1988-8759.

MOTION

On motion of Senator DeJarnatt, the following resolution was adopted:

SENATE RESOLUTION 1988-8749

by Senators DeJarnatt, Metcalf, Bauer, Zimmerman, Owen and Smith

WHEREAS, The Mitchell Act, passed by Congress in 1938, recognized that the fishery resource on the Columbia River was greatly impacted by the construction of Grand Coulee and Bonneville Dams; and

WHEREAS, The funding under the Mitchell Act supports the operation and maintenance of fish hatcheries in Southwest Washington that produce over fifteen million salmon and steelhead annually; and

WHEREAS, Since 1981, the Reagan Administration has not supported the operation and maintenance of these hatcheries and has not proposed funding for them; and

WHEREAS, The state Congressional delegation has successfully lobbied their colleagues to continue the same level of funding for the hatcheries' operations each year for the last five years; and

WHEREAS, The 1988 federal budget does not include sufficient funds to operate seven Washington hatcheries at a cost-effective level, and that further mid-year federal budget reductions have caused the Departments of Fisheries and Wildlife to close or curtail operations at these hatcheries; and

WHEREAS, With one exception, the Coho and Chinook Salmon runs in the lower Columbia River are hatchery runs and not natural salmon runs; and

WHEREAS, The closure of hatcheries in Southwest Washington may seriously reduce the state's production of Coho and Chinook Salmon which may then place increased pressure on the state's recreational and commercial salmon fishing; and

WHEREAS, Under the United States-Canada Treaty, fewer fish produced by Washington means fewer fish to be caught by United States fishermen; and

WHEREAS, Recreational and commercial salmon fishing on the Washington coast creates over \$16 million in direct expenditures and more than nine hundred and fifty jobs, and the fish produced from these hatcheries have an impact on fisheries in all of the state's marine waters;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Office of the Attorney General be requested to investigate a lawsuit against the Department of Commerce demanding that the federal government provide the resources to continue operation of hatcheries funded through the Mitchell Act, and that the Office of the Attorney General work closely with the Departments of Fisheries and Wildlife and the appropriate committees of the Senate and House of Representatives in this effort; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Office of the Attorney General, the United States Department of Commerce, and the Washington Congressional delegation.

Senator Metcalf spoke to Senate Resolution 1988-8749.

MOTION

Senator Zimmerman moved that the following resolution be adopted:

SENATE RESOLUTION 1988-8735

by Senators Zimmerman and Smitherman

WHEREAS, It has been found that many students decide by the eighth grade whether they will attend a college or university; and

WHEREAS, Many students and their parents are not taking the steps necessary to give the students a realistic opportunity to enter and succeed in college; and

WHEREAS, Changing academic standards for entry into a college or university, and the rising costs of education, have made it important for middle school and high school students, along with their parents, to engage in early planning for a successful postsecondary experience; and

WHEREAS, A larger cross-section of Washington's youth might choose to attend an institution of higher education if they had a better idea of the financial aid opportunities available to them and of the entrance standards that will be necessary for enrollment; and

WHEREAS, College students are good role models for sharing information with middle and high school students about the benefits of attending college, and for helping those students shape their aspirations for higher education; and

WHEREAS, Through early outreach programs, college students could assist middle and high school counselors by providing information to college-bound students about scholarships, work opportunities, student financial aid options, and academic preparation requirements;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Higher Education Coordinating Board be requested to consider establishing a two-year pilot project of early outreach programs to provide guidance and

information to middle and high school students, using existing state work-study and the federally funded state student incentive program grant funds; and

BE IT FURTHER RESOLVED, That the outreach programs strive to employ work-study eligible college students to act as mentors to middle and high school students by providing information regarding scholarships, work opportunities, student financial aid options and academic requirements for college-bound students; and

BE IT FURTHER RESOLVED, That institutions of higher education, middle schools, and high schools be requested to cooperate with the board in making the early outreach programs successful; and

BE IT FURTHER RESOLVED, That the Higher Education Coordinating Board be requested to evaluate the pilot project and report back to the Legislature with outcomes and recommendations by December 1, 1990; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Higher Education Coordinating Board, the Superintendent of Public Instruction, the Council of Presidents, the State Board for Community College Education, and the Washington Friends of Higher Education.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, on the fourth 'Whereas' where it reads 'A larger cross-section of Washington's youth might choose to attend an institution of higher education if they had a better idea of the financial aid opportunities,' would you mind if those two words were stricken and then insert 'financial assistance?'"

Senator Zimmerman: "I don't know--that certainly wouldn't damage the resolution to my mind. You're saying 'financial assistance' rather than 'financial aid opportunities?'"

Senator Rasmussen: "Yes, that's--"

Senator Zimmerman: "They're attempting to give them ideas about financial aid opportunities."

Senator Rasmussen: "Financial assistance would read better, I think."

Senator Zimmerman: "I would certainly not have any objections to that change."

MOTION

On motion of Senator Rasmussen, 'financial assistance' was inserted for the words 'financial aid opportunities' and 'financial aid options' in Senate Resolution 1988-8735.

The President declared the question before the Senate to be the adoption of Senate Resolution 1988-8735, as amended.

The motion by Senator Zimmerman carried and the resolution, as amended, was adopted.

Senator Smitherman spoke to Senate Resolution 1988-8735.

MOTION

On motion of Senator Owen, the following resolution was adopted:

SENATE RESOLUTION 1988-8717

by Senators Owen, Craswell, Smitherman, Rasmussen, Bailey, Bauer, Bender, Benitz, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Patterson, Pullen, Saling, Smith, Stratton, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman, Fleming, Kreidler and Talmadge

WHEREAS, The state of Washington has enjoyed a relationship of cooperation and mutual respect with the United States Navy for many decades, based upon the quality of the state's harbors which have sheltered many naval vessels in the adjacent communities in the state, the roles played by workers and businesses in the construction and repair of naval vessels over many years, the cooperation between the state and the Navy regarding the many naval facilities in the state, and the respect felt by the citizens of the state for the Navy in its defense of the sea lanes and of the nation's security in times of war and peace; and

WHEREAS, The state and its communities have served as the home of naval vessels in peace time and during periods of conflict, and strong attachments have grown between people in the communities and the naval vessels stationed in those communities; and

WHEREAS, Following a long service in battle and on the high seas, the battleship U.S.S. Missouri, the ship upon which a surrender took place that ended World War II, the bloodiest conflict the world has known, found a home in this state in the city of Bremerton, where citizens from around the country and around the world were able to visit and tour the battleship, and a strong attachment grew in the hearts of citizens for the vessel; and

WHEREAS, The U.S.S. Missouri has been given a chance to serve an active role again on the high seas, having been rehabilitated and restored to service in the defense of this nation; and

WHEREAS, The Navy has sought to base the U.S.S. Missouri on the west coast, and has sought to base the vessel in the city of San Francisco, California; and

WHEREAS, Basing of the vessel in the city of San Francisco has divided the citizens of that city, and the support of the city and its citizens for the U.S.S. Missouri being in San Francisco is weak and uncertain;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the President and Congress of the United States, the Department of Defense, the Joint Chiefs of Staff, and the United States Navy take action to base the battleship U.S.S. Missouri in the city of Bremerton in the state of Washington for the duration of its active life, and that after the battleship is decommissioned, the vessel remain in Bremerton, to again serve as a symbol of the nation's triumph over adversity in war and strength during times of peace.

BE IT RESOLVED, That copies of this resolution be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress from the state of Washington, the Department of Defense, the Joint Chiefs of Staff, and the United States Navy.

Senator Craswell and Rasmussen spoke to Senate Resolution 1988-8717.

MOTION

On motion of Senator Hansen, the following resolution was adopted:

SENATE RESOLUTION 1988-8718

by Senators Hansen, DeJarnatt, Rasmussen, Bauer, Fleming, Talmadge, Williams, Vognild, Stratton, Garrett, Niemi, Owen, Warnke, Smitherman, Gaspard, Moore, Halsan and Barr

WHEREAS, United States Air Force Reserve Officer Training Corps Detachment 895 was established on the campus of Central Washington University in Ellensburg, Washington, in 1951; and

WHEREAS, "Quality" is the signal characteristic and trait of Detachment 895, as documented by the fact that Detachment 895 has received over one hundred fifty state, regional, and national unit and individual awards since 1951, including awards for instructor performance, recruiting, drill team and athletic competition, and physical fitness, and in addition approximately one hundred scholarships have been awarded to Detachment 895 cadets; and

WHEREAS, The national "United States Air Force Organizational Excellence Award" is bestowed annually to a select few of the many, worldwide organizational units of the United States Air Force, the Air National Guard, and the Air Reserve, and Detachment 895 has received the national "United States Air Force Organizational Excellence Award" for the years 1985, 1986, and 1987; and

WHEREAS, Detachment 895 is currently recognized as the overall number three detachment of the one hundred fifty-three R.O.T.C. detachments in the United States, is rated number one nationally this year in recruiting, and is presently rated number three nationally in physical fitness; and

WHEREAS, Detachment 895 is the top-rated "Best in the West" detachment among the thirty-two detachments in the Western United States (Washington,

Oregon, Idaho, Montana, California, Nevada, Utah, Wyoming, Colorado, Arizona, New Mexico, West Texas, and Hawaii); and

WHEREAS, The Arnold Air Society Squadron of Detachment 895 is recognized as the best overall squadron and the number one small squadron in the Northwest Region comprised of Washington, Oregon, Idaho, and Montana, and has been recognized two years running as the "Most Spirited" squadron in the Northwest Region, and Cadet Steven E. Murray is recognized as the best commander of any Arnold Air Society Squadron in the Northwest Region; and

WHEREAS, Detachment 895 officers, enlisted personnel, and cadets have received multiple military and civic awards and are recognized for their dedicated community service; and

WHEREAS, Detachment 895 is recognized by the community of Ellensburg and by the service branch it represents for its programmatic standard of excellence and for the exemplary performance of the officers, enlisted personnel, and cadets; and

WHEREAS, The outstanding reputation of Detachment 895 promotes a positive image of the United States Air Force and represents an invaluable example that serving the country through direct or affiliated service with the United States Air Force is honorable and rewarding; and

WHEREAS, Secretary of the Air Force, The Honorable Edward C. Aldridge, Jr. has announced the closure of Detachment 895 at Central Washington University;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate respectfully request that Secretary Aldridge reexamine the significant contributions of United States Air Force R.O.T.C. Detachment 895 and reconsider the decision to close Detachment 895 at Central Washington University; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Secretary of Defense, Frank Carlucci, the Secretary of the Air Force, Edward C. Aldridge, Jr., each member of Congress from the state of Washington, the Honorable Booth Gardner, Governor of the state of Washington, President Donald L. Garrity of Central Washington University, and Colonel Dick Thompson, Professor of Aerospace Studies at Central Washington University and the Commander of Detachment 895.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1988-8760

by Senators von Reichbauer, Gaspard, Moore and Johnson

WHEREAS, Senate Bill No. 6744 and House Bill No. 2007 are companion measures relating to professional wrestling introduced during the 1988 Regular Legislative Session; and

WHEREAS, These measures would have created a Professional Wrestling Act of Washington State, but the bills died in committee for lack of time; and

WHEREAS, Wrestling currently comes under the jurisdiction of the Boxing Commission; and

WHEREAS, There are a variety of issues, such as bonding requirements, availability of ambulance and physician and crowd control;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate shall create a select committee on professional wrestling to study the question of whether wrestling should be removed from the boxing commission; and

BE IT FURTHER RESOLVED, That the President shall appoint three members of the Majority Caucus and two members of the Minority Caucus, to serve on a select committee on Professional Wrestling, the chair of which shall be selected by the members of the select committee; and

BE IT FURTHER RESOLVED, That the Senate Select Committee on Professional Wrestling shall work closely with a like House Committee, should one be created; and

BE IT FURTHER RESOLVED, That the Senate Select Committee on Professional Wrestling shall report its findings and recommendations to the Senate by December 1, 1988.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McCaslin, Gubernatorial Appointment No. 9203, Keith M. Eggen, as Adjutant General of the Military Department, was confirmed.

APPOINTMENT OF KEITH M. EGGEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9204, Joe C. Jones, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

Senator Fleming spoke to the confirmation of Joe C. Jones as a member of the Interagency Committee for Outdoor Recreation.

APPOINTMENT OF JOE C. JONES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointments No. 9129, 9171, 9172, 9182, 9200, 9201, 9202, 9206, 9207, 9208, 9209, 9211, 9213, 9214 on the second reading calendar, were confirmed by a single roll call vote and each name recorded as if voting on each appointment separately.

The following Gubernatorial Appointments were confirmed:

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9129, Donald V. Hobbs, as a member of the State Board of Pharmacy, was confirmed.

APPOINTMENT OF DONALD V. HOBBS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9171, Anne L. Ellington, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF ANNE L. ELLINGTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9172, Dale Brighton, as alternate member for the Commission on Judicial Conduct, was confirmed.

APPOINTMENT OF DALE BRIGHTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9182, S. R. "Johnny" Johnston, as a member of the Clemency and Pardons Board, was confirmed.

APPOINTMENT OF S. R. "JOHNNY" JOHNSTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9200, Mary M. Gates, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF MARY M. GATES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9201, David A. Pitts, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF DAVID A. PITTS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9202, Jose G. Ruiz, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF JOSE G. RUIZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9206, Jeanie Lorenz, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF JEANIE LORENZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9207, Earl Smith, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF EARL SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9208, Beverly A. Schoenfeld, as a member of the Board of Trustees for Green River Community College District No. 10, was confirmed.

APPOINTMENT OF BEVERLY A. SCHOENFELD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9209, Mildred Johnson, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF MILDRED JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9211, Captain M. R. Flavel, as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF CAPTAIN M. R. FLAVEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9213, Paula C. O'Connor, as a member of the Liquor Control Board, was confirmed.

APPOINTMENT OF PAULA C. O'CONNOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9214, Burt A. Shearer, as a member of the Board of Pilotage Commissioners, was confirmed.

APPOINTMENT OF BURT A. SHEARER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

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

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1568 on page 2, line 28, and to the amendments to page 3, line 9, by Senators McMullen and Saling, including the title amendment; ruled other amendments to page 3, line 9, by Senator Rinehart and others beyond the scope and object of the bill, refuses to concur and asks the Senate to recede from those amendments, including the title amendment, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Bailey, the Senate receded from its amendments on page 3, line 9 and the title amendment by Senator Rinehart and others to Substitute House Bill No. 1568.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1568, with the Senate amendments on page 2, line 28, and to page 3, line 9, including the title amendment by Senators McMullen and Saling, but without the Senate amendment by Senator Rinehart and others on page 3, line 9, and the title amendment.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1568, without the Senate amendment by Senator Rinehart and others on page 3, line 9, but with other Senate amendments, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1568, with the Senate amendments on page 2, line 28, and page 3, line 9, including the title amendment by Senators McMullen and Saling, but without the amendment on page 3, line 9, and the title amendment by Senator Rinehart and others, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:40 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 6:37 p.m. by President Pro Tempore Bluechel.

At 6:37 p.m., the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 7:43 p.m. by President Pro Tempore Bluechel.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6419,
 SUBSTITUTE SENATE BILL NO. 6435,
 SUBSTITUTE SENATE BILL NO. 6437,
 SENATE BILL NO. 6440,
 SUBSTITTUTE SENATE BILL NO. 6446,
 SENATE BILL NO. 6447,
 SUBSTITTUTE SENATE BILL NO. 6452,
 SUBSTITUTE SENATE BILL NO. 6466,
 SUBSTITTUTE SENATE BILL NO. 6470,
 SENATE BILL NO. 6474,
 SUBSTITUTE SENATE BILL NO. 6486,
 SECOND SUBSTITUTE SENATE BILL NO. 6513,

SENATE BILL NO. 6519,
SENATE BILL NO. 6523,
SUBSTITUTE SENATE BILL NO. 6530,
SUBSTITUTE SENATE BILL NO. 6569,
SENATE BILL NO. 6638,
SENATE BILL NO. 6641,
SENATE BILL NO. 6647,

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5036,
SUBSTITUTE SENATE BILL NO. 5333,
SUBSTITUTE SENATE BILL NO. 6024,
SENATE BILL NO. 6101,
SUBSTITUTE SENATE BILL NO. 6118,
SUBSTITUTE SENATE BILL NO. 6148,
SUBSTITUTE SENATE BILL NO. 6178,
SENATE BILL NO. 6182,
SUBSTITUTE SENATE BILL NO. 6195,
SUBSTITUTE SENATE BILL NO. 6207,
SUBSTITUTE SENATE BILL NO. 6212,
SUBSTITUTE SENATE BILL NO. 6218,
SUBSTITUTE SENATE BILL NO. 6240,
SUBSTITUTE SENATE BILL NO. 6255,
SENATE BILL NO. 6260,
SUBSTITUTE SENATE BILL NO. 6266,
SENATE BILL NO. 6271,
SUBSTITUTE SENATE BILL NO. 6305,
SUBSTITUTE SENATE BILL NO. 6332,
SUBSTITUTE SENATE BILL NO. 6342,
SUBSTITUTE SENATE BILL NO. 6357,
SENATE BILL NO. 6370,
SENATE BILL NO. 6372,
SENATE BILL NO. 6396,
SENATE BILL NO. 6397,
SENATE BILL NO. 6408.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 6115,
SUBSTITUTE SENATE BILL NO. 6128,
SUBSTITUTE SENATE BILL NO. 6217,
SUBSTITUTE SENATE BILL NO. 6298,
SUBSTITUTE SENATE BILL NO. 6308,
SUBSTITUTE SENATE BILL NO. 6316,
SENATE BILL NO. 6480,
SUBSTITUTE SENATE BILL NO. 6603,
SUBSTITUTE SENATE BILL NO. 6670,
SUBSTITUTE SENATE BILL NO. 6703,
SENATE BILL NO. 6705,
SENATE BILL NO. 6720,
SECOND SUBSTITUTE SENATE BILL NO. 6724,
SUBSTITUTE SENATE BILL NO. 6741,
SENATE BILL NO. 6745,
SENATE JOINT MEMORIAL NO. 8028,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429.

MESSAGES FROM THE HOUSE

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5595 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 608 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1271 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1302 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1445 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 1515 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6160 and has granted said committee the powers of Free Conference.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6157 and has granted said committee the powers of Free Conference.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Revised Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1640 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1835 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594 and has granted said committee the powers of Free Conference.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 752,
 SUBSTITUTE HOUSE BILL NO. 791,
 SUBSTITUTE HOUSE BILL NO. 1170,
 SUBSTITUTE HOUSE BILL NO. 1285,
 SUBSTITUTE HOUSE BILL NO. 1297,
 HOUSE BILL NO. 1325,
 HOUSE BILL NO. 1346,
 SUBSTITUTE HOUSE BILL NO. 1382,
 SUBSTITUTE HOUSE BILL NO. 1383,
 HOUSE BILL NO. 1396,
 SUBSTITUTE HOUSE BILL NO. 1404,
 SUBSTITUTE HOUSE BILL NO. 1416,
 SUBSTITUTE HOUSE BILL NO. 1429,
 SUBSTITUTE HOUSE BILL NO. 1450,
 SUBSTITUTE HOUSE BILL NO. 1460,
 HOUSE BILL NO. 1492,
 HOUSE BILL NO. 1507,
 SUBSTITUTE HOUSE BILL NO. 1592, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 752,
 SUBSTITUTE HOUSE BILL NO. 791,
 SUBSTITUTE HOUSE BILL NO. 1170,
 SUBSTITUTE HOUSE BILL NO. 1285,
 SUBSTITUTE HOUSE BILL NO. 1297,
 HOUSE BILL NO. 1325,
 HOUSE BILL NO. 1346,
 SUBSTITUTE HOUSE BILL NO. 1382,
 SUBSTITUTE HOUSE BILL NO. 1383,

HOUSE BILL NO. 1396,
 SUBSTITUTE HOUSE BILL NO. 1404,
 SUBSTITUTE HOUSE BILL NO. 1416,
 SUBSTITUTE HOUSE BILL NO. 1429,
 SUBSTITUTE HOUSE BILL NO. 1450,
 SUBSTITUTE HOUSE BILL NO. 1460,
 HOUSE BILL NO. 1492,
 HOUSE BILL NO. 1507,
 SUBSTITUTE HOUSE BILL NO. 1592.

REPORT OF CONFERENCE COMMITTEE

RE: SSB 5595

Establishing liens for owners of self-storage facilities.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. This chapter shall be known as the "Washington self-service storage facility act."

NEW SECTION, Sec. 2. For the purposes of this chapter, the following terms shall have the following meanings:

(1) "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property on a self-service basis, but does not include a garage or other storage area in a private residence. No occupant may use a self-service storage facility for residential purposes.

(2) "Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, his or her agent, or any other person authorized by him or her to manage the facility, or to receive rent from an occupant under a rental agreement.

(3) "Occupant" means a person, or his or her sublessee, successor, or assign, who is entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

(4) "Rental agreement" means any written agreement or lease which establishes or modifies the terms, conditions, rules or any other provision concerning the use and occupancy of a self-service storage facility.

(5) "Personal property" means movable property not affixed to land, and includes, but is not limited to, goods, merchandise, furniture, and household items.

(6) "Last known address" means that address provided by the occupant in the latest rental agreement, or the address provided by the occupant in a subsequent written notice of a change of address.

NEW SECTION, Sec. 3. The owner of a self-service storage facility and his or her heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at a self-service storage facility for rent, labor, or other charges, present or future, incurred pursuant to the rental agreement, and for expenses necessary for the preservation, sale, or disposition of personal property subject to this chapter. The lien may be enforced consistent with this chapter. However, any lien on a motor vehicle or boat which has attached and is set forth in the documents of title to the motor vehicle or boat shall have priority over any lien created pursuant to this chapter.

NEW SECTION, Sec. 4. When any part of the rent or other charges due from an occupant remains unpaid for six consecutive days, and the rental agreement so provides, an owner may deny the occupant access to the storage space at a self-service storage facility.

NEW SECTION, Sec. 5. When any part of the rent or other charges due from an occupant remains unpaid for fourteen consecutive days, an owner may terminate the right of the occupant to the use of the storage space at a self-service storage facility by sending a notice to the occupant's last known address, and to the alternative address specified in section 13(2) of this act, by first class mail, postage prepaid, containing all of the following:

(1) An itemized statement of the owner's claim showing the sums due at the time of the notice and the date when the sums become due.

(2) A statement that the occupant's right to use the storage space will terminate on a specified date (not less than fourteen days after the mailing of the notice) unless all sums due and to become due by that date are paid by the occupant prior to the specified date.

(3) A notice that the occupant may be denied or continue to be denied, as the case may be, access to the storage space after the termination date if the sums are not paid, and that an owner's lien, as provided for in section 3 of this act may be imposed thereafter.

(4) The name, street address, and telephone number of the owner, or his or her designated agent, whom the occupant may contact to respond to the notice.

NEW SECTION, Sec. 6. A notice in substantially the following form shall satisfy the requirements of section 5 of this act:

***PRELIMINARY LIEN NOTICE**
 to _____
 (occupant)

 (address)

 (state)

You owe and have not paid rent and/or other charges for the use of storage
 (space number) at (name and address of self-service storage facility).

Charges that have been due for more than fourteen days and accruing on or before
 (date) are itemized as follows:

DUE DATE	DESCRIPTION	AMOUNT
		TOTAL \$ _____

IF this sum is not paid in full before
 (date at least fourteen days from mailing)

your right to use the storage space will terminate, you may be denied, or continue to be denied, access and an owner's lien on any stored property will be imposed. You may pay the sum due and contact the owner at:

(Name) _____
 (Address) _____
 (State) _____
 (Telephone) _____
 (Date) _____

(Owner's Signature) _____

NEW SECTION, Sec. 7. If a notice has been sent, as required by section 5 of this act, and the total sum due has not been paid as of the date specified in the preliminary lien notice, the lien proposed by this notice attaches as of that date and the owner may deny an occupant access to the space, enter the space, inventory the goods therein, and remove any property found therein to a place of safe keeping. The owner shall then serve by personal service or send to the occupant, addressed to the occupant's last known address and to the alternative address specified in section 13(2) of this act by certified mail, postage prepaid, a notice of lien sale or notice of disposal which shall state all of the following:

(1) That the occupant's right to use the storage space has terminated and that the occupant no longer has access to the stored property.

(2) That the stored property is subject to a lien, and the amount of the lien accrued and to accrue prior to the date required to be specified in subsection (3) of this section.

(3) That the property, other than personal papers and personal effects, may be sold to satisfy the lien after a specified date which is not less than fourteen days from the date of mailing the lien sale notice, or a minimum of forty-two days after the date when any part of the rent or other charges due from the occupants remain unpaid, whichever is later, unless the amount of the lien is paid. If the total value of property in the storage space is less than one hundred dollars, the owner may, instead of sale, dispose of the property in any reasonable manner, subject to the restrictions of section 9(3) of this act.

(4) That any excess proceeds of the sale or other disposition under section 9(2) of this act over the lien amount and costs of sale and any personal papers and personal effects will be retained by the owner and may be reclaimed by the occupant, or claimed by another person, at any time for a period of six months from the sale and that thereafter the proceeds and personal papers and effects will be turned over to the state as abandoned property as provided in section 21 of this act.

(5) That if the occupant was served with notice of the lien sale by mail, the occupant within six months after the date of the sale may repurchase from any purchaser or subsequent purchaser any of the occupant's property sold pursuant to section 9 of this act at the price paid by the original purchaser.

(6) That if notice of the lien sale was by personal service, the occupant has no right to repurchase any property sold at the lien sale.

NEW SECTION, Sec. 8. The owner, subject to sections 10 and 11 of this act, may sell the property, other than personal papers and personal effects, upon complying with the requirements set forth in section 9 of this act.

NEW SECTION, Sec. 9. (1) After the expiration of the time given in the notice of lien sale pursuant to section 7 of this act, the property, other than personal papers and personal effects, may be sold or disposed of in a reasonable manner.

(2)(a) If the property has a value of one hundred dollars or more, the sale shall be conducted in a commercially reasonable manner, and, after deducting the amount of the lien and costs of sale, the owner shall retain any excess proceeds of the sale on the occupant's behalf.

The occupant, or any other person having a court order or other judicial process against the property, may claim the excess proceeds, or a portion thereof sufficient to satisfy the particular claim, at any time within six months of the date of sale.

(b) If the property has a value of less than one hundred dollars, the property may be disposed of in a reasonable manner.

(3) No employee or owner, or family member of an employee or owner, may acquire, directly or indirectly, the property sold pursuant to subsection (2)(a) of this section or disposed of pursuant to subsection (2)(b) of this section.

(4) The owner is entitled to retain any interest earned on the excess proceeds until the excess proceeds are claimed by another person or are turned over to the state as abandoned property pursuant to section 21 of this act.

(5) After the sale or other disposition pursuant to this section has been completed, the owner shall provide an accounting of the disposition of the proceeds of the sale or other disposition to the occupant at the occupant's last known address and at the alternative address.

NEW SECTION. Sec. 10. Any person who has a perfected security interest under Article 62A.9 RCW of the uniform commercial code may claim any personal property subject to the security interest and subject to a lien pursuant to this chapter by paying the total amount due, as specified in the lien notices, for the storage of the property. Upon payment of the total amount due, the owner shall deliver possession of the particular property subject to the security interest to the person who paid the total amount due. The owner shall not be liable to any person for any action taken pursuant to this section if the owner has fully complied with sections 6 and 7 of this act.

NEW SECTION. Sec. 11. Prior to any sale pursuant to section 9 of this act, any person claiming a right to the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred for particular actions taken pursuant to this chapter. In that event, the goods shall not be sold, but shall be retained by the owner subject to the terms of this chapter pending a court order directing a particular disposition of the property.

NEW SECTION. Sec. 12. (1) Except as provided in subsection (2) of this section, a purchaser in good faith of goods disposed of pursuant to section 9(2) of this act takes the goods free of any rights of persons against whom the lien was claimed, despite noncompliance by the owner of the storage facility with this chapter.

(2) A purchaser or subsequent purchaser shall return the goods to the occupant if the occupant tenders the original purchase price plus any costs incurred by the original purchaser within six months of the date of the purchase, unless the occupant was personally served with notice of the lien sale. If the occupant was personally served, the occupant has no right to repurchase the property.

(3) If the occupant exercises his or her right to repurchase property pursuant to subsection (2) of this section, a subsequent purchaser is entitled to rescind a transaction with a previous purchaser.

NEW SECTION. Sec. 13. (1) Each contract for the rental or lease of individual storage space in a self-service storage facility shall be in writing and shall contain, in addition to the provisions otherwise required or permitted by law to be included, a statement requiring the occupant to disclose any lienholders or secured parties who have an interest in the property that is or will be stored in the self-service storage facility, a statement that the occupant's property will be subject to a claim of lien and may even be sold to satisfy the lien if the rent or other charges due remain unpaid for fourteen consecutive days, and that such actions are authorized by this chapter.

(2) The lien authorized by this chapter shall not attach, unless the rental agreement requests, and provides space for, the occupant to give the name and address of another person to whom the preliminary lien notice and subsequent notices required to be given under this chapter may be sent. Notices sent pursuant to section 5 or 7 of this act shall be sent to the occupant's address and the alternative address, if both addresses are provided by the occupant. Failure of an occupant to provide an alternative address shall not affect an owner's remedies under this chapter or under any other provision of law.

NEW SECTION. Sec. 14. Any insurance protecting the personal property stored within the storage space against fire, theft, or damage is the responsibility of the occupant. The owner is under no obligation to provide insurance.

NEW SECTION. Sec. 15. Nothing in this chapter may be construed to impair or affect the right of the parties to create additional rights, duties, and obligations which do not conflict with the provisions of this chapter. The rights provided by this chapter shall be in addition to all other rights provided by law to a creditor against his or her debtor.

NEW SECTION. Sec. 16. This chapter shall only apply to rental agreements entered into, extended, or renewed after the effective date of this section. Rental agreements entered into before the effective date of this section which provide for monthly rental payments but providing no specific termination date shall be subject to this chapter on the first monthly rental payment date next succeeding the effective date of this section.

NEW SECTION. Sec. 17. All rental agreements entered into before the effective date of this section, and not extended or renewed after that date, or otherwise made subject to this chapter

pursuant to section 16 of this act, and the rights, duties, and interests flowing from them, shall remain valid, and may be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this state.

NEW SECTION. Sec. 18. If an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to Article 62A.7 RCW (commencing with RCW 62A.7-101) of the uniform commercial code and this chapter does not apply.

Sec. 19. Section 6, chapter 205, Laws of 1982 as amended by section 4, chapter 324, Laws of 1986 and RCW 18.11.070 are each amended to read as follows:

(1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

(2) This chapter does not apply to:

(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;

(b) An auction conducted by or under the direction of a public authority;

(c) An auction held under judicial order in the settlement of a decedent's estate;

(d) An auction which is required by law to be at auction;

(e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation; ((or))

(f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter; or

(g) An auction held under chapter 19.— RCW (sections 1 through 18 of this 1988 act).

Sec. 20. Section 3, chapter 252, Laws of 1941 as last amended by section 9, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.110 are each amended to read as follows:

This chapter shall not apply to (1) any person who purchases property and/or a business opportunity for his own account, or that of a group of which he is a member, or who, as the owner or part owner of property, and/or a business opportunity, in any way disposes of the same; nor, (2) any duly authorized attorney in fact, or an attorney at law in the performance of his duties; nor, (3) any receiver, trustee in bankruptcy, executor, administrator, guardian, or any person acting under the order of any court, or selling under a deed of trust; nor, (4) any secretary, bookkeeper, accountant, or other office personnel who does not engage in any conduct or activity specified in any of the definitions under RCW 18.85.010; nor, (5) any owner of rental or lease property, members of the owner's family whether or not residing on such property, or a resident manager of a complex of residential dwelling units wherein such manager resides; nor, (6) any person who manages residential dwelling units on an incidental basis and not as his principal source of income so long as that person does not advertise or hold himself out to the public by any oral or printed solicitation or representation that he is so engaged; nor, (7) only with respect to the rental or lease of individual storage space, any person who owns or manages a self-service storage facility as defined under chapter 19.— RCW (sections 1 through 18 of this 1988 act).

NEW SECTION. Sec. 21. A new section is added to chapter 63.29 RCW to read as follows:

The personal papers and personal effects held by the owner and the excess proceeds of a sale conducted pursuant to section 9 of this act by an owner of a self-service storage facility to satisfy the lien and costs of storage which are not claimed by the occupant of the storage space or any other person which remains unclaimed for more than six months are presumed abandoned.

NEW SECTION. Sec. 22. Sections 1 through 18 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.11.070 and 18.85.110; adding a new section to chapter 63.29 RCW; and adding a new chapter to Title 19 RCW."

Signed by Senators Lee, Niemi, West; Representatives Armstrong, Appelwick, Padden.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 5595 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: SSB 6157

Changing provisions relating to student learning objectives.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

On page 1, line 9, after "therein," strike "~~shall~~" and insert "shall(:"

On page 1, line 10, after "~~develop~~)" strike "~~may~~"

On page 1, line 14, after "programs" insert ": PROVIDED, That each school within the district, as a part of the self-study process, shall review the district learning objectives for each course of study and may identify additional or special learning objectives which are applicable to the particular school"

On page 2, after line 21, insert the following:

"Sec. 2. Section 2, chapter 349, Laws of 1985 and RCW 28A.58.085 are each amended to read as follows:

Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis: PROVIDED, That districts may allow two or more elementary school buildings in the district to undertake jointly the self-study process. Each school may follow the accreditation process developed by the state board of education under RCW 28A.04.120(((4))) (6), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. Whatever process is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational efforts.

Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

Emphasis throughout the process shall be placed upon:

- (1) Achieving educational excellence and equity;
- (2) Building stronger links with the community; and
- (3) Reaching consensus upon educational expectations through community involvement and corresponding school management.

The initial self-study process within each district shall begin by September 1, 1986, and should be completed for all schools within a district by the end of the 1990-91 school year.

The state board of education shall develop rules and regulations governing procedural criteria. Such rules and regulations should be flexible so as to accommodate local goals and circumstances. Rules and regulations may allow for waiver of the self-study for economic reasons and may also allow for waiver of the initial self-study if a district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1990-91 period.

The superintendent of public instruction shall provide training to assist districts in their self-studies.

Each district shall (~~annually~~) report every two years to the superintendent of public instruction on the scheduling and implementation of their self-study activities."

On page 1, line 2 of the title, after "28A.58.090" insert "and 28A.58.085"

Signed by Senators Rinehart, Bailey, Kiskaddon: Representatives Peery, Spanel, Betzoff.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute Senate Bill No. 6157 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 6160

Providing baccalaureate and masters degree equivalencies for certification of vocational instructors.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the House Education Committee striking amendment and add the following amendments to the committee amendment:

On page 3, after line 11 of the amendment by the House Committee on Education, insert the following:

*Sec. 3. Section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 137, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.160 are each amended to read as follows:

Any certificate to teach authorized under the provisions of this chapter or rules and regulations promulgated thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint of any school district superintendent or educational service district superintendent for immorality, violation of written contract, intemperance, or crime against the law of the state((:)). Any such certificate to teach shall be revoked by the authority authorized to grant the certificate upon the conviction of any felony crime involving the physical neglect of children, the physical injury of children (excepting ((possible)) motor vehicle violations under chapter 46.61 RCW), sexual exploitation of children, child pornography, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor, or the sexual abuse of children, or ((any unprofessional conduct, after)) violation of similar laws of another jurisdiction. The person whose certificate is in question ((has been)) shall be given an opportunity to be heard. Revocation for felony convictions shall apply to felony convictions which follow issuance of the certificate and to felony convictions occurring after the effective date of this act.

Sec. 4. Section 28A.70.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.180 are each amended to read as follows:

In case any certificate is revoked, the holder shall not be eligible to receive another teacher's certificate for a period of twelve months after the date of revocation. However, if the certificate was revoked because of the conviction of a felony crime involving the physical neglect of children, the physical injury of children (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of children, child pornography, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor, or the sexual abuse of children, or violation of similar laws of another jurisdiction, the certificate shall not be reinstated.

NEW SECTION. Sec. 5. A new section is added to Title 28A RCW to read as follows:

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon conviction of any felony crime involving the physical neglect of children, the physical injury of children (except possible motor vehicle violations), sexual exploitation of children, child pornography, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor, or the sexual abuse of children, or violation of similar laws of another jurisdiction.

(2) The employee shall have a right of appeal under chapter 28A.88 RCW including any right of appeal under a collective bargaining agreement.

NEW SECTION. Sec. 6. A new section is added to Title 28A RCW to read as follows:

The school district board of directors shall include in any contract for services with an entity other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has been convicted of any felony crime involving the physical neglect of children, the physical injury of children (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of children, child pornography, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor, or the sexual abuse of children, or violation of similar laws of another jurisdiction. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract.

NEW SECTION. Sec. 7. A new section is added to Title 28A RCW to read as follows:

The school district shall immediately terminate the employment of any person whose certificate is subject to revocation under RCW 28A.70.160 upon conviction of any felony crime involving the physical neglect of children, the physical injury of children (except motor vehicle violations under chapter 46.61 RCW), or the sexual abuse of children, sexual exploitation of children, child pornography, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor, or the sexual abuse of children, or violation of similar laws of another jurisdiction. Employment shall remain terminated unless the employee successfully prevails on appeal. This section shall only apply to certificated employees who have contact with children during the course of their employment.

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

On page 3, line 18 of the title amendment, after "28A.70.040" strike the remainder of the title amendment and insert ", 28A.70.042, 28A.70.160, and 28A.70.180; and adding new sections to Title 28A RCW."

Signed by Senators Bailey, Bender, Craswell; Representatives Spanel, Betrozoff, Peery.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6160 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker has signed:

SENATE BILL NO. 5016,

SENATE BILL NO. 5229,

SUBSTITUTE SENATE BILL NO. 5586,

SENATE BILL NO. 5667,

SENATE BILL NO. 6243, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker has signed:

SENATE BILL NO. 6578,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8027, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4449,

HOUSE CONCURRENT RESOLUTION NO. 4450,

HOUSE CONCURRENT RESOLUTION NO. 4452, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2046 and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2046 by Representative Grimm

Relating to hospital reimbursement.

Hold.

HCR 4452 by Representative Ebersole

Exempting HB 2046 from bill cut-off.

Hold.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 2046 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4452 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4452, by Representative Ebersole

Exempting HB 2046 from bill cut-off.

The resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4452 was advanced to third reading, the second reading considered the third and the resolution was adopted.

SECOND READING

ENGROSSED HOUSE BILL NO. 2046, by Representative Grimm

Relating to hospital reimbursement.

The bill was read the second time.

MOTION

Senator Newhouse moved that the rules be suspended and that Engrossed House Bill No. 2046 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 2046 was deferred.

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

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the rules be suspended and Engrossed Substitute House Bill No. 2038 be returned to second reading and read the second time.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a parliamentary inquiry. This bill is in dispute. It is not sitting on a regular calendar and on that basis, I would ask the President's ruling on how many votes it takes to return it to second reading from a dispute calendar?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Vognild, the President believes that precedent has been to allow the Senate to return to second reading for the purpose of amendment in the last ten days of the session. Therefore, the President believes the motion by Senator Newhouse is properly before the Senate."

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a further parliamentary inquiry. I believe the rules provide, under Rule 35, as to suspension of rules in the Permanent Rules of the Senate, that that requires a two-thirds vote to accomplish it. Rule 61 provides that in the final days of the session, with respect to the reading of bills on three separate days, that the body can suspend that rule by a majority vote. The bills that are in disagreement under Rule 66 are not in a status of being in separate readings. I think the real question is whether or not in order to accomplish the movement of the bill as Senator Newhouse has sought, from the concurrence calendar to second reading, would be something that would require a suspension of the Permanent Rules of the Senate under Rule 35."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. In your deliberations, I would like to also point out that the precedent that you refer to, is a precedent that has been established on this floor when both sides agree to turn it back as a matter of expediting the business of the Senate. Therefore, when it is returned under the precedent that you are talking about, there have been no objections to it and therefore any time that the body does not object, then they can, in fact, do the things you're talking about, but in this case with an objection I believe that the Senate Rules should take over."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Vognild, the President has ruled on the precedent that happened even earlier this evening."

FURTHER REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President, that is precisely what I was referring to. Earlier this evening we agreed, in order to expedite the business of the Senate, that we would not object to the motion. This time we have objected to the motion and with the objection, I believe the Senate Rules will then take precedence. What I'm asking for is a ruling based upon the rules, not upon what has happened in the past."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "The President stands on the ruling. I believe it's applied equally to both sides in the past sessions."

CHALLENGE OF THE CHAIR

Senator Rasmussen: "Mr. President, I challenge the Chair's Ruling. Mr. President, Rule 35 is clear—'A permanent rule or order may be temporarily suspended by a vote of two-thirds of the members present unless otherwise specified herein.' It does not anywhere otherwise specify herein and we have, Mr. President, no precedent. Senator Newhouse, previously by agreement, had suspended the rules on another bill which was by agreement and no objection was raised. This time there's been objections raised and the President is wrong in making this ruling. Any well-meaning person could read the rule. It's very clear and the Senate operates by the rules, not by precedence. I urge the President to reconsider and reread the rules."

FURTHER REMARKS BY SENATOR TALMADGE

Senator Talmadge: "In addition to the remarks of Senator Rasmussen, under Rule 61, it provides, 'Every bill shall be read on three separate days unless the Senate deems it expedient to suspend the rules. On and after the tenth day preceding adjournment Sine Die of any session, or three days prior to any cut-off date for consideration of bills as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution. This rule may be suspended by a majority vote.' That is the only place in the rules wherein the two-thirds requirement of Rule 35 may be suspended by a majority vote instead of the usual two-thirds that is required."

"Bills in dispute are governed by Rule 66. They are not subject to the three days of reading requirement of the rules. We would, respectfully, suggest that this is a circumstance that requires a two-thirds vote to suspend the rules under Rule 35 rather than the majority vote required under Rule 61 which is a different circumstance."

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 2038 was deferred.

At 8:14 p.m., the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 9:09 p.m. by President Pro Tempore Bluechel.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2038 and the pending motion by Senator Newhouse to return the bill to second reading, deferred earlier today.

There being no objection, Senator Newhouse withdrew the motion to return Engrossed Substitute House Bill No. 2038 to second reading.

There being no objection, Senator Rasmussen withdrew the Challenge of the Chair's Ruling.

MOTION

Senator Newhouse moved that the Senate do not recede from its amendments to Engrossed Substitute House Bill No. 2038 and asks the House for a conference thereon.

MOTION

Senator Vognild moved that the Senate do recede from its amendments to Engrossed Substitute House Bill No. 2038.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the positive motion by Senator Vognild that the Senate do recede from its amendments to Engrossed Substitute House Bill No. 2038.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild to recede from the amendments to Engrossed Substitute House Bill No. 2038 failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bauer, Bender, Conner, DeJamatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Taimadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

The President Pro Tempore declared the question now before the Senate to be the motion by Senator Newhouse that the Senate do not recede from its amendments to Engrossed Substitute House Bill No. 2038 and asks the House for a conference thereon.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a parliamentary inquiry. This is a House bill. Doesn't the House, under the rules, have to request a conference?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "The House, in refusing to recede, has given us the--"

Senator Vognild: "Mr. President, I don't even believe the bill is here, because when we refused to recede, we automatically insisted on our position and sent the bill back to the House."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Bluechel: "Senator Vognild, the bill is before us."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse that the Senate do not recede from the Senate amendments to Engrossed Substitute House Bill No. 2038 and asks the House for a conference thereon.

The motion by Senator Newhouse carried and the Senate did not recede from its amendments to Engrossed Substitute House Bill No. 2038 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2038 and the Senate amendments thereto: Senators Hayner, Vognild and McDonald.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2046 and the pending motion to suspend the rules and advance the bill to third reading, deferred earlier today.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 2046 was deferred.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1368 and again asks the Senate to recede therefrom and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1368 was returned to second reading and read the second time.

MOTION

Senator Halsan moved that the following amendment to the Committee on Law and Justice amendment be adopted:

On page 24, line 9 of the Senate Committee on Law and Justice striking amendment, after "complaint." insert "The garnishment attorney fee shall not exceed two hundred fifty dollars."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Halsan to the Committee on Law and Justice amendment.

The motion by Senator Halsan carried and the amendment to the Committee on Law and Justice amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1368, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1368, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1368, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1368 as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker ruled the Senate amendments beyond the scope and object of ENGROSSED HOUSE BILL NO. 1630; the House refuses to concur in the Senate amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Nelson, the Senate adheres to its position regarding the Senate amendments to Engrossed House Bill No. 1630 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker ruled the Senate amendments beyond the scope and object of SUBSTITUTE HOUSE BILL NO. 1754; the House refuses to concur in the Senate amendments and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Nelson, the Senate receded from its amendments to Substitute House Bill No. 1754.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1754, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1754, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Saling, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 1754, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 6297 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SB 6297

Revising investment policies for funds of the department of labor and industries.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Adopt the House Commerce and Labor Committee amendments with the following change:

On page 2, beginning on line 4 of the House striking amendments, strike "economic development and labor committee" and insert "financial institutions and insurance committee"

Signed by Senators von Reichbauer, Moore, West: Representatives Wang, Jones, Patrick.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Senate Bill No. 6297 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6238 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 6238

Changing provisions relating to the authority of state agencies to administer part C of the federal safe drinking water act.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

Reject the House Environmental Affairs Committee amendment and adopt the following amendments:

On page 1, line 27, beginning with "No" strike all material down to and including "health," on page 2, line 5

On page 1, after line 26, insert the following:

"The state board of health shall adopt drinking water regulations applicable to public water supply systems which are not covered by the federal Safe Drinking Water Act only if necessary to protect public health."

Signed by Senators Metcalf, Owen, Barr: Representatives Rust, Valle, Walker.

MOTION

On motion of Senator Nelson, the Report of the Conference Committee on Substitute Senate Bill No. 6238 was adopted and the committee was granted the powers of Free Conference.

MESSAGES FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 254,
 SECOND SUBSTITUTE HOUSE BILL NO. 537,
 HOUSE BILL NO. 668,
 SUBSTITUTE HOUSE BILL NO. 932,
 HOUSE BILL NO. 1278,
 SUBSTITUTE HOUSE BILL NO. 1279,
 HOUSE BILL NO. 1288,
 SUBSTITUTE HOUSE BILL NO. 1320,
 HOUSE BILL NO. 1332,
 HOUSE BILL NO. 1482,
 SUBSTITUTE HOUSE BILL NO. 1511,
 HOUSE BILL NO. 1543,
 SUBSTITUTE HOUSE BILL NO. 1612,
 SUBSTITUTE HOUSE BILL NO. 1618,
 HOUSE BILL NO. 1629,
 SUBSTITUTE HOUSE BILL NO. 1690,
 HOUSE BILL NO. 1951, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 662,
 HOUSE BILL NO. 1272,
 HOUSE BILL NO. 1280,
 SUBSTITUTE HOUSE BILL NO. 1419,
 HOUSE BILL NO. 1471,
 SUBSTITUTE HOUSE BILL NO. 1525,
 HOUSE BILL NO. 1559,
 SUBSTITUTE HOUSE BILL NO. 1562,
 HOUSE BILL NO. 1616,
 SUBSTITUTE HOUSE BILL NO. 1617,
 HOUSE BILL NO. 1626,
 HOUSE BILL NO. 1649,
 SUBSTITUTE HOUSE BILL NO. 1680,
 HOUSE BILL NO. 1686,
 SUBSTITUTE HOUSE BILL NO. 1740,
 HOUSE BILL NO. 1833, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 254,
 SECOND SUBSTITUTE HOUSE BILL NO. 537,
 HOUSE BILL NO. 668,
 SUBSTITUTE HOUSE BILL NO. 932,
 HOUSE BILL NO. 1278,
 SUBSTITUTE HOUSE BILL NO. 1279,
 HOUSE BILL NO. 1288,
 SUBSTITUTE HOUSE BILL NO. 1320,
 HOUSE BILL NO. 1332,
 HOUSE BILL NO. 1482.

SUBSTITUTE HOUSE BILL NO. 1511,
 HOUSE BILL NO. 1543,
 SUBSTITUTE HOUSE BILL NO. 1612,
 SUBSTITUTE HOUSE BILL NO. 1618,
 HOUSE BILL NO. 1629,
 SUBSTITUTE HOUSE BILL NO. 1690,
 HOUSE BILL NO. 1951.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 662,
 HOUSE BILL NO. 1272,
 HOUSE BILL NO. 1280,
 SUBSTITUTE HOUSE BILL NO. 1419,
 HOUSE BILL NO. 1471,
 SUBSTITUTE HOUSE BILL NO. 1525,
 HOUSE BILL NO. 1559,
 SUBSTITUTE HOUSE BILL NO. 1562,
 HOUSE BILL NO. 1616,
 SUBSTITUTE HOUSE BILL NO. 1617,
 HOUSE BILL NO. 1626,
 HOUSE BILL NO. 1649,
 SUBSTITUTE HOUSE BILL NO. 1680,
 HOUSE BILL NO. 1686,
 SUBSTITUTE HOUSE BILL NO. 1740,
 HOUSE BILL NO. 1833.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 5558,
 SENATE BILL NO. 6291,
 SUBSTITUTE SENATE BILL NO. 6376,
 SENATE BILL NO. 6671,
 SENATE BILL NO. 6675,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8430.

MESSAGES FROM THE HOUSE

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to HOUSE JOINT RESOLUTION NO. 4223 and passed the resolution as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1883 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1319 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1341 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1295 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 692 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1369 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1333 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1701 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1585 and has granted said committee the powers of Free Conference.

SHARON CASE, Assistant Chief Clerk

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6124 and granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESSB 6124

Providing technical and financial assistance to assist in the delivery of rural health care systems.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 9, after line 8 of the striking amendment by the House Committee on Health Care, insert the following:

***NEW SECTION.** Sec. 6. The sum of ten thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the Washington rural health care commission for the purposes identified in this act. The senate facilities and operations committee may authorize expenditures for necessary expenses directly related to commission activities."

Remember the remaining section consecutively.

On page 9, line 23 of the title amendment, after "sections;" insert "making an appropriation;"

Signed by Senators Zimmerman, Wojahn, Johnson; Representatives Braddock, Sprenkle, Brooks.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6124 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 1, 1988

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6221 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I

DEFINITIONS

NEW SECTION. Sec. 101. A new section is added to chapter 70.24 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

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

(3) "Department" means the department of social and health services, or any successor department with jurisdiction over public health matters.

(4) "Health care provider" means any person who is a member of a profession under RCW 18.130.040 or other person providing medical, nursing, psychological, or other health care services regulated by the department of licensing or the department of social and health services.

(5) "Health care facility" means a hospital, nursing home, neuropsychiatric or mental health facility, home health agency, hospice, child care agency, adult family home, group care facility, family foster home, clinic, blood bank, blood center, sperm bank, laboratory, or other social service or health care institution regulated or operated by the department of social and health services.

(6) "HIV-related condition" means any medical condition resulting from infection with HIV including, but not limited to, seropositivity for HIV.

(7) "Human immunodeficiency virus" or "HIV" means all HIV and HIV-related viruses which damage the cellular branch of the human immune or neurological systems and leave the infected person immunodeficient or neurologically impaired.

(8) "Test for a sexually transmitted disease" means a test approved by the board by rule.

(9) "Legal guardian" means a person appointed by a court to assume legal authority for another who has been found incompetent or, in the case of a minor, a person who has legal custody of the child.

(10) "Local public health officer" means the officer directing the county health department or his or her designee who has been given the responsibility and authority to protect the health of the public within his or her jurisdiction.

(11) "Person" includes any natural person, partnership, association, joint venture, trust, public or private corporation, or health facility.

(12) "Release of test results" means a written authorization for disclosure of any sexually transmitted disease test result which is signed, dated, and which specifies to whom disclosure is authorized and the time period during which the release is to be effective.

(13) "Sexually transmitted disease" means a bacterial, viral, fungal, or parasitic disease, determined by the board by rule to be sexually transmitted, to be a threat to the public health and welfare, and to be a disease for which a legitimate public interest will be served by providing for regulation and treatment. The board shall designate chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), trachomitis, genital human papilloma virus infection, syphilis,

acquired immunodeficiency syndrome (AIDS), and human immunodeficiency virus (HIV) infection as sexually transmitted diseases, and shall consider the recommendations and classifications of the centers for disease control and other nationally recognized medical authorities in designating other diseases as sexually transmitted.

(14) "State public health officer" means the secretary of social and health services or an officer appointed by the secretary.

PART II

SEXUAL ABSTINENCE AND AVOIDANCE OF SUBSTANCE ABUSE

NEW SECTION. Sec. 201. A new section is added to chapter 70.24 RCW to read as follows:

Information directed to the general public and providing education regarding any sexually transmitted disease that is written, published, distributed, or used by any public entity, and all such information paid for, in whole or in part, with any public moneys shall give emphasis to the importance of sexual abstinence, sexual fidelity, and avoidance of substance abuse in controlling disease.

NEW SECTION. Sec. 202. A new section is added to chapter 70.24 RCW to read as follows:

All material directed to children in grades kindergarten through twelve and providing education regarding any sexually transmitted disease that is written, published, distributed, or used by any public entity, and all such information paid for, in whole or in part, with any public moneys shall give emphasis to the importance of sexual abstinence outside lawful marriage and avoidance of substance abuse in controlling disease.

PART III

CENTER FOR VOLUNTARY ACTION

Sec. 301. Section 5, chapter 11, Laws of 1982 1st ex. sess. and RCW 43.150.050 are each amended to read as follows:

The center, working in cooperation with individuals, local groups, and organizations throughout the state, may undertake any program or activity for which funds are available which furthers the goals of this chapter. These programs and activities may include, but are not limited to:

- (1) Providing information about programs, activities, and resources of value to volunteers and to organizations operating or planning volunteer programs;
- (2) Sponsoring recognition events for outstanding individuals and organizations;
- (3) Facilitating the involvement of business, industry, government, and labor in community service and betterment;
- (4) Organizing, or assisting in the organization of, training workshops and conferences;
- (5) Publishing schedules of significant events, lists of published materials, accounts of successful programs and programming techniques, and other information concerning the field of volunteerism, and distributing this information broadly;
- (6) Reviewing the laws and rules of the state of Washington, and proposed changes therein, to determine their impact on the success of volunteer activities and programs, and recommending such changes as seem appropriate to ensure the achievement of the goals of this chapter;

(7) Providing information about agencies and individuals who are working to prevent the spread of the human immunodeficiency virus, as defined in chapter 70.24 RCW, and to agencies and individuals who are working to provide health and social services to persons with acquired immunodeficiency syndrome, as defined in chapter 70.24 RCW.

PART IV

AIDS EDUCATION IN THE COMMON SCHOOLS

NEW SECTION. Sec. 401. The legislature finds that the public schools provide a unique and appropriate setting for educating young people about the pathology and prevention of acquired immunodeficiency syndrome (AIDS). The legislature recognizes that schools and communities vary throughout the state and that locally elected school directors should have a significant role in establishing a program of AIDS education in their districts.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.05 RCW to read as follows:

(1) The life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the life-threatening dangers of the disease, its spread, and prevention. Students shall receive such education at least once each school year beginning no later than the fifth grade.

(2) Each district board of directors shall adopt an AIDS prevention education program which is developed in consultation with teachers, administrators, parents, and other community members including, but not limited to, persons from medical, public health, and mental health organizations and agencies so long as the curricula and materials developed for use in the AIDS education program either (a) are the model curricula and resources under subsection (3) of this section, or (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in section 602 of this act. If a district elects to use curricula developed by the school district, the district shall submit to the office on AIDS a copy of its curricula and an affidavit of medical accuracy stating that the material in the district-developed curricula has been compared to the model curricula for medical accuracy and that in the

opinion of the district the district-developed materials are medically accurate. Upon submission of the affidavit and curricula, the district may use these materials until the approval procedure to be conducted by the office of AIDS has been completed.

(3) Model curricula and other resources available from the superintendent of public instruction through the state clearinghouse for educational information may be reviewed by the school district board of directors, in addition to materials designed locally, in developing the district's AIDS education program. The model curricula shall be reviewed for medical accuracy by the office on AIDS established in section 602 of this act within the department of social and health services.

(4) Each school district shall, at least one month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education. The parents and guardians shall be notified by the school district of the presentation and that the curricula and materials are available for inspection. No student may be required to participate in AIDS prevention education if the student's parent or guardian, having attended one of the district presentations, objects in writing to the participation.

(5) The office of the superintendent of public instruction with the assistance of the office on AIDS shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

(6) The curriculum for AIDS prevention education shall be designed to teach students which behaviors place a person dangerously at risk of infection with the human immunodeficiency virus (HIV) and methods to avoid such risk including, at least:

(a) The dangers of drug abuse, especially that involving the use of hypodermic needles; and

(b) The dangers of sexual intercourse, with or without condoms.

(7) The program of AIDS prevention education shall stress the life-threatening dangers of contracting AIDS and shall stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on condoms puts a person at risk for exposure to the disease.

Sec. 403. Section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 232, Laws of 1987 and RCW 28A.05.010 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

NEW SECTION. Sec. 404. Sections 402 and 403 of this act shall take effect July 1, 1988.

PART V

AIDS EDUCATION IN COLLEGES, UNIVERSITIES, AND VOCATIONAL SCHOOLS

NEW SECTION. Sec. 501. A new section is added to chapter 28B.10 RCW to read as follows:

The governing board of each state four-year institution of higher education shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

NEW SECTION. Sec. 502. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

NEW SECTION. Sec. 503. A new section is added to chapter 28C.04 RCW to read as follows:

Each publicly operated vocational school shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

PART VI

AIDS TRAINING FOR EMPLOYEES

NEW SECTION. Sec. 601. The number of acquired immunodeficiency syndrome (AIDS) cases in the state may reach five thousand by 1991. This makes it necessary to provide our

state's workforce with the resources and knowledge to deal with the epidemic. To ensure that accurate information is available to the state's work force, a clearinghouse for all technically correct educational materials related to AIDS should be created.

NEW SECTION. Sec. 602. There is established in the department an office on AIDS. If a department of health is created, the office on AIDS shall be transferred to the department of health, and its chief shall report directly to the secretary of health. The office on AIDS shall have as its chief a physician licensed under chapter 18.57 or 18.71 RCW or a person experienced in public health who shall report directly to the assistant secretary for health. This office shall be the repository and clearinghouse for all education and training material related to the treatment, transmission, and prevention of AIDS. The office on AIDS shall have the responsibility for coordinating all publicly funded education and service activities related to AIDS. The University of Washington shall provide the office on AIDS with appropriate training and educational materials necessary to carry out its duties. The office on AIDS shall assist state agencies with information necessary to carry out the purposes of this chapter. The department shall work with state and county agencies and specific employee and professional groups to provide information appropriate to their needs, and shall make educational materials available to private employers and encourage them to distribute this information to their employees.

NEW SECTION. Sec. 603. The department shall adopt rules that recommend appropriate education and training for licensed and certified emergency medical personnel under chapter 18.73 RCW on the prevention, transmission, and treatment of AIDS. The department shall require appropriate education or training as a condition of certification or license issuance or renewal.

NEW SECTION. Sec. 604. Each disciplining authority under chapter 18.130 RCW shall adopt rules that require appropriate education and training for licensees on the prevention, transmission, and treatment of AIDS. The disciplining authorities shall work with the office on AIDS under section 602 of this act to develop the training and educational material necessary for health professionals.

NEW SECTION. Sec. 605. The state board of pharmacy shall adopt rules that require appropriate education and training for licensees on the prevention, transmission, and treatment of AIDS. The board shall work with the office on AIDS under section 602 of this act to develop the training and educational material necessary for health professionals.

NEW SECTION. Sec. 606. The superintendent of public instruction shall adopt rules that require appropriate education and training, to be included as part of their present continuing education requirements, for public school employees on the prevention, transmission, and treatment of AIDS. The superintendent of public instruction shall work with the office on AIDS under section 602 of this act to develop the educational and training material necessary for school employees.

NEW SECTION. Sec. 607. The state personnel board, the higher education personnel board, and each unit of local government shall determine whether any employees under their jurisdiction have a substantial likelihood of exposure in the course of their employment to the human immunodeficiency virus. If so, the agency or unit of government shall adopt rules requiring appropriate training and education for the employees on the prevention, transmission, and treatment of AIDS. The rules shall specifically provide for such training and education for law enforcement, correctional, and health care workers. The state personnel board, the higher education personnel board, and each unit of local government shall work with the office on AIDS under section 602 of this act to develop the educational and training material necessary for employees.

NEW SECTION. Sec. 608. The department shall adopt rules requiring appropriate education and training of employees of state licensed or certified health care facilities. The education and training shall be on the prevention, transmission, and treatment of AIDS and shall not be required for employees who are covered by comparable rules adopted under other sections of this chapter. In adopting rules under this section, the department shall consider infection control standards and educational materials available from appropriate professional associations and professionally prepared publications.

NEW SECTION. Sec. 609. Sections 602 through 608 of this act are each added to chapter 70.24 RCW.

PART VII COUNSELING AND TESTING

NEW SECTION. Sec. 701. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Pretest counseling" means counseling aimed at helping the individual understand ways to reduce the risk of HIV infection, the nature and purpose of the tests, the significance of the results, and the potential dangers of the disease, and to assess the individual's ability to cope with the results.

(2) "Posttest counseling" means further counseling following testing usually directed toward increasing the individual's understanding of the human immunodeficiency virus infection, changing the individual's behavior, and, if necessary, encouraging the individual to notify persons with whom there has been contact capable of spreading HIV.

(3) "AIDS counseling" means counseling directed toward increasing the individual's understanding of acquired immunodeficiency syndrome and changing the individual's behavior.

(4) "HIV testing" means a test indicative of infection with the human immunodeficiency virus as specified by the board of health by rule.

NEW SECTION. Sec. 702. No person may undergo HIV testing without the person's consent except:

- (1) Pursuant to RCW 7.70.065 for incompetent persons;
- (2) In seroprevalence studies where neither the persons whose blood is being tested know the test results nor the persons conducting the tests know who is undergoing testing;
- (3) If the department of labor and industries determines that it is relevant, in which case payments made under Title 51 RCW may be conditioned on the taking of an HIV antibody test; or
- (4) As otherwise expressly authorized by this chapter.

NEW SECTION. Sec. 703. (1) Local health departments authorized under this chapter shall conduct or cause to be conducted pretest counseling, HIV testing, and posttest counseling of all persons:

- (a) Convicted of a sexual offense under chapter 9A.44 RCW;
- (b) Convicted of prostitution or offenses relating to prostitution under chapter 9A.88 RCW; or
- (c) Convicted of drug offenses under chapter 69.50 RCW if the court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles.

(2) Such testing shall be conducted as soon as possible after sentencing and shall be so ordered by the sentencing judge.

(3) This section applies only to offenses committed after the effective date of this section.

(4) A law enforcement officer, fire fighter, health care provider, or health care facility staff person, who has experienced a substantial exposure to another person's bodily fluids in the course of his or her employment, may request a state or local public health officer to order pretest counseling, HIV testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. The person who is subject to the order shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order refuses to comply, the state or local public health officer may petition the superior court for a hearing. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order. The state or local public health officer shall perform counseling and testing under this subsection if he or she finds that the exposure was substantial and presents a possible risk as defined by the board of health by rule.

NEW SECTION. Sec. 704. Local health departments, in cooperation with the regional AIDS services networks, shall make available voluntary testing and counseling services to all persons arrested for prostitution offenses under chapter 9A.88 RCW and drug offenses under chapter 69.50 RCW. Services shall include educational materials that outline the seriousness of AIDS and encourage voluntary participation.

NEW SECTION. Sec. 705. (1) Every health care practitioner attending a pregnant woman or a person seeking treatment of a sexually transmitted disease shall insure that AIDS counseling of the patient is conducted.

(2) AIDS counseling shall be provided to each person in a drug treatment program under chapter 69.54 RCW.

NEW SECTION. Sec. 706. Jail administrators, with the approval of the local public health officer, may order pretest counseling, HIV testing, and posttest counseling for persons detained in the jail if the local public health officer determines that actual or threatened behavior presents a possible risk to the staff, general public, or other persons. Approval of the local public health officer shall be based on section 909(3) of this act and may be contested through section 909(4) of this act. The administrator shall establish, pursuant to RCW 70.48.071, a procedure to document the possible risk which is the basis for the HIV testing. "Possible risk," as used in this section, shall be defined by the board in rule. Documentation of the behavior, or threat thereof, shall be reviewed with the person to try to assure that the person understands the basis for testing.

NEW SECTION. Sec. 707. (1) Department of corrections facility administrators may order pretest counseling, HIV testing, and posttest counseling for inmates if the secretary of corrections or the secretary's designee determines that actual or threatened behavior presents a possible risk to the staff, general public, or other inmates. The department of corrections shall establish a procedure to document the possible risk which is the basis for the HIV testing. "Possible risk," as used in this section, shall be defined by the department of corrections after consultation with the board. Possible risk, as used in the documentation of the behavior, or threat thereof, shall be reviewed with the inmate.

(2) Department of corrections administrators and superintendents who are authorized to make decisions about testing and dissemination of test information shall, at least annually, participate in training seminars on public health considerations conducted by the assistant secretary for public health or her or his designee.

(3) Administrative hearing requirements set forth in chapter 34.04 RCW do not apply to the procedure developed by the department of corrections pursuant to this section. This section shall not be construed as requiring any hearing process except as may be required under existing federal constitutional law.

(4) Section 703 of this act does not apply to the department of corrections or to inmates in its custody or subject to its jurisdiction.

NEW SECTION, Sec. 708. By January 1, 1989, the secretary of corrections shall report to the legislature on the necessity of an AIDS-related segregation policy for all facilities under the director of the secretary.

NEW SECTION, Sec. 709. The board of health shall adopt rules establishing minimum standards for pretest counseling, HIV testing, posttest counseling, and AIDS counseling.

NEW SECTION, Sec. 710. Sections 701 through 707 and 709 of this act are each added to chapter 70.24 RCW.

PART VIII

REGIONAL AIDS SERVICE NETWORKS

NEW SECTION, Sec. 801. A new section is added to chapter 70.24 RCW to read as follows:

The department shall establish a state-wide system of regional acquired immunodeficiency syndrome (AIDS) service networks as follows:

(1) The secretary of social and health services shall direct that all state or federal funds, excluding those from federal Title XIX for services or other activities authorized in this chapter, shall be allocated to the office on AIDS established in section 602 of this act. The secretary shall further direct that all funds for services and activities specified in subsection (3) of this section shall be provided to lead counties through contractual agreements based on plans developed as provided in subsection (2) of this section, unless direction of such funds is explicitly prohibited by federal law, federal regulation, or federal policy. The department shall deny funding allocations to lead counties only if the denial is based upon documented incidents of nonfeasance, misfeasance, or malfeasance. However, the department shall give written notice and thirty days for corrective action in incidents of misfeasance or nonfeasance before funding may be denied. The department shall designate six AIDS service network regions encompassing the state. In doing so, the department shall use the boundaries of the regional structures in place for the community services administration on January 1, 1988.

(2) The department shall request that a lead county within each region, which shall be the county with the largest population, prepare, through a cooperative effort of local health departments within the region, a regional organizational and service plan, which meets the requirements set forth in subsection (3) of this section. Efforts should be made to use existing plans, where appropriate. The plan should place emphasis on contracting with existing hospitals, major voluntary organizations, or health care organizations within a region that have in the past provided quality services similar to those mentioned in subsection (3) of this section and that have demonstrated an interest in providing any of the components listed in subsection (3) of this section. If any of the counties within a region do not participate, it shall be the lead county's responsibility to develop the part of the plan for the nonparticipating county or counties. If all of the counties within a region do not participate, the department shall assume the responsibility.

(3) The regional AIDS service network plan shall include the following components:

- (a) A designated single administrative or coordinating agency;
- (b) A complement of services to include:
 - (i) Voluntary and anonymous counseling and testing;
 - (ii) Mandatory testing and/or counseling services for certain individuals, as required by law;
 - (iii) Notification of sexual partners of infected persons, as required by law;
 - (iv) Education for the general public, health professionals, and high-risk groups;
 - (v) Intervention strategies to reduce the incidence of HIV infection among high-risk groups, possibly including needle sterilization and methadone maintenance;
 - (vi) Related community outreach services for runaway youth;
 - (vii) Case management;
 - (viii) Strategies for the development of volunteer networks;
 - (ix) Strategies for the coordination of related agencies within the network; and
 - (x) Other necessary information, including needs particular to the region;
- (c) A service delivery model that includes:
 - (i) Case management services; and
 - (ii) A community-based continuum-of-care model encompassing both medical, mental health, and social services with the goal of maintaining persons with AIDS in a home-like setting, to the extent possible, in the least-expensive manner; and
 - (d) Budget, caseload, and staffing projections.

(4) Efforts shall be made by both the counties and the department to use existing service delivery systems, where possible, in developing the networks.

(5) The University of Washington health science program, in cooperation with the office on AIDS may, within available resources, establish a center for AIDS education, which shall be linked to the networks. The center for AIDS education is not intended to engage in state-funded research related to HIV infection, AIDS, or HIV-related conditions. Its duties shall include providing the office on AIDS with the appropriate educational materials necessary to carry out that office's duties.

(6) The department shall implement this section, consistent with available funds, by October 1, 1988, by establishing six regional AIDS service networks whose combined jurisdictions shall include the entire state.

(a) Until June 30, 1991, available funding for each regional AIDS service network shall be allocated as follows:

(i) Seventy-five percent of the amount provided for regional AIDS service networks shall be allocated per capita based on the number of persons residing within each region, but in no case less than one hundred fifty thousand dollars for each regional AIDS service network per fiscal year. This amount shall be expended for testing, counseling, education, case management, notification of sexual partners of infected persons, planning, coordination, and other services required by law, except for those enumerated in (ii) of this subsection.

(ii) Twenty-five percent of the amount provided for regional AIDS service networks shall be allocated for intervention strategies specifically addressing groups that are at a high risk of being infected with the human immunodeficiency virus. The allocation shall be made by the office on AIDS based on documented need as specified in regional AIDS network plans.

(b) After June 30, 1991, the funding shall be allocated as provided by law. By December 15, 1990, the department shall report to the appropriate committees of the legislature on proposed methods of funding regional AIDS service networks.

(7) The regional AIDS service networks shall be the official state regional agencies for AIDS information education and coordination of services. The state public health officer, as designated by the secretary of social and health services, shall make adequate efforts to publicize the existence and functions of the networks.

(8) If the department is not able to establish a network by an agreement solely with counties, it may contract with nonprofit agencies for any or all of the designated network responsibilities.

(9) The department, in establishing the networks, shall study mechanisms that could lead to reduced costs and/or increased access to services. The methods shall include capitation.

(10) The department shall reflect in its departmental biennial budget request the funds necessary to implement this section.

(11) The department shall submit an implementation plan to the appropriate committees of the legislature by July 1, 1988.

(12) The use of appropriate materials as authorized by regional AIDS service networks in the prevention or control of HIV infection shall not be deemed a violation of RCW 69.50.412.

NEW SECTION. Sec. 802. The department shall study the need for community residential care for persons with AIDS, including facility size, staffing, and related community health and social services, and report its finding to the appropriate committees of the legislature by December 15, 1988.

NEW SECTION. Sec. 803. To assist the secretary of social and health services in the development and implementation of AIDS programs, the governor shall appoint an AIDS advisory committee. Among its duties shall be a review of insurance problems as related to persons with AIDS. The committee shall terminate on June 30, 1991.

PART IX

CONTROL OF SEXUALLY TRANSMITTED DISEASES

NEW SECTION. Sec. 901. A new section is added to chapter 70.24 RCW to read as follows:

The legislature declares that sexually transmitted diseases constitute a serious and sometimes fatal threat to the public and individual health and welfare of the people of the state. The legislature finds that the incidence of sexually transmitted diseases is rising at an alarming rate and that these diseases result in significant social, health, and economic costs, including infant and maternal mortality, temporary and lifelong disability, and premature death. The legislature further finds that sexually transmitted diseases, by their nature, involve sensitive issues of privacy, and it is the intent of the legislature that all programs designed to deal with these diseases afford patients privacy, confidentiality, and dignity. The legislature also finds that medical knowledge and information about sexually transmitted diseases are rapidly changing. It is therefore the intent of the legislature to provide a program that is sufficiently flexible to meet emerging needs, deals efficiently and effectively with reducing the incidence of sexually transmitted diseases, and provides patients with a secure knowledge that information they provide will remain private and confidential.

NEW SECTION. Sec. 902. A new section is added to chapter 49.60 RCW to read as follows:

(1) Sensory, mental, or physical handicap shall include actual or perceived HIV infection status of an individual.

(2) Subsection (1) of this section shall not apply to transactions with insurance entities, health service contractors, or health maintenance organizations subject to RCW 49.60.030 (1)(e) or 49.60.178 to prohibit fair discrimination on the basis of actual HIV infection status when bona fide statistical differences in risk or exposure have been substantiated.

(3) For the purposes of this chapter, "HIV" means the human immunodeficiency virus, and includes all HIV and HIV-related viruses which damage the cellular branch of the human immune system and leave the infected person immunodeficient.

NEW SECTION, Sec. 903. A new section is added to chapter 49.60 RCW to read as follows:

(1) No person may require an individual to take an HIV test, as defined in chapter 70.24 RCW, as a condition of hiring, promotion, or continued employment unless the absence of HIV infection is a bona fide occupational qualification for the job in question.

(2) No person may discharge or fail or refuse to hire any individual, or segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of an HIV test unless the absence of HIV infection is a bona fide occupational qualification of the job in question.

(3) The absence of HIV infection as a bona fide occupational qualification exists when performance of a particular job can be shown to present a significant risk, as defined by the human rights commission in consultation with the board of health, of transmitting HIV infection to other persons, and there exists no means of eliminating the risk by restructuring the job.

(4) Employers are immune from civil action for damages arising out of transmission of HIV to employees or to members of the public unless such transmission occurs as a result of the employer's gross negligence.

NEW SECTION, Sec. 904. A new section is added to chapter 70.24 RCW to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this chapter.

(2) No person may disclose or be compelled to disclose the identity of any person upon whom a test for a sexually transmitted disease is performed, or the results of such a test or any information relating to diagnosis or treatment for a sexually transmitted disease in a manner which permits identification of the subject of the test, diagnosis, or treatment except to the following persons:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(b) Any person who secures a specific release of test results executed by the subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that provided prior to the effective date of this section, for the purpose of artificial insemination; or (iii) blood specimens;

(e) Any state or local public health officer conducting an investigation pursuant to section 909 of this act, provided that such record was obtained by means of court ordered HIV testing pursuant to section 703 or 909 of this act;

(f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section;

(g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in section 906 of this act, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(h) A law enforcement officer, fire fighter, health care provider, or health care facility staff person, who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to section 703(4) of this act, if a state or local public health officer performs the test; and

(i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender, except as provided in subsection (2)(e) of this section, shall be governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender shall be made available by department of corrections health care providers to a department of corrections superintendent or administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of correction's jurisdiction.

(b) The sexually transmitted disease status of a person detained in a jail shall be made available by the local public health officer to a jail administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities.

(c) Information regarding a department of corrections offender's sexually transmitted disease status is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to any other penalties as may be prescribed by law.

(5) Whenever disclosure is made pursuant to this section, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied or followed by such a notice within ten days.

NEW SECTION, Sec. 905. A new section is added to chapter 70.24 RCW to read as follows:

The board shall establish reporting requirements for sexually transmitted diseases by rule. Reporting under this section may be required for such sexually transmitted diseases included under this chapter as the board finds appropriate.

NEW SECTION, Sec. 906. A new section is added to chapter 70.24 RCW to read as follows:

(1) The board shall adopt rules authorizing interviews and the state and local public health officers and their authorized representatives may interview, or cause to be interviewed, all persons infected with a sexually transmitted disease and all persons who, in accordance with standards adopted by the board by rule, are reasonably believed to be infected with such diseases for the purpose of investigating the source and spread of the diseases and for the purpose of ordering a person to submit to examination, counseling, or treatment as necessary for the protection of the public health and safety, subject to section 909 of this act.

(2) State and local public health officers or their authorized representatives shall investigate identified partners of persons infected with sexually transmitted diseases in accordance with procedures prescribed by the board.

(3) All information gathered in the course of contact investigation pursuant to this section shall be considered confidential.

(4) No person contacted under this section or reasonably believed to be infected with a sexually transmitted disease who reveals the name or names of sexual contacts during the course of an investigation shall be held liable in a civil action for such revelation, unless the revelation is made with a knowing or reckless disregard for the truth.

(5) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any sexually transmitted disease under this section is guilty of a gross misdemeanor punishable as provided under RCW 9A.20.021.

Sec. 907. Section 6, chapter 114, Laws of 1919 and RCW 70.24.050 are each amended to read as follows:

Diagnosis of a sexually transmitted disease in every instance must be confirmed by laboratory tests or examinations in a laboratory approved or conducted in accordance with procedures and such other requirements as may be established by the ((state)) board ((of health;

~~before any person shall be isolated or committed to quarantine and before any person committed to quarantine shall be discharged therefrom).~~ Laboratories testing for HIV shall report anonymous HIV prevalence results to the department, for health statistics purposes, in a manner established by the board.

Sec. 908. Section 8, chapter 114, Laws of 1919 and RCW 70.24.070 are each amended to read as follows:

For the purpose of carrying out ~~((the provisions of))~~ this ~~((act))~~ chapter, the ~~((state))~~ board ~~((of health))~~ shall have the power and authority ~~((from time to time, to divide the state into such number of quarantine districts consisting of one or more counties or parts of counties or municipalities as it shall deem expedient, and to establish at such place or places as it shall deem necessary quarantine stations and clinics))~~ to designate facilities for the detention and treatment of persons found to be infected with a sexually transmitted disease and to ((establish)) designate any such ((quarantine station and clinic in connection with any county or city jail or)) facility in any hospital or other public or private institution, other than a jail or correctional facility, having, or which may be provided with, such necessary detention, segregation, isolation, clinic and hospital facilities as may be required and prescribed by the board, and to enter into arrangements for the conduct of such ((quarantine stations and clinics)) facilities with the public officials or persons, associations, or corporations in charge of or maintaining and operating such institutions.

NEW SECTION, Sec. 909. A new section is added to chapter 70.24 RCW to read as follows:

(1) Subject to the provisions of this chapter, the state and local public health officers or their authorized representatives may examine and counsel or cause to be examined and counseled persons reasonably believed to be infected with or to have been exposed to a sexually transmitted disease.

(2) Orders or restrictive measures directed to persons with a sexually transmitted disease shall be used as the last resort when other measures to protect the public health have failed, including reasonable efforts, which shall be documented, to obtain the voluntary cooperation of the person who may be subject to such an order. The orders and measures shall be applied serially with the least intrusive measures used first. The burden of proof shall be on the state or local public health officer to show that specified grounds exist for the issuance of the orders or restrictive measures and that the terms and conditions imposed are no more restrictive than necessary to protect the public health.

(3) When the state or local public health officer within his or her respective jurisdiction knows or has reason to believe, because of direct medical knowledge or reliable testimony of others in a position to have direct knowledge of a person's behavior, that a person has a sexually transmitted disease and is engaging in specified conduct, as determined by the board by rule based upon generally accepted standards of medical and public health science, that endangers the public health, he or she shall conduct an investigation in accordance with procedures prescribed by the board to evaluate the specific facts alleged. If any, and the reliability and credibility of the person or persons providing such information and, if satisfied that the allegations are true, he or she may issue an order according to the following priority to:

(a) Order a person to submit to a medical examination or testing, seek counseling, or obtain medical treatment for curable diseases, or any combination of these, within a period of time determined by the public health officer, not to exceed fourteen days.

(b) Order a person to immediately cease and desist from specified conduct which endangers the health of others by imposing such restrictions upon the person as are necessary to prevent the specified conduct that endangers the health of others only if the public health officer has determined that clear and convincing evidence exists to believe that such person has been ordered to report for counseling as provided in (a) of this subsection and continues to demonstrate behavior which endangers the health of others. Any restriction shall be in writing, setting forth the name of the person to be restricted and the initial period of time, not to exceed three months, during which the order shall remain effective, the terms of the restrictions, and such other conditions as may be necessary to protect the public health. Restrictions shall be imposed in the least-restrictive manner necessary to protect the public health.

(4) (a) Upon the issuance of any order by the state or local public health officer or an authorized representative pursuant to subsection (3) of this section or section 703(4) of this act, such public health officer shall give written notice promptly, personally, and confidentially to the person who is the subject of the order stating the grounds and provisions of the order, including the factual bases therefor, the evidence relied upon for proof of infection and dangerous behavior, and the likelihood of repetition of such behaviors in the absence of such an order, and notifying the person who is the subject of the order that, if he or she contests the order, he or she may appear at a judicial hearing on the enforceability of the order, to be held in superior court. He or she may have an attorney appear on his or her behalf in the hearing at public expense, if necessary. The hearing shall be held within seventy-two hours of receipt of the notice, unless the person subject to the order agrees to comply. If the person contests the order, no invasive medical procedures shall be carried out prior to a hearing being held pursuant to this subsection. If the person does not contest the order within seventy-two hours of receiving it, and the person does not comply with the order within the time period specified for

compliance with the order, the state or local public health officer may request a warrant be issued by the superior court to insure appearance at the hearing. The hearing shall be within seventy-two hours of the expiration date of the time specified for compliance with the original order. The burden of proof shall be on the public health officer to show by clear and convincing evidence that the specified grounds exist for the issuance of the order and for the need for compliance and that the terms and conditions imposed therein are no more restrictive than necessary to protect the public health. Upon conclusion of the hearing, the court shall issue appropriate orders affirming, modifying, or dismissing the order.

(b) If the superior court dismisses the order of the public health officer, the fact that the order was issued shall be expunged from the records of the department or local department of health.

(5) Any hearing conducted pursuant to this section shall be closed and confidential unless a public hearing is requested by the person who is the subject of the order, in which case the hearing will be conducted in open court. Unless in open hearing, any transcripts or records relating thereto shall also be confidential and may be sealed by the order of the court.

NEW SECTION, Sec. 910. A new section is added to chapter 70.24 RCW to read as follows:

(1) When the procedures of section 909 of this act have been exhausted and the state or local public health officer, within his or her respective jurisdiction, knows or has reason to believe, because of medical information, that a person has a sexually transmitted disease and that the person continues to engage in behaviors that present an imminent danger to the public health as defined by the board by rule based upon generally accepted standards of medical and public health science, the public health officer may bring an action in superior court to detain the person in a facility designated by the board for a period of time necessary to accomplish a program of counseling and education, excluding any coercive techniques or procedures, designed to get the person to adopt nondangerous behavior. In no case may the period exceed ninety days under each order. The board shall establish, by rule, standards for counseling and education under this subsection. The public health officer shall request the prosecuting attorney to file such action in superior court. During that period, reasonable efforts will be made in a noncoercive manner to get the person to adopt nondangerous behavior.

(2) If an action is filed as outlined in subsection (1) of this section, the superior court, upon the petition of the prosecuting attorney, shall issue other appropriate court orders including, but not limited to, an order to take the person into custody immediately, for a period not to exceed seventy-two hours, and place him or her in a facility designated or approved by the board. The person who is the subject of the order shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual bases therefor, the evidence relied upon for proof of infection and dangerous behavior, and the likelihood of repetition of such behaviors in the absence of such an order, and notifying the person that if he or she refuses to comply with the order he or she may appear at a hearing to review the order and that he or she may have an attorney appear on his or her behalf in the hearing at public expense, if necessary. If the person contests testing or treatment, no invasive medical procedures shall be carried out prior to a hearing being held pursuant to subsection (3) of this section.

(3) The hearing shall be conducted no later than forty-eight hours after the receipt of the order. The person who is subject to the order has a right to be present at the hearing and may have an attorney appear on his or her behalf in the hearing, at public expense if necessary. If the order being contested includes detention for a period of fourteen days or longer, the person shall also have the right to a trial by jury upon request. Upon conclusion of the hearing or trial by jury, the court shall issue appropriate orders.

The court may continue the hearing upon the request of the person who is subject to the order for good cause shown for no more than five additional judicial days. If a trial by jury is requested, the court, upon motion, may continue the hearing for no more than ten additional judicial days. During the pendency of the continuance, the court may order that the person contesting the order remain in detention or may place terms and conditions upon the person which the court deems appropriate to protect public health.

(4) The burden of proof shall be on the state or local public health officer to show by clear and convincing evidence that grounds exist for the issuance of any court order pursuant to subsection (2) or (3) of this section. If the superior court dismisses the order, the fact that the order was issued shall be expunged from the records of the state or local department of health.

(5) Any hearing conducted by the superior court pursuant to subsection (2) or (3) of this section shall be closed and confidential unless a public hearing is requested by the person who is the subject of the order, in which case the hearing will be conducted in open court. Unless in open hearing, any transcripts or records relating thereto shall also be confidential and may be sealed by order of the court.

(6) Any order entered by the superior court pursuant to subsection (1) or (2) of this section shall impose terms and conditions no more restrictive than necessary to protect the public health.

Sec. 911. Section 5, chapter 114, Laws of 1919 and RCW 70.24.080 are each amended to read as follows:

Any person who shall violate any of the provisions of this ((act)) chapter or any lawful rule ((or regulation made)) adopted by the ((state)) board ((of health)) pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county or municipal public health officer, pursuant to the authority granted in this ((act)) chapter, shall be deemed guilty of a gross misdemeanor punishable as provided under RCW 9A.20.021.

Sec. 912. Section 1, chapter 164, Laws of 1969 ex. sess. and RCW 70.24.110 are each amended to read as follows:

A minor fourteen years of age or older who may have come in contact with any ((venereal)) sexually transmitted disease or suspected ((venereal)) sexually transmitted disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.

Sec. 913. Section 1, chapter 59, Laws of 1977 and RCW 70.24.120 are each amended to read as follows:

((Venereal)) Sexually transmitted disease case investigators, upon specific authorization from a ((doctor)) physician, are hereby authorized to perform venipuncture or skin puncture on a person for the sole purpose of withdrawing blood for use in ((venereal)) sexually transmitted disease tests.

The term "((venereal)) sexually transmitted disease case investigator" shall mean only those persons who:

- (1) Are employed by public health authorities; and
- (2) Have been trained by a ((doctor)) physician in proper procedures to be employed when withdrawing blood in accordance with training requirements established by the department of social and health services; and
- (3) Possess a statement signed by the instructing ((doctor)) physician that the training required by subsection (2) of this section has been successfully completed.

The term "((doctor)) physician" means any person licensed under the provisions of chapters 18.57 or 18.71 RCW.

NEW SECTION, Sec. 914. A new section is added to chapter 70.24 RCW to read as follows:

(1) Any person aggrieved by a violation of this chapter shall have a right of action in superior court and may recover for each violation:

- (a) Against any person who negligently violates a provision of this chapter, one thousand dollars, or actual damages, whichever is greater, for each violation.
- (b) Against any person who intentionally or recklessly violates a provision of this chapter, two thousand dollars, or actual damages, whichever is greater, for each violation.
- (c) Reasonable attorneys' fees and costs.
- (d) Such other relief, including an injunction, as the court may deem appropriate.

(2) Any action under this chapter is barred unless the action is commenced within three years after the cause of action accrues.

(3) Nothing in this chapter limits the rights of the subject of a test for a sexually transmitted disease to recover damages or other relief under any other applicable law.

(4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.

NEW SECTION, Sec. 915. A new section is added to chapter 70.24 RCW to read as follows:

The board shall adopt such rules as are necessary to implement and enforce this chapter. Rules may also be adopted by the department of social and health services or the department of licensing for the purposes of this chapter. The rules may include procedures for taking appropriate action, in addition to any other penalty under this chapter, with regard to health care facilities or health care providers which violate this chapter or the rules adopted under this chapter. The rules shall prescribe stringent safeguards to protect the confidentiality of the persons and records subject to this chapter. The procedures set forth in chapter 34.04 RCW apply to the administration of this chapter, except that in case of conflict between chapter 34.04 RCW and this chapter, the provisions of this chapter shall control.

Sec. 916. Section 5, chapter 257, Laws of 1986 as amended by section 2, chapter 324, Laws of 1987 and RCW 9A.36.021 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

- (a) Intentionally assaults another and thereby inflicts substantial bodily harm; or
- (b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or
- (c) Assaults another with a deadly weapon; or

(d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison, the human immunodeficiency virus as defined in chapter 70.24 RCW, or any other destructive or noxious substance; or

(e) With intent to inflict bodily harm, exposes or transmits human immunodeficiency virus as defined in chapter 70.24 RCW; or

(1) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

NEW SECTION. Sec. 917. A new section is added to chapter 70.24 RCW to read as follows:

It is unlawful for any person who has a sexually transmitted disease, except HIV infection, when such person knows he or she is infected with such a disease and when such person has been informed that he or she may communicate the disease to another person through sexual intercourse, to have sexual intercourse with any other person, unless such other person has been informed of the presence of the sexually transmitted disease.

NEW SECTION. Sec. 918. A new section is added to chapter 70.24 RCW to read as follows:

Members of the state board of health and local boards of health, public health officers, and employees of the department of social and health services and local health departments are immune from civil action for damages arising out of the good faith performance of their duties as prescribed by this chapter, unless such performance constitutes gross negligence.

NEW SECTION. Sec. 919. A new section is added to chapter 70.24 RCW to read as follows:

Nothing in this chapter may be construed to require additional local funding of programs to treat communicable disease established as of the effective date of this section.

NEW SECTION. Sec. 920. A new section is added to chapter 70.24 RCW to read as follows:

Nothing in this chapter is intended to create a state-mandated liberty interest of any nature for offenders or inmates confined in department of corrections facilities or subject to the jurisdiction of the department of corrections.

NEW SECTION. Sec. 921. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 114, Laws of 1919 and RCW 70.24.010;

(2) Section 2, chapter 114, Laws of 1919, section 93, chapter 141, Laws of 1979 and RCW 70.24.020;

(3) Section 3, chapter 114, Laws of 1919 and RCW 70.24.030;

(4) Section 4, chapter 114, Laws of 1919 and RCW 70.24.040; and

(5) Section 7, chapter 114, Laws of 1919, section 94, chapter 141, Laws of 1979 and RCW 70.24.060.

NEW SECTION. Sec. 922. Sections 916 and 917 of this act shall take effect July 1, 1988.

PART X

MISCELLANEOUS

NEW SECTION. Sec. 1001. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1002. Except as otherwise specifically provided, this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "diseases;" strike the remainder of the title and insert "amending RCW 43.150.050, 28A.05.010, 70.24.050, 70.24.070, 70.24.080, 70.24.110, 70.24.120, and 9A.36.021; adding a new section to chapter 28A.05 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.04 RCW; adding new sections to chapter 49.60 RCW; adding new sections to chapter 70.24 RCW; adding a new section to chapter 70.48 RCW; creating new sections; repealing RCW 70.24.010, 70.24.020, 70.24.030, 70.24.040, and 70.24.060; prescribing penalties; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Deccio, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6221 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 2046 and the pending motion by Senator Newhouse to advance the bill to third reading, deferred on second reading earlier today.

MOTION

Senator Halsan moved that the following amendment be adopted:
On page 2, line 4, after "are" strike "not"

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Halsan, I agree with your amendment. I think your analysis is exactly right, but I wanted to ask you, further on in that same section it seems to be restated another way, and I just wondered if you needed to remove two 'nots,' where it says, 'rates negotiated or established are not subject to any review or approval by the commission under this chapter?'"

Senator Halsan: "Senator Lee, I don't believe that we need to remove that second 'not,' because the two things that are required--the amendment provides that, in fact, the rates established subsequent to negotiations must not relate to a cost shift. The language on page 1 says that, in fact, that they should not result in any shifting of costs to other payers or purchasers in the current or any subsequent year. Now we're allowing negotiations and contrary to what Senator McDonald said, this bill, as my amendment is hung on it, will allow negotiated rates. It just will not allow cost shifting. I don't think it's necessary, if we have that prohibition in there to require that the Hospital Commission can be subject to review or otherwise on that. I think it's just fine. This amendment in this bill, will allow negotiations, but just prohibit the shifting of costs to private pay people."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, as I understand the amendment as offered by Senator Halsan that removes the 'not' and says they are subject to A and B, does this have the effect of breaking small hospitals? I've heard that we're not doing very much for the people if we break all the small hospitals in the state. Is that true?"

Senator Kreidler: "Small hospitals are not going to make or break on the Medicaid contract, on whether they have a Medicaid contract or not. Small hospitals are usually also located in areas where they're in a non-competitive situation with other hospitals. As a consequence, the state has no other choice except to contract with them. It's the larger hospitals where you have more than one, two or more hospitals in a particular defined geographic area, that are going to be in a position where they might decide on their own whether they want to bid for a Medicaid contract with the state."

Further debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Halsan to Engrossed House Bill No. 2046.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Halsan to Engrossed House Bill No. 2046 and the amendment was not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Bauer, Bender, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Halsan, Lee, McMullen, Metcalf, Moore, Rasmussen, Stratton, Talmadge, von Reichbauer, Warnke, West, Williams - 20.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Deccio, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McCaslin, McDonald, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Vognild, Wojahn, Zimmerman - 29.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 2046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2046.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2046 and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Conner, Deccio, Fleming, Gaspard, Hayner, Johnson, Kiskaddon, Kreidler, Madsen, McDonald, McMullen, Nelson, Niemi, Owen, Pullen, Rinehart, Smith, Smitherman, Vognild, von Reichbauer, Wojahn, Zimmerman - 27.

Voting nay: Senators Anderson, Bender, Cantu, Craswell, DeJarnatt, Garrett, Halsan, Hansen, Lee, McCaslin, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Warnke, West, Williams - 22.

ENGROSSED HOUSE BILL NO. 2046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker ruled the Senate amendment beyond the scope and object of SUBSTITUTE HOUSE BILL NO. 1752; the House refuses to concur in the Senate amendment and asks the Senate to recede therefrom, and the bill and the amendment are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1752 was returned to second reading and read the second time.

MOTION

Senator Metcalf moved that the following amendment by Senators Smith and McMullen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 87, Laws of 1987 and RCW 75.25.090 are each amended to read as follows:

(1) An annual personal use license is required for a person sixteen years of age or older to fish for, take, or possess food fish for personal use from state waters or offshore waters, other than carp and sturgeon in the Columbia river above Chief Joseph Dam. An annual personal use license is valid for the calendar year in which it is issued. The fees for an annual personal use license are three dollars for residents and nine dollars for nonresidents.

(2) A two-consecutive-day combined personal use license and punchcard shall be issued. The fee for the license and punchcard is three dollars for residents and nonresidents.

(3) Except as provided in subsections (4) and (5) of this section, it is unlawful to fish for or possess food fish without the licenses, punchcards, and stamps required by this chapter.

(4) Upon written application, the director may permit the taking of smelt without a personal use license by participants in a one-day fishing derby sponsored by a not-for-profit community organization. The department shall require payment of an application fee of twenty-five dollars for each smelt fishing derby.

(5) The taking of smelt in fresh water areas of the state of Washington shall not be covered by the requirements of RCW 75.25.090."

POINT OF INQUIRY

Senator McCaslin: "Senator Metcalf, is the Smelt run over for this session?"

Senator Metcalf: "Yes."

Senator McCaslin: "Thank God."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Smith and McMullen to Substitute House Bill No. 1752.

The motion by Senator Metcalf carried and the amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1752, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1752, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1752, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Taimadge, Vogmlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 1752, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House receded from its amendment to page 3, after line 36 of SENATE BILL NO. 6668, and has passed the bill without said amendment, and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

POINT OF INQUIRY

Senator Hansen: "Senator Patterson, on Senate Bill No. 6668, can you explain to me how this measure will affect the special fuel users in the farming industry?"

Senator Patterson: "Senator Hansen, the Department of Licensing wants to be sure that there is no misunderstanding of the intent of this legislation. Both the House and the Senate Transportation Committees have been given a Letter of Intent by the department confirming that the purpose of Senate Bill No. 6668 is twofold: (1) To bring Washington into compliance with the National Governors Association consensus agenda for states and; (2) To eliminate mandatory bonding for special fuel users both within the state and for the interstate carriers.

"Special fuel users will no longer be required to obtain a costly surety bond from a bonding company, but if a fuel user fails to file the reports and pay the special fuel taxes that are due to the state, the department may require that particular fuel user to file a bond for a period of time."

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6219, and has passed the bill without said amendment, and the bill is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038. (See request for conference earlier today) The Speaker has appointed the following members as Conferees: Representatives Grimm, Ebersole and Ballard.

SHARON CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 608

Imposing penalties for malicious reporting of child or dependent adult abuse or neglect.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 608 read in earlier today.)

Signed by Senators Pullen, McCaslin; Representatives P. King, Armstrong, Padden.

MOTION

Senator Nelson moved that the Report of the Free Conference Committee on Substitute House Bill No. 608 be adopted.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the Report of the Free Conference Committee on Substitute House Bill No. 608.

ROLL CALL

The Secretary called the roll and the Report of the Free Conference Committee on Substitute House Bill No. 608 was not adopted by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Barr, Benitz, Cantu, Craswell, Deccio, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 23.

Voting nay: Senators Anderson, Bailey, Bauer, Bender, Bluechel, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognlid, Warnke, Williams, Wojahn - 26.

Substitute House Bill No. 608 was referred back to the Free Conference Committee.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6439 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: SSB 6439

Studying the consolidation of district and municipal courts.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the House Judiciary Committee amendment with the following changes:

On page 2, line 21 of the House amendment, after "consist of" insert "at least"

On page 2, line 23 of the House amendment, strike "of" and insert "appointed by"

On page 2, after line 27 of the House amendment insert "(b) One superior court judge appointed by the Washington superior court judges association;"

Reletter the remaining paragraphs consecutively.

On page 3, line 13 of the House amendment, strike "September 30" and insert "January 10"

Signed by Senators Pullen, Talmadge; Representatives Armstrong, Appelwick.

Vice President Pro Tempore Craswell assumed the Chair.

MOTION

Senator Nelson moved that the Report of the Conference Committee on Substitute Senate Bill No. 6439 be adopted and the committee be granted the powers of Free Conference.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "A parliamentary inquiry, does the rule that requires twenty-four hours run from the time that we grant the powers of Free Conference? Senator Nelson has just made a motion granting the powers of Free Conference. According to our rules, it should be laid on our desks with a twenty-four hour period from the time we grant the powers of Free Conference. How would the President rule on that?"

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Craswell: "Would Senator Rasmussen point out what rule he's referring to?"

Senator Rasmussen: "The rule on Free Conference Reports. Senator Snyder has the number right in his head. If you want me to look it up--I'll look it up. Senator Nelson has the rule in his head, also. And while I'm on my feet in parliamentary inquiry, we have another rule sponsored by Senator Vognild, that said we will adjourn at ten o'clock. I might assure you, I'm getting ready to invoke that rule very shortly. I understand that Senator Newhouse is thinking of the same rule."

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Craswell: "Senator Rasmussen, we can grant the powers of Free Conference prior to the twenty-four hours. We can't take the vote on the Free Conference Report until the twenty-four hours."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Nelson to adopt the Report of the Conference Committee on Substitute Senate Bill No. 6439 and to grant the powers of Free Conference.

The motion by Senator Nelson carried and the Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 6439 and granted the powers of Free Conference.

DISPENSE WITH CALL OF THE SENATE

On motion of Senator Newhouse, the Senate dispensed with the Call of the Senate.

MOTION

At 10:56 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, March 10, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 10, 1988

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson and Moore. On motion of Senator Zimmerman, Senator Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Pickett and Charles Sandoval, presented the Colors. Reverend Michael J. Ryan, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 9, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5036,
SUBSTITUTE SENATE BILL NO. 5333,
SUBSTITUTE SENATE BILL NO. 6024,
SENATE BILL NO. 6101,
SUBSTITUTE SENATE BILL NO. 6118,
SUBSTITUTE SENATE BILL NO. 6148,
SUBSTITUTE SENATE BILL NO. 6178,
SENATE BILL NO. 6182,
SUBSTITUTE SENATE BILL NO. 6195,
SUBSTITUTE SENATE BILL NO. 6207,
SUBSTITUTE SENATE BILL NO. 6212,
SUBSTITUTE SENATE BILL NO. 6218,
SUBSTITUTE SENATE BILL NO. 6240,
SUBSTITUTE SENATE BILL NO. 6255,
SENATE BILL NO. 6260,
SUBSTITUTE SENATE BILL NO. 6266,
SENATE BILL NO. 6271,
SUBSTITUTE SENATE BILL NO. 6305,
SUBSTITUTE SENATE BILL NO. 6332,
SUBSTITUTE SENATE BILL NO. 6342,
SUBSTITUTE SENATE BILL NO. 6357,
SENATE BILL NO. 6370,
SENATE BILL NO. 6372,
SENATE BILL NO. 6396,
SENATE BILL NO. 6397,
SENATE BILL NO. 6408,
SUBSTITUTE SENATE BILL NO. 6419,
SUBSTITUTE SENATE BILL NO. 6435,
SUBSTITUTE SENATE BILL NO. 6437,
SENATE BILL NO. 6440,
SUBSTITUTE SENATE BILL NO. 6446,
SENATE BILL NO. 6447,
SUBSTITUTE SENATE BILL NO. 6452,
SUBSTITUTE SENATE BILL NO. 6466,
SUBSTITUTE SENATE BILL NO. 6470,
SUBSTITUTE SENATE BILL NO. 6474,
SUBSTITUTE SENATE BILL NO. 6486.

SECOND SUBSTITUTE SENATE BILL NO. 6513,
 SENATE BILL NO. 6519,
 SENATE BILL NO. 6523,
 SUBSTITUTE SENATE BILL NO. 6530,
 SUBSTITUTE SENATE BILL NO. 6569,
 SENATE BILL NO. 6638,
 SENATE BILL NO. 6641,
 SENATE BILL NO. 6647, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5378,
 SUBSTITUTE SENATE BILL NO. 6115,
 SUBSTITUTE SENATE BILL NO. 6128,
 SUBSTITUTE SENATE BILL NO. 6217,
 SUBSTITUTE SENATE BILL NO. 6298,
 SUBSTITUTE SENATE BILL NO. 6308,
 SUBSTITUTE SENATE BILL NO. 6316,
 SENATE BILL NO. 6480,
 SUBSTITUTE SENATE BILL NO. 6603,
 SUBSTITUTE SENATE BILL NO. 6670,
 SUBSTITUTE SENATE BILL NO. 6703,
 SENATE BILL NO. 6705,
 SENATE BILL NO. 6720,
 SECOND SUBSTITUTE SENATE BILL NO. 6724,
 SUBSTITUTE SENATE BILL NO. 6741,
 SENATE BILL NO. 6745,
 SENATE JOINT MEMORIAL NO. 8028,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, and the same are
 herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5558,
 SENATE BILL NO. 6291,
 SUBSTITUTE SENATE BILL NO. 6376,
 SENATE BILL NO. 6671,
 SENATE BILL NO. 6675,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8430, and the same are
 herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 7, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5943,
 SUBSTITUTE SENATE BILL NO. 6147,
 SENATE BILL NO. 6245,
 SUBSTITUTE SENATE BILL NO. 6404,
 SENATE BILL NO. 6418,
 SUBSTITUTE SENATE BILL NO. 6498,
 SUBSTITUTE SENATE BILL NO. 6512,
 SUBSTITUTE SENATE BILL NO. 6548, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1988

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1418.

HOUSE BILL NO. 1558,
 HOUSE BILL NO. 1695,
 HOUSE CONCURRENT RESOLUTION NO. 4402, and the same are herewith
 transmitted.

SHARON CASE, Assistant Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2038

Establishing the Washington state health care authority.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

That the Senate amendments on page 5, line 26, page 5, line 33 and page 5, line 35 not be adopted; and that the bill be amended as follows:

On page 3, line 14, after "senate," insert "The administrator shall serve at the pleasure of the governor."

On page 7, line 1, after the period add a new subsection to read as follows:

"(4) The board may authorize premium contributions for an employee and the employee's dependents."

Re-number the remaining subsection accordingly.

On page 7, beginning on line 3 after "board," delete all material down to and including the period on line 10

On page 9, line 7, after "authority" delete "may" and insert "shall"

Signed by Senators McDonald, Hayner; Representatives Grimm, Ebersole, Ballard.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2038 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6235 and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

REPORT OF CONFERENCE COMMITTEE

RE: E2SSB 6235

Creating the water pollution control account and authorizing financial assistance from it.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Adopt the House Ways and Means Committee amendment with the following changes:

On page 9, after line 30 of the Ways and Means committee striking amendment, insert the following:

"NEW SECTION. Sec. 9. (1) There is created the water pollution control loan review committee. The Committee shall convene as often as is necessary to review and approve all loans made from the water pollution control revolving fund prior to issuing any loan.

(2) The committee shall consist of the two members of each caucus of the House of Representatives and the Senate. The chair and vice-chair of the committee shall be selected by the majority vote of the committee members.

(3) Staff support shall be provided by the department of ecology to assist the committee in reviewing and approving any loan made from the water pollution control revolving fund.

(4) The committee shall take action within sixty days after receiving the proposed project list from the department of ecology. Failure to take action within such time shall be deemed as approval.

NEW SECTION, Sec. 10. In administering the fund, the department shall comply with the distribution schedule specified in RCW 70.146.060, except where compliance with such schedule may result in an inability to receive or fully expend all federal funds to which the state is otherwise entitled. In such event the department shall notify the committee of such departure from the distribution schedule."

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

On page 9, line 32 of the amendment, after "through" strike "8" and insert "10"

Signed by Senators Barr, Lee, Kreidler: Representatives Rust, Hine, Schoon.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6235 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 1312

Adopting the supplemental operating budget.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom the above measure was referred, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT

Sec. 101. Section 104, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ ~~((2,503,000))~~
2,538,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The committee shall conduct a study of the common school state-wide data reporting system, including information on class size in kindergarten through twelfth grade ~~(- \$100,000 of the general fund appropriation is provided solely to contract with the institute of public policy and management of the University of Washington to conduct research associated with the study. The institute shall work closely with the superintendent of public instruction and the office of financial management to))~~ and prepare a report to the legislature by December 1, 1988, regarding its findings and recommendations.

(2) \$35,000 of the general fund appropriation is provided solely for the purpose of creating a temporary legislative committee to review the salary survey methodology and make recommendations for improvements. The committee shall be composed of representatives of the legislative evaluation and accountability program committee, the office of financial management, and the ways and means committees of the senate and house of representatives and shall contract with an independent consultant to conduct the review.

Sec. 102. Section 107, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ~~((10,670,000))~~
10,924,000

The appropriation in this section is subject to the following conditions and limitations: ~~((#))~~
\$3,337,000 is provided solely for the indigent appeals program.

Sec. 103. Section 109, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation	\$	((12,013,000)) 12,458,000
Sec. 104. Section 110, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:		
FOR THE ADMINISTRATOR FOR THE COURTS		
General Fund Appropriation	\$	((21,730,000)) 23,857,000
Public Safety and Education Account Appropriation	\$	((10,020,000)) 21,178,000
Total Appropriation	\$	((40,566,000)) 45,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,162,000 of the general fund appropriation is provided solely for the continuation of the treatment alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(2) \$296,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(3) ~~\$((50,000))~~ 130,000 of the public safety and education account appropriation is provided solely for the administrator for the courts to initiate measures to prevent gender and minority bias in the courts. Such measures shall include but not be limited to:

(a) A study of the status of women and minorities as litigants, attorneys, judges, and court employees;

(b) Recommendations for implementing reform; and

(c) Providing attitude awareness training for judges and legal professionals.

(4) \$260,000 of the general fund appropriation is provided solely for the Snohomish County preprosecution diversion program.

(5) \$150,000 of the general fund appropriation is provided solely for the administrator for the courts to contract for the performance of a two-year demonstration project to determine the effectiveness of alternative dispute resolution using the model center approach adopted by the legislature in chapter 7.75 RCW. The project shall be conducted in King and Snohomish counties by centers established under chapter 7.75 RCW as nonprofit corporations having broadly representative boards of directors and which are organized exclusively, as set forth in their articles of incorporation and bylaws, for the resolution of disputes and whose plans of operation have been approved pursuant to RCW 7.75.020 before the effective date of this section. The project shall be conducted in accordance with chapter 7.75 RCW. The focus of the project shall be to provide an alternative forum for the resolution of disputes for the purposes of reducing social tensions which lead to crime, promoting lasting settlements in which all parties to a dispute can be winners, settling disputes more quickly and less expensively than through the judicial process, and helping to reduce congestion in the court systems as contemplated in the court improvement act of 1984. Seventy-five thousand dollars of the appropriation shall be made available for a project in Snohomish county subject to commitments from Snohomish county and the city of Everett to each match the state appropriation. Seventy-five thousand dollars of the appropriation shall be made available for a project in King county subject to commitments from King county and the city of Seattle to each match the state appropriation. The state administrator for the courts shall submit a report to the judiciary committees of the senate and the house of representatives on the results of the project by December 1, 1989.

(6) \$14,134,000 of the general fund appropriation is provided solely for the superior court judges program.

(7) \$70,000 of the public safety and education account appropriation is provided solely to implement the provisions of Substitute Senate Bill No. 6498. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(8) A maximum of \$2,200,000 of the public safety and education account may be spent on enhancements to the judicial information system including: (a) Development of an information center; (b) implementation of a data administration model; (c) provision of personal computer installations and support services in courts not served by the mainframe system; and (d) planning activities associated with the feasibility of the enhancements listed under (a), (b), and (c) of this subsection as well as planning activities to evaluate the use of local area networks. The funding provided in this subsection is contingent on the administrator for the courts completing by July 1, 1988, a feasibility study in accordance with department of information services procedures and guidelines. It is the intent of the legislature that upon completion of the feasibility study the office of the administrator for the courts will present the study for review by and consultation with the department of information services, the office of financial management, and the legislative evaluation and accountability program committee prior to implementation.

Sec. 105. Section 114, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((6,374,666))
		6,457,000
Archives and Records Management Account Appropriation	\$	2,116,000
Total Appropriation	\$	((8,490,666))
		8,573,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$1,661,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$60,000 of the archives and records management account appropriation is provided solely for a project that will evaluate the need for, and potential archival requirements of, storage of data contained in magnetic media (tapes and disks). Implementation of an archival program for magnetic media shall not begin prior to approval of the findings and recommendations of the project by the office of financial management.

(4) \$83,000 of the general fund appropriation is provided solely for advertising Washington state's March 8, 1988, precinct caucuses.

Sec. 106. Section 120, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	5,143,000
Legal Services Revolving Fund Appropriation	\$	46,142,000
Total Appropriation	\$	51,285,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$840,000 of the legal services revolving fund appropriation is provided solely to support additional attorneys to defend an increased number of cases expected from an increase in the number of industrial appeals board staff.

(2) \$10,233,000 of the legal services revolving fund appropriation is provided solely for legal services augmentation; of which a maximum of \$3,933,000, including the state-wide salary increase allocation, is for salary increases consistent with the Price Waterhouse recommendation of March 19, 1987, for assistant attorneys general, ~~\$((5,666,666))~~ 3,295,000 is for additional funding for the defense of tort actions, ~~\$((466,666))~~ 700,000 is for increased legal services for the department of corrections and the indeterminate sentence review board, ~~\$((266,666))~~ 675,000 is for increased legal services for the department of ~~((ecology, \$266,666 is for increased legal services for the department of transportation, and))~~ social and health services, ~~\$((566,666))~~ 1,230,000 is for increased legal services for the department of licensing, and \$400,000 is provided solely for implementation of an attorney time accounting and billing system.

(3) Pursuant to chapter 365, Laws of 1985, the attorney general shall transmit to the judiciary committees of the senate and house of representatives and the human rights commission by January 1, 1988, and by January 1 of every year thereafter a progress report which states the agency's progress in meeting its affirmative action goals and timetables. The agency's goals for assistant attorneys general and other exempt employees shall be based on the percentage of each and every minority group's representation in the state labor force population.

(4) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(5) The legal services revolving fund program shall be split into an agency legal services program and a torts program beginning July 1, 1989. The agency request budget for the 1989-91 biennium shall be presented using this program structure and expenditure history, consistent with LEAP requirements, no later than July 1, 1988.

Sec. 107. Section 121, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	((18,261,666))
		18,131,000
General Fund Appropriation—Federal	\$	60,000
Motor Vehicle Fund Appropriation	\$	100,000
Medical Aid Fund Appropriation	\$	98,000
Local Jail Improvement and Construction Fund Appropriation	\$	780,000
Total Appropriation	\$	((19,319,666))
		19,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation is provided solely for the services of an actuarial consultant.

~~((4))~~ ~~\$250,000 of the general fund—state appropriation is provided solely for one-time costs of establishing a state-wide inventory of school facilities, using surveys conducted by qualified engineers and architects. The inventory shall be developed jointly and in cooperation with the state board of education and the superintendent of public instruction and shall be designed to yield consistent and easily accessible information intended to facilitate administrative decisions on school construction projects and analysis of long-term facilities needs.~~

~~((5))~~ (2) \$205,000, of which \$145,000 is from the general fund—state appropriation, is provided solely for the purposes of implementing the agency's responsibilities under Substitute House Bill No. 738. If Substitute House Bill No. 738 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

~~((6))~~ (3) The office of financial management, in cooperation with the state board for community college education, shall study the cost of community college faculty salary increments, including savings from full time faculty turnover, identify the faculty salary increment policy at each college district, and report the findings and recommendations to the 1989 regular session of the legislature.

(4) \$100,000 of the general fund—state appropriation is provided solely for the operations of the Washington state commission for efficiency and accountability in government.

Sec. 108. Section 124, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	13,618,000
State Employees' Insurance Fund Appropriation	\$	(2,164,000)
		2,204,000
Total Appropriation	\$	(15,792,000)
		15,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the state employees' insurance fund appropriation is provided solely for the revision of the automated insurance eligibility system.

(2) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(3) \$40,000 of the state employees' insurance fund appropriation is provided solely for brokerage services.

Sec. 109. Section 131, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	(8,312,000)
		8,278,000
General Fund Appropriation—Federal	\$	1,623,000
General Fund Appropriation—Private/Local	\$	93,000
Motor Vehicle Fund Appropriation	\$	179,000
State Patrol Highway Account Appropriation	\$	124,000
Motor Transport Account Appropriation	\$	10,925,000
General Administration Facilities and Services Revolving Fund		
Appropriation	\$	19,562,000
Total Appropriation	\$	(40,515,000)
		40,784,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund appropriation and state patrol highway account appropriation are provided solely for risk management activities related to the motor vehicle fund and the state patrol highway account.

(2) The department is authorized to participate in the Olympia parking and business improvement district.

Sec. 110. Section 136, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	20,666,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$554,000 is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5150.

(2) Not more than \$877,000 of this appropriation may be expended for the expenses of the office of the state actuary, including interagency reimbursements for services and statutory reports.

(3) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

PART II
HUMAN SERVICES

Sec. 201. Section 201, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	(59,685,866)
		62,559,000
Public Safety and Education Account Appropriation	\$	100,000
<u>Total Appropriation</u>	<u>\$</u>	<u>62,659,000</u>

The appropriations in this subsection ~~((ts))~~ are subject to the following conditions and limitations:

~~((b))~~ (a) \$2,071,000 of the general fund appropriation is provided solely for the support of the office of the director of community services.

~~((c))~~ (b) \$200,000 of the general fund appropriation is provided solely for the notification of victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

~~((e))~~ (c) A maximum of \$285,000 of the general fund appropriation may be spent for the replacement of used equipment within the community services division.

(d) \$100,000 of the public safety and education account appropriation is provided solely for training community corrections officers in the identification and prevention of child abuse by offenders under their supervision.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	(269,824,866)
		273,329,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,725,000 is provided solely for the implementation of the sex offender treatment program within the division of prisons.

(b) \$1,049,000 is provided solely for the operation of the new in-patient floor at the Monroe reformatory hospital.

(c) \$5,369,000 is provided solely for the support of the office of the director of the division of prisons.

(d) A maximum of \$1,898,000 may be spent for the replacement of used equipment within the institutional services division.

(e) \$200,000 is provided solely for alleviation of parking problems experienced by McNell Island corrections personnel.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	(17,961,866)
		17,331,000
Institutional Impact Account Appropriation	\$	317,000
<u>Total Appropriation</u>	<u>\$</u>	<u>(18,278,866)</u>
		17,648,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the ways and means committees of the senate and house of representatives on January 1, 1988, and January 1, 1989, regarding its progress toward employing more minorities and women in top-level management positions.

(b) A maximum of \$1,258,000 of the general fund appropriation may be transferred to the tort claims revolving fund for tort claims against the department. The department shall develop a report, including brief descriptions and estimated amounts of all outstanding tort claims. The report is due to the ways and means committees of the senate and house of representatives on January 1, 1988. During the 1987-89 biennium, the department shall report on a quarterly basis the tort claim payments resulting from settlements and court judgments. New claims against the state shall be included in the quarterly updates.

~~((d))~~ (c) A maximum of \$150,000 may be spent for the replacement of used equipment within the administration division.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	(2,268,866)
		2,218,000

The appropriation in this subsection is subject to the following conditions and limitations: A maximum of \$500,000 may be spent for the replacement of used equipment within the institutional industries division.

Sec. 202. Section 202, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall be initially allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, nor shall allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on March 1, 1987. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

((5)) (4) If Engrossed Senate Bill No. 5097 is enacted by June 30, 1987, the department shall administer the lifeline fund established under the bill and shall recover its administrative costs from the fund. Payments to local exchange companies shall not exceed amounts available in the lifeline fund.

((6)) (5) The department shall implement the plan for performance-based contracts developed under sections 203(6) and 204(1)(c), chapter 6, Laws of 1985 ex. sess., whereby a portion of vendor payments for private group care and other community residential placements shall reflect achievement of client outcome standards. The department shall report on implementation of the plan to the ways and means committees of the senate and house of representatives by December 15, 1987, and December 15, 1988.

((7)) (6) The appropriations in sections 203, 208, 210, 213, 214, and 215 of this act shall be expended as provided in each section, except that the department may expend money, appropriated for other purposes, for the family independence program only after approval by the director of financial management. The director of financial management shall notify the ways and means committees of the senate and house of representatives regarding deviation from the legislative program appropriation levels.

(7) The department of social and health services shall study the cost effectiveness of adopting a hospice benefit for Title XIX recipients. The department shall report by November 1, 1988, to the health care and ways and means committees of both houses of the legislature on the results of the study.

Sec. 203. Section 203, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	((165,000,000))
		180,288,000
General Fund Appropriation—Federal	\$	((58,552,000))
		59,847,000
Public Safety and Education Account Appropriation	\$	400,000
Total Appropriation	\$	((223,552,000))
		240,535,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Department contracts for group home services, therapeutic day care, seasonal day care, and domestic violence shelters shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(2) \$7,500,000 of the general fund—state appropriation is provided solely for the improvement of services to protect children. \$5,035,000 of the amount provided in this subsection is provided solely for increased child protective services and child welfare casework staff, necessary support and supervisory staff, and assistant attorneys general to provide legal services for child protective services cases. The department shall conduct intensive recruitment and priority hiring of qualified multi-ethnic casework staff. \$40,000 of the amount provided in this subsection is provided solely for training for child protective services and child welfare staff who investigate and serve child abuse and neglect cases. \$2,425,000 of the amount provided in this subsection is provided solely to implement the provisions of Engrossed Second Substitute House Bill No. 586 which establish a pilot project in order to guide the state in developing a comprehensive system of children and family services. If the bill is not enacted by June 30, 1987, this amount shall lapse. The department shall report to the ways and means and human services committees of the senate and house of representatives on implementation of this section by January 15, 1988. The report shall include the following information:

(a) The effectiveness of providing additional casework, support staff, and other services provided in this section in reducing and refocusing the workload of child protective services caseworkers;

(b) The impact on caseloads of hiring child protective services support staff, including clerical support, assistant attorneys general, eligibility determination specialists, and public health nurses; and

(c) The number and classifications of staff and the level and types of additional services for which the moneys in this section are used.

(3) \$1,000,000 of the general fund—state appropriation is provided solely for the expansion of therapeutic day care.

(4) \$2,160,000 of the general fund—state appropriation is provided solely for public health nurses to provide prevention and early intervention services for the protection of children, and to assist in the investigation of low-risk child abuse and neglect referrals.

(5) \$600,000 of the general fund—state appropriation is provided solely to increase private agency fees in connection with foster care placements, effective July 1, 1987.

(6) \$400,000 of the general fund—state appropriation is provided solely for expansion of current contracted community services to prevent the occurrence or recurrence of family conflict, abuse, or out-of-home placements.

(7) \$1,000,000 of the general fund—state appropriation is provided solely for training and support for families providing foster care services.

(8) ~~\$(300,000)~~ \$10,000 of the general fund—state appropriation is provided solely to fund counseling, education, and support for victims of sexual abuse. A maximum of \$10,000 of the amount provided in this subsection may be spent for counseling for teenaged parents who are victims of sexual and physical abuse. The department shall contract for the counseling to be provided to participants in school-sponsored teen parent programs.

(9) \$500,000 of the general fund—state appropriation is provided solely to increase contracted Indian child welfare services.

(10) \$1,298,000 of the general fund—state appropriation is provided solely for financial eligibility workers to ensure that every child in foster care who is eligible for federal financial participation under Title IV, Part B, or Title IV, Part E of the federal social security act is identified. Any federal moneys generated by this activity in excess of the amount appropriated in this section shall be expended for foster care services and a like amount of state moneys shall lapse.

(11) \$93,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6013. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(12) A maximum of \$332,000, of which \$275,000 is from the general fund—state appropriation, and 7.8 full time equivalent staff may be transferred from the division of children and family services to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(13) \$125,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) The department shall maintain the current level of support for the dropout prevention project in the Seattle school district.

(15) \$9,000,000 of the general fund—state appropriation is provided solely for foster care services and services designed to reduce the number of children requiring family or group foster care, and to expedite the process of returning children home from placement. Not more than \$2,450,000 of the amount provided in this subsection may be spent for increased recruitment efforts and services to family foster care providers; additional child welfare caseworkers and support staff to provide intensive case services designed to reunify families and prevent out-of-home placement; managed health care services for children in foster care; and other services meeting the goals of this subsection. Of the amount provided in this subsection, \$550,000 is provided solely to expand the homebuilders program to provide assistance to families. The department shall submit a progress report to the appropriate committees of the legislature by January 1, 1989, describing the efforts taken to implement projects to reduce the number of children requiring foster care and to expedite the return to home process. The report shall include a description of the projects initiated, the cost of each project, and a preliminary assessment of their effectiveness. The department shall also prepare a report which examines the entire foster care rate structure, including provisions for respite or day care services, costs of private agency management of children in care, and the criteria for special and exceptional rates. The department shall coordinate with appropriate legislative fiscal and policy staff in preparing the report and shall submit its findings and recommendations to the legislature by December 1, 1988.

(16) \$2,600,000 from the general fund—state appropriation is provided solely to increase the level of funding for day care services. \$110,000 of the amount provided in this subsection is for the seasonal day care program to serve an additional 50 children. The department is authorized to implement regulations for the employment day care program requiring that waiting lists be established if necessary to ensure that employment day care services are provided

within allotted funds. The department is further authorized to implement day care reimbursement rates which vary by area of the state. \$100,000 of the amount provided in this subsection may be spent for pilot day care subsidy programs in one or more areas of the state. The department may provide a monthly subsidy no greater than \$50.00 per child to licensed day care providers caring for children of recipients of aid to families with dependent children—regular. Subsidies shall not be provided for children whose parents are employed less than full time.

(17) \$1,064,000, of which \$200,000 is from the general fund—state appropriation, is provided solely to increase services in the women, infants, and children program.

(18) \$100,000 of the general fund—state appropriation is provided solely for the department to develop and provide day care providers and foster parents with an educational program on positive discipline, and training in recognizing and reporting child abuse. Implementation of the program shall begin on July 1, 1988.

(19) \$400,000 of the public safety and education account appropriation is provided solely for training programs under chapter 70.125 RCW for criminal justice, medical, and child protective services personnel regarding victims of sexual abuse. Training programs under this subsection shall focus on the following:

(a) Training child protective service workers on recognition of signs of potential sexual abuse and on medical techniques available to confirm abuse or establish legal evidence, and developing policies and procedures for use by such workers in responding to claims or reports of sexual abuse;

(b) Developing regional medical expertise on identification, verification and retention of evidence in cases of child sexual abuse; and

(c) Providing prosecutors, public defenders, judges, and other criminal justice personnel with information on available medical techniques for confirming abuse or establishing legal evidence.

Sec. 204. Section 204, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((27,988,000))
		26,847,000
General Fund Appropriation—Federal	\$	78,000
Total Appropriation	\$	((28,066,000))
		26,925,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Privately contracted group home providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) The seven state-operated group homes shall collectively average 100 youths in residential status per month. Residential status includes youths in actual residence, those on leave up to 14 days, and those in the process of being transferred or paroled. If the average number of youths in residential status falls below 100 per month, the general fund—state support shall be reduced by an average monthly amount per resident as determined by the office of financial management.

(c) In fiscal year 1989, the department shall not reduce support levels for consolidated juvenile services programs below fiscal year 1988 levels.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((44,385,000))
		44,285,000
General Fund Appropriation—Federal	\$	890,000
Total Appropriation	\$	((45,275,000))
		45,175,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$536,000 of the general fund—state appropriation is provided solely for the implementation of a mentally ill offender unit at Echo Glen children's center.

(b) The department shall develop a ten-year plan to include operating and capital costs of using Green Hill school to house level I and the more serious level II offenders. The plan may include other viable options to handle the increasing numbers of violent offenders entering the juvenile rehabilitation institutions. The plan shall be presented to the ways and means committees of the senate and house of representatives by January 15, 1988.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	2,788,000
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Sec. 205. Section 205, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((118,388,888))
		113,421,000
General Fund Appropriation—Federal	\$	((46,738,888))
		41,442,000
General Fund Appropriation—Local	\$	1,580,000
Total Appropriation	\$	((166,766,888))
		156,443,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Community mental health centers and residential services providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(b) \$2,690,000, of which \$2,383,000 is from the general fund—state appropriation is provided solely for the Kitsap mental health services residential treatment alternative project. The state reimbursement rate shall not exceed \$200 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals shall be made to the project. No involuntary treatment referrals to Kitsap county residents may be made to Western state hospital, with the exception of persons who meet all the following criteria, as established by a licensed psychiatrist and involving consultation with a state certificated geriatric mental health specialist: (i) Diagnosis of organic mental disorder (nontransient); (ii) established behavior abnormalities directly associated with the organic disorder; (iii) admittance to the residential treatment center at least twice during the prior six-month period; (iv) expulsion from two or more residential placements during the prior six-month period resulting from behaviors directly associated with the presence of the established organic mental disorder; and (v) denial of admission by all appropriate residential settings in the Puget Sound area. The maximum reimbursement rate to Kitsap county hospitals shall be \$250 per day per patient. Within the amount provided in this subsection, in an effort to reduce commitments to psychiatric hospitals and evaluation and treatment facilities, \$500,000, of which \$443,000 is from the general fund—state appropriation, is provided solely for a Kitsap mental health services outreach case management team. The services provided shall include participation with the court in formulation of conditions of conditional release and less restrictive alternative placement, participation in development of an individualized treatment plan with the treatment team, assistance with housing, financial management, medication management, nutrition, system advocacy, mental health services and monitoring the person receiving treatment to ensure that the person abides by the requirements of the person's individualized treatment plan. The case managers shall be mental health professionals, or shall be supervised by mental health professionals as defined in RCW 71.05.020(11). Kitsap mental health services shall participate in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6). Kitsap mental health services shall provide quarterly reports to the committees on ways and means of the senate and house of representatives describing the numbers and characteristics of clients served and the resulting diversions from psychiatric hospitals and evaluation and treatment facilities. In addition, the department shall present an annual report to the same legislative committees by January 1, 1988, and January 1, 1989, indicating progress made toward meeting the long-term residential bed needs of Kitsap county.

(c) \$4,375,000, of which \$3,500,000 is from the general fund—state appropriation, is provided solely for a state-wide pilot demonstration project as provided for in Second Substitute Senate Bill No. 5074. These funds include 2 percent for costs of administration for participating counties. The plan for the pilot project shall be developed by the department in cooperation with interested counties, mental health providers, other interested members of the community, and legislative staff and shall be submitted to the legislature by September 1, 1987. The plan shall include specific criteria for inclusion in the project for counties choosing to participate and shall meet the conditions set forth in Second Substitute Senate Bill No. 5074. The plan shall provide for evaluation of the effects of case management on the treatment of involuntarily committed persons. The evaluation shall incorporate an experimental design. Evaluation support of no more than \$125,000 of the general fund—state appropriation is from the emergency and technical assistance funds provided for in RCW 71.24.155. The plan shall assure that case management services are administered in a manner which recognizes client needs within the availability of funds provided in this subsection (c). If Second Substitute Senate Bill No. 5074 is not enacted by June 30, 1987, the amount provided in this subsection shall be provided solely for case management services for persons ordered to a fourteen-day less restrictive treatment setting as provided for in RCW 71.05.240.

(d) \$1,000,000 of the general fund—state appropriation is provided solely for the support of involuntary treatment act administration.

(e) The mental health division, in conjunction with county officials and other affected parties, shall develop a fair and equitable formula for distributing involuntary treatment act administration funding to counties. The formula shall incorporate workload estimates and any other relevant factors required to reflect actual county administration costs. The mental health

division shall present the proposed formula to the ways and means committees of the senate and house of representatives by November 15, 1987. Implementation of the formula may take effect immediately after legislative review but no later than January 1, 1988. Of the funding provided in this section for involuntary treatment act administration, \$3,400,000 is placed in reserve status pending legislative review of the new formula. No county allocation of funds for fiscal year 1988 may be less than its fiscal year 1987 allocation. Counties shall continue to fund current maintenance of effort funding levels during the ensuing biennium.

(f) Grants to counties for community mental health programs shall total not less than \$55,957,000 of the general fund—state appropriation under RCW 71.24.155. Of this amount, \$2,000,000 is provided solely for expanded services to children.

(g) \$480,000 of the general fund—state appropriation is provided solely for continuation of the community psychiatric training program at the University of Washington.

(h) The department shall maintain the current level of support for the dropout prevention project in the Seattle school district.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((150,711,000))
		150,808,000
General Fund Appropriation—Federal	\$	((7,948,000))
		7,851,000
Total Appropriation	\$	158,659,000

The appropriations in this subsection are subject to the following conditions and limitations:
 ((f)) (a) \$300,000 of the general fund—state appropriation is provided solely for equipment and operating costs related to two additional PORTAL cottages on the Northern state hospital campus. Of this amount, a maximum of \$44,000 may be used to contract with local community mental health centers to provide services to clients who have exited the PORTAL program and reside locally in the community.

((c)) (b) The legislative budget committee shall evaluate the PORTAL program as to its treatment outcomes and general effectiveness. The legislative budget committee shall report its findings to the senate and house of representatives ways and means committees by December 1, 1987.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,477,000
General Fund Appropriation—Federal	\$	1,341,000
Total Appropriation	\$	4,818,000

The appropriations in this subsection are subject to the following conditions and limitations: \$78,600 from the general fund—state appropriation is provided solely for allocations to non-profit agencies advocating for the mentally ill. Such funds are for providing technical assistance to state agencies, mental health education programs, outreach and family support, and self-help support groups.

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,059,000
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Sec. 206. Section 206, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((79,041,000))
		80,944,000
General Fund Appropriation—Federal	\$	((61,998,000))
		62,524,000
Total Appropriation	\$	((141,039,000))
		143,468,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$278,000 of the general fund—state appropriation is provided solely for the deaf-blind service center.

(b) \$2,185,000 of the general fund—state appropriation and \$385,000 of the general fund—federal appropriation are provided solely to increase rates paid for county contracted employment services for developmentally disabled adults receiving such services as of July 1, 1987. No county administrative charge shall be deducted from the amount specified in this subparagraph.

(c) The division of developmental disabilities shall fund the DECOD dental program at the University of Washington with \$224,000 of the general fund—state appropriation.

(d) The secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce the level of services to existing clients.

(e) \$1,169,000 is appropriated solely for the division of developmental disabilities to contract for an additional twenty-four group home beds and associated services in King county.

(f) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988. Respite care providers shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning September 1, 1987, and \$5.15 per hour beginning September 1, 1988.

(g) \$1,400,000 of the general fund—state appropriation is provided solely to fund additional staff at the Bellevue center, Highline care center, and the united cerebral palsy center; and to provide additional support for an autism program in Pierce county, a teletype relay system at the Yakima valley center for the deaf, the L'Arche facility in Spokane, the Sunnyside facility, and the Sumner lodge.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((166,635,000))
		98,402,000
General Fund Appropriation—Federal	\$	((94,952,000))
		100,885,000
Total Appropriation	\$	((195,587,000))
		199,287,000

(3) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	1,199,000
Total Appropriation	\$	1,199,000

(4) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,991,000
General Fund Appropriation—Federal	\$	479,000
Total Appropriation	\$	4,470,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$46,000, of which \$38,000 is from the general fund—state appropriation, and two biennial full time equivalent staff may be transferred from the division of developmental disabilities to the administration and supporting services program to consolidate the social service payment system. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six years.

(b) If Engrossed Second Substitute House Bill No. 221 is enacted by June 30, 1987, the department is authorized to expend the proceeds of the telecommunication devices for the deaf excise tax established under the bill for the distribution and maintenance of telecommunication devices, signal devices, and amplifying accessories to hearing-impaired persons as provided in the bill.

Sec. 207. Section 207, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 2nd ex. sess. and by section 1, chapter 2, Laws of 1987 2nd ex. sess. (uncodified) is reenacted and amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	((336,946,000))
		337,886,000
General Fund Appropriation—Federal	\$	((334,686,000))
		339,370,000
Total Appropriation	\$	((665,632,000))
		677,256,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988, for the adult residential care, contracted chore, adult day health, and senior citizens services act programs.

(3) \$3,000,000 of which \$1,400,000 is from the general fund—state appropriation is provided solely for nonadministrative wages and benefits enhancements above the money necessary to fund the minimum wage.

(4) Department-contracted nursing homes shall provide for and assure payment of compensation for staff of no less than \$4.76 per hour beginning January 1, 1988, and \$5.15 per hour beginning January 1, 1989.

(5) \$3,000,000 of the general fund—state appropriation, and \$1,500,000 of the general fund—federal appropriation, are provided solely to increase the number of persons served in the chore services program and the community options program entry system (COPES). To the extent possible, the department shall maximize use of the community options program entry system for all new clients requiring chore or personal care services.

(6) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.7 percent on July 1, 1987 and 3.6 percent on July 1, 1988.

(7) \$650,000, of which \$312,000 is from the general fund—state appropriation, is provided solely for laundry services to state clients residing in skilled nursing facilities and intermediate care facilities.

(8) Grant payment standards shall be increased by 2.0 percent on September 1, 1987 and 4.0 percent on September 1, 1989, for adult residential care clients.

(9) \$1,090,000 of the general fund—state appropriation is provided solely for the respite care demonstration project.

(10) At least ~~\$(14,766,000))~~ 14,966,000 of the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least ~~(7 percent of the amount allotted for the senior citizens services act in each fiscal year))~~ \$1,265,000 of the amount provided in this subsection shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(11) The department shall encourage the development of working agreements between county mental health authorities, mental health providers, and the area agencies on aging which provide access to comprehensive treatment for geriatric mentally ill persons.

Sec. 208. Section 208, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((465,361,000))
		<u>454,658,000</u>
General Fund Appropriation—Federal	\$	((442,371,000))
		<u>405,514,000</u>
Total Appropriation	\$	((907,732,000))
		<u>860,172,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1989.

(3) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(4) \$5,316,000, of which \$2,658,000 is from the general fund—state appropriation, is provided solely to increase day care, transportation, and other support services for participants in the opportunities program.

(5) Payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs shall contain an energy allowance to offset the costs of energy and such allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$150,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$30	39	46	56	63	72	84	92

(6) Persons who are unemployable due to alcohol or drug addiction who are not otherwise eligible for general assistance shall be referred to the alcoholism and drug addiction treatment and support program established by Substitute House Bill No. 646.

Sec. 209. Section 209, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	((62,580,000))
		<u>61,180,000</u>
General Fund Appropriation—Federal	\$	16,866,000
General Fund Appropriation—Local	\$	166,000
Total Appropriation	\$	((79,612,000))
		<u>78,212,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) \$195,000 of the general fund—state appropriation is provided solely to increase the annual base level of grants for county alcohol and drug abuse treatment services to \$40,000 per county.

(3) ~~\$(24,565,000)~~ 23,165,000 of the general fund—state appropriation is provided solely for implementation of ~~((Substitute House Bill No. 646, establishing))~~ the alcohol and drug addiction treatment and support act. ~~((If Substitute House Bill No. 646 is not enacted by July 1, 1987, the funds in this subsection shall be transferred to the division of income assistance.~~

(5) The department shall report to the appropriate committees of the legislature by January 5, 1988, on implementation of the alcohol and drug addiction treatment and shelter act. The report shall include at least the following information:

(a) The number of persons receiving client assessment services, including the number receiving assistance in the application process for supplemental security income benefits;

(b) The number of persons receiving treatment services, including the number receiving inpatient and outpatient treatment, and the number receiving a living allowance while undergoing outpatient treatment;

(c) The number of persons receiving shelter services and the type of shelter services provided;

(d) The number of applicants for general assistance payments referred to the program and the number of recipients of general assistance transferred to the program; and

(e) An assessment of the need to revise projected funding levels of \$2,700,000 for client assessment services, \$11,378,000 for treatment services, and \$10,487,000 for shelter services.)

Sec. 210, Section 210, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((520,288,000)) 540,548,000
General Fund Appropriation—Federal	\$	((481,926,000)) 473,933,000
Total Appropriation	\$	((1,010,214,000)) 1,014,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,864,000 of the general fund—state appropriation and \$16,927,000 of the general fund—federal appropriation are provided solely for an adult dental program for Title XIX categorically eligible and medically needy persons, effective January 1, 1988. If Substitute House Bill No. 1225 is enacted by June 30, 1987, the department shall by January 1, 1989, enroll 20,000 categorically eligible and medically needy persons in prepaid capitated dental programs.

(2) The department of social and health services may increase the medically needy income level under RCW 74.09.700 to the maximum level allowable for federal financial participation under Title XIX of the federal social security act within funds appropriated for this purpose.

(3) \$8,338,000 of the general fund—state appropriation and \$9,823,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy pregnant women and children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose resources do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act. Any part of the amounts provided in this subsection which are not needed for the purposes of this subsection may be spent for the purposes outlined in subsection (2) of this section.

(4) Vendor rate increases shall average 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(5) \$3,000,000 of the general fund—state appropriation is provided solely for matching grants to hospitals under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(6) The department may provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

(7) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(8) The department is authorized to provide community-based long-term care services to persons with AIDS or AIDS-related conditions, on the condition that the department obtain a waiver under section 1915(c) (1) and (2) of the federal social security act.

Sec. 211. Section 211, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM	
General Fund Appropriation—State	\$ ((58,177,000)) 63,001,000
General Fund Appropriation—Federal	\$ ((73,551,000)) 75,132,000
General Fund Appropriation—Local	\$ ((8,025,000)) 8,967,000
Public Safety and Education Account Appropriation	\$ 200,000
Total Appropriation	\$ ((139,753,000)) 147,300,000

...The appropriations in this section are subject to the following conditions and limitations:

(1) Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

(2) Public and private community health clinics providing dental services under this section shall give priority to populations that lack access to federally supported dental services. The department shall prepare contracts which implement this requirement.

(3) \$1,919,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide activities, including \$50,000 for a review of the alternative on-site sewage program at both the state and local levels. The review shall address, but not be limited to, the process and procedures associated with the review and application of alternative systems. Recommendations shall include, but not be limited to:

(a) Ways to expedite review of applications;

(b) Changes in rules and statutes to address unique alternative on-site system applications;

(c) Staffing and resources required to implement an effective alternative on-site program; and

(d) Any additional issues that are necessary for an effective and efficient alternative on-site sewage system program.

The department shall report to the legislature no later than January 30, 1988.

(4) \$5,500,000 of the general fund—state appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program.

(5) A maximum of \$86,842,000, of which \$24,437,000 is from the general fund—state appropriation, and 132 biennial full time equivalent staff may be transferred from the public health program to the division of children and family services to provide parent and child health services, dental health care for children, women, infant and children services, crippled children's services, nutrition services to children, family planning services, and program and category support services. If this transfer affects the comparability of historical expenditure information at the program, category, or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(6) \$3,100,000 of the general fund—state appropriation is provided solely to continue the kidney disease program.

(7) \$300,000 of the general fund—state appropriation is provided solely to enhance high-risk infant tracking.

(8) \$41,000 of the general fund—state appropriation is provided solely to expand PKU testing.

(9) \$1,500,000, of which \$300,000 is from the general fund—state appropriation, is provided solely for enhancing the women, infants, and children programs.

(10) \$850,000 of the general fund—local appropriation is provided solely for the monitoring and enforcement of emissions of radionuclides to the air, pursuant to chapter 70.94 RCW.

(11) A maximum of \$300,000 from the general fund—state appropriation may be spent for the purposes of establishing a centralized AIDS unit within the division of public health. This unit shall be responsible for pursuing activities to maximize the receipt of federal and private sources of funding, program coordination, and development of the implementation plan.

(12) \$50,000 of the general fund—state appropriation is provided solely for the state board of health to promulgate necessary rules and establish reporting requirements on sexually transmitted diseases, including the clinical syndrome of HIV-related illness.

(13) \$4,250,000 from the general fund—state appropriation and \$200,000 of the public safety and education account appropriation are provided solely to fund the regional AIDS service network.

(a) Seventy-five percent of the amount provided in this subsection shall be allocated per capita based on the number of persons residing within each region, but in no case less than one hundred fifty thousand dollars for each regional AIDS network per fiscal year. This amount shall be expended for testing, counselling, education, case management, notification of sexual partners of infected persons, planning, coordination, and other services.

(b) Twenty-five percent of the amount provided in this subsection shall be allocated for intervention strategies specifically addressing groups that are at a high risk of being infected with the human immunodeficiency virus. The allocation shall be made by the office on AIDS based on documented need as specified in regional AIDS network plans.

(14) \$100,000 of the general fund—state appropriation is provided solely for enhancing health services provided through public and private community health clinics.

(15) \$516,000 of the general fund—state appropriation is provided solely to sustain current radiation monitoring.

Sec. 212. Section 212, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State	\$	((13,583,866))
		12,783,000
General Fund Appropriation—Federal	\$	((32,554,866))
		36,110,000
Total Appropriation	\$	((46,237,666))
		48,893,000

The appropriations in this section are subject to the following condition and limitations: Vendor rates shall be increased by 2.0 percent on September 1, 1987, and 4.0 percent on September 1, 1988.

Sec. 213. Section 213, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State	\$	((46,280,866))
		43,630,000
General Fund Appropriation—Federal	\$	32,045,000
Institutional Impact Account Appropriation	\$	78,000
Total Appropriation	\$	((78,403,666))
		75,753,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$108,000 of the general fund—state appropriation is transferred within the office of constituent relations for an additional 2 biennial FTE staff for the office of the long-term care ombudsman.

(2) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation may be transferred from sections referenced in section 202(7) of this act solely for the evaluation of the aid to families with dependent children and the family independence programs as provided in Engrossed Second Substitute House Bill No. 448. The department may contract with objective independent evaluators subject to legislative budget committee approval, as specified in Engrossed Second Substitute House Bill No. 448. The department shall contract with the Washington state institute for public policy to conduct a longitudinal study of public assistance recipients. \$652,000 of the general fund—state moneys and \$652,000 of the general fund—federal moneys provided in this subsection are provided solely for the longitudinal study.

(3) \$50,000 of the general fund—state appropriation is provided solely for the Washington council for the prevention of child abuse and neglect to establish voluntary community-based programs on early parenting skills in at least three geographically balanced areas around the state. The programs shall be designed to serve families with children ranging from infants through three years old and also to serve expectant parents.

(4) The department may transfer up to \$2,700,000 of the general fund—state appropriations for its various programs into the administration and support services program. The department may transfer out of each program only those amounts attributable to reductions in administrative costs.

Sec. 214. Section 214, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$	((156,570,866))
		156,770,000
General Fund Appropriation—Federal	\$	((174,929,866))
		174,529,000
General Fund Appropriation—Local	\$	705,000
Total Appropriation	\$	((331,304,666))
		332,004,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$283,000 of the general fund—state appropriation and \$270,000 of the general fund—federal appropriation are provided solely for administrative costs associated with the

provision of medical assistance to categorically needy pregnant women and children up to two years of age whose household income does not exceed 90 percent of the federal poverty level, whose incomes do not exceed reasonable standards established by the department, and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(2) \$4,922,000, of which \$2,461,000 is from the general fund—state appropriation, is provided solely to increase services for participants in the opportunities program.

(3) \$69,000 of the general fund—state appropriation and \$70,000 of the general fund—federal appropriation are provided solely for discharge planning case management for clients in nursing homes, congregate care facilities, and adult family homes.

(4) \$708,000 of the general fund—state appropriation is provided solely for establishing a supplemental security income referral pilot program as provided for in Engrossed Substitute House Bill No. 665.

(5) A maximum of \$554,000, of which \$460,000 is from the general fund—state appropriation, and 14.2 biennial full time equivalent staff may be transferred from the community services administration program to the administration and supporting services program to consolidate the social service payment system.

(6) If any transfer under this section affects the comparability of historical expenditure information at the program, category or budget-unit level, the department shall reconstruct historical data for the preceding six fiscal years.

(7) The department shall submit a plan to the human services committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(8) \$350,000 of the general fund—state appropriation is provided solely for providing matching grants on a one-to-one state/local basis to regional health councils as established in RCW 70.38.085, or to the successor agencies. Grants shall be distributed equitably on the basis of need in order to preserve regional health planning.

Sec. 215, Section 217, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	((32,765,000)) 34,357,000
General Fund Appropriation—Federal	\$	((143,939,000)) 143,389,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Low Income Weatherization Account Appropriation	\$	((4,000,000)) 6,000,000
Total Appropriation	\$	((181,611,000)) 184,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,576,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters.

(2) \$100,000 of the general fund—state appropriation may be used for increased department administrative staff if the department receives federal grants in excess of \$1,000,000 under U.S. House of Representatives Resolution 558. If the department does not receive grants of at least \$1,000,000, the amount provided in this subsection shall lapse.

(3) \$12,136,000 of the general fund—state appropriation is provided solely for early childhood education and assistance programs under Substitute Senate Bill No. 5476 or Engrossed Second Substitute House Bill No. 456. These moneys shall be used to provide services to at least 2,000 children. If neither bill is enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) The department shall conduct a state-wide housing needs study. The study, with preliminary recommendations, shall be submitted to the housing committee of the house of representatives and the commerce and labor committee of the senate no later than December 31, 1987, and a final report shall be submitted by December 31, 1988.

(5) \$325,000 of the general fund—state appropriation is provided solely for pilot demonstrations and development of model vocational programs, including a study of a technology demonstration skills center, in Lewis county.

(6) \$708,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 3 of Engrossed Substitute Senate Bill No. 5285. \$42,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 4 of Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by June 30, 1987, the amounts provided in this subsection shall lapse.

(7) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

(8) \$360,000 of the general fund—state appropriation is provided solely for grants to three nonprofit agencies and local government agencies for local reemployment centers. In order to provide a breadth of experience and geographic dispersion, one center shall be located in King county, one center shall be located in a southwest Washington county in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year, and one center shall be located in an eastern Washington standard metropolitan statistical area in which the unemployment rate was at least 20 percent above the state average during the preceding calendar year. Each center shall provide direct and referral services to the unemployed. These services may include reemployment assistance, medical services, social services including marital counseling, psychotherapy, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services are designed to supplement and not supplant the on-going efforts of local job centers administered by the employment security department. Each grant recipient must match state dollars on a one-for-one basis with non-state dollars.

(9) \$118,000 of the general fund—state appropriation is provided solely for a study to determine the economic contribution of sport and commercial salmon and sturgeon fishing.

(10) \$100,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 430. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$173,000 of the general fund—state appropriation is provided solely for a study of the uses, structure, and operation of a state-wide video telecommunications network. The department shall submit a report to the house of representatives and senate by January 1, 1989, recommending a plan for using video telecommunications in state government and assessing the potential of a state-wide public affairs satellite/cable television network broadcasting programs on state government to Washington state citizens. The department shall consult with the telecommunications division of the department of general administration for technical assistance in preparing this report.

(12) \$250,000 of the general fund—state appropriation is provided solely for the border town impact mitigation program.

(13) \$25,000 is provided solely for the purpose of implementing Engrossed Second Substitute Senate Bill No. 5252. If Engrossed Second Substitute Senate Bill No. 5252 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(14) In addition to the fee imposed under RCW 19.27.085, there is imposed through June 30, 1989, a fee of two dollars on each building permit issued by a county or a city. Quarterly, each county and city shall remit moneys collected under this subsection to the state treasury for deposit in the building code council account. However, no remittance is required until at least fifty dollars has accumulated pursuant to this subsection.

(15) ~~\$(+87,888))~~ 212,000 of the general fund—state appropriation is provided solely for technical assistance to Okanogan county for the preparation of plans and permits, including enforcement, relating to winter sports facilities development.

(16) \$58,000 of the general fund—state appropriation is provided solely for the state's share of the cost of the acquisition, installation, and maintenance of a Mt. St. Helen's flood warning system in Cowlitz county.

(17) \$125,000 of the general fund—state appropriation is provided solely for grants to the city of Omak and Okanogan county for enhanced surveillance and investigation needed because of school-related arson incidents. The department shall make grants based on demonstration of impact by the city and county.

(18) \$45,000 of the general fund—state appropriation is provided solely for a study assessing the positive and negative economic impacts of state correctional institutions on communities in which they are located. A report on the findings of the study shall be made to the legislature no later than December 31, 1988.

(19) \$250,000 of the general fund—state appropriation is provided solely for continuing Lewis county pilot demonstrations and model vocational programs under subsection (5) of this section, including such projects as career education and assessment, technology partnership on-site programs, centers for teaching the principles of technology, and a business partnership in medical technology program.

(20) \$30,000 of the general fund—state appropriation is provided solely for gathering, developing, and disseminating informational materials on the impacts of seismic occurrences and ways to protect people and property from them, and for other work to increase the public's awareness of the potential for a seismic event, including but not limited to, audio, visual, and written information, meetings, workshops, and seminars.

(21) \$1,000,000 of the general fund appropriation is provided solely for deposit in the housing trust fund under chapter 43.185 RCW for eligible housing activities to benefit the homeless.

This may include the funding of shelters and transitional and permanent housing for homeless families and individuals.

(22) The department shall develop an analysis and report on homelessness and self-sufficiency in the manner specified in Substitute House Bill No. 1564 as passed by the house of representatives.

Sec. 216. Section 218, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	((17,669,000))
		17,769,000
General Fund Appropriation—Federal	\$	4,690,000
General Fund Appropriation—Local	\$	6,167,000
Total Appropriation	\$	((28,746,000))
		28,626,000

Sec. 217. Section 219, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	((3,199,000))
		3,258,000
General Fund Appropriation—Federal	\$	964,000
Total Appropriation	\$	((4,163,000))
		4,222,000

Sec. 218. Section 223, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	((8,304,000))
		8,227,000
Public Safety and Education Account Appropriation	\$	10,866,000
Accident Fund Appropriation	\$	((85,037,000))
		85,159,000
Electrical License Fund Appropriation	\$	((9,620,000))
		9,907,000
Farm Labor Revolving Account Appropriation	\$	((292,000))
		58,000
Medical Aid Fund Appropriation	\$	((81,983,000))
		82,105,000
Plumbing Certificate Fund Appropriation	\$	((640,000))
		660,000
Pressure Systems Safety Fund Appropriation	\$	((1,111,000))
		1,148,000
Worker and Community Right to Know Fund Appropriation	\$	2,059,000
Total Appropriation	\$	((199,992,000))
		200,190,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall study the feasibility of establishing an independent (~~ombuds~~) ombudsman office to aid employers and employees, including self-insured employees, in dealing with the workers' compensation system. The study shall include an evaluation of the need for the office, the recommended functions of the office, and the mechanisms for oversight and funding. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(2) The department shall evaluate the effectiveness of the workers' compensation vocational rehabilitation program, including the effectiveness of a worker resource center to provide injured worker adjustment services. The study shall be conducted in consultation with the workers' compensation advisory committee and interested groups representing injured workers, labor, and employers. The department shall submit its findings and recommendations to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(3) The department shall study, in cooperation with the employment security department and the department of social and health services, the potential impact in the state of a state minimum wage based on ninety percent of the federal poverty level. The results of the study shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(4) The department shall prepare a report on workers' compensation caseload information including, but not limited to, the average number of claims by type by adjudicator compared to optimal caseloads used in the private sector and any recommendations concerning improvement of caseloads. The report shall be submitted to the commerce and labor committees of the senate and house of representatives by January 11, 1988.

(5) All funds appropriated under this section for lease or lease development office space may be used to lease new office space only if the lease is for a period not exceeding three years and does not extend beyond June 30, 1991.

(6) The department shall establish an office of information and assistance to aid workers, employers, health care providers, and other department clients. The department shall report on the activities of the office to the appropriate committees of the legislature by January 1, 1989.

Sec. 219, Section 224, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	(4,042,000)
		3,804,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 is provided solely for payments to private attorneys representing indigent parolees.

(2) \$727,000 is provided solely for addressing inmate litigation resulting from the transition from the indeterminate sentencing laws to the determinate sentencing laws and to enable the board to review all remaining cases falling under the indeterminate sentencing laws.

~~(3) ((Of the amount provided in subsection (2) of this section, \$363,500 shall be placed in reserve status until the legislature authorizes its release.))~~ The board shall report to the legislature on January 1, 1988, regarding its progress toward completing at least one-half of the workload outlined in subsection (2) of this section. It is the intent of the legislature that the indeterminate sentencing review board terminate on June 30, 1989, and any remaining functions transfer to the department of corrections and the judiciary.

Sec. 220, Section 226, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	5,700,000
General Fund Appropriation—Federal	\$	146,257,000
General Fund Appropriation—Local	\$	18,373,000
Administrative Contingency Fund Appropriation—Federal	\$	((6,918,000))
		8,353,000
Unemployment Compensation Administration Fund Appropria- tion—Federal	\$	110,569,000
Employment Service Administration Account Appropriation—Fed- eral	\$	2,334,000
Federal Interest Payment Fund Appropriation	\$	2,080,000
Total Appropriation	\$	((290,151,000))
		293,666,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a plan to the commerce and labor committees of the senate and house of representatives by January 15, 1988, regarding continuation of services provided at its satellite office at 2106 Second Avenue, Seattle. The plan shall identify any proposed changes to the service level in effect on July 1, 1988, and methods of assuring reasonable access to a full array of services for area clients.

(2) The department shall produce local area labor market information packages for the state's economically distressed counties.

(3) \$75,000 of the administrative contingency fund—federal appropriation is provided solely for a computerized database of labor market information that is accessible by telephone to employers, economic development organizations, and employee organizations.

(4) \$150,000 of the administrative contingency fund—federal appropriation is provided solely to establish Washington service corps internship positions with private corporations for young adults from eighteen to twenty-five years of age, especially members of ethnic minority groups or enrollees in the family independence program. Internship positions shall be part-time during the school year and full-time during the summer.

(5) The department shall produce an annual state economic report to the legislature and the governor that includes but is not limited to:

(a) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(b) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(c) An analysis of the major causes of plant closures and mass lay-offs;

(d) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(e) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(f) Five-year industry and occupational employment projections; and

(g) Annual and hourly average wage rates by industry and occupation.

~~((4))~~ (6) The department shall establish a counter-cyclical employment program.

(a) This program shall provide employment for unemployed forest product workers. "Forest products industries" means industries within the standard industrial classification code numbers 8, 24, and 26. The program shall operate, on a pilot basis in two locations in Washington state, with preference given to distressed areas in the state.

(b) Eligibility for employment under the counter-cyclical employment program shall occur only upon exhaustion of unemployment insurance benefits received upon termination of employment in the Washington forest products industry and eligibility shall be limited to only those persons who are either currently unemployed, employed part time, or whose employment in the Washington forest products industry was terminated within the previous year. No one shall be employed by the program for longer than six months in a two-year period, except as to administrative and supervisory employees.

(c) The program shall begin after completion of two consecutive quarters of below-average employment in forest products industries in Washington state and shall cease sixty days after the completion of two consecutive quarters of above-average timber products employment in Washington state. If, on the effective date of this act, forest products employment in the state has been below average for two consecutive quarters, the program shall begin immediately. In order to determine average forest products employment, the department shall calculate the trend of forest products employment in Washington state by the number of forest products employees, as reported by the department, during the fifteen years prior to the date the calculation is made. "Average forest products employment" means the level of employment indicated by this trend line.

(d) Employment under the counter-cyclical employment program shall consist of activities which enhance the value of state, county, and local government lands and waters and associated improvements, with priority given to enhancing state lands and waters. Eligible activities shall include, but are not limited to, thinning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, tourist facilities, stream enhancement, water quality enhancement, irrigation repair, and the building of shellfish beds.

(e) Employees under the counter-cyclical employment program, except administrative employees, shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave and civil service. Employees under the program shall receive the same medical and dental benefits and holiday and vacation benefits as state employees. Compensation for employees under the counter-cyclical employment program shall be at least eight dollars per hour of employment, except as to administrative and supervisory personnel. Employment under the program shall not result in the displacement or partial displacement, such as reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services. The services of counter-cyclical employment members are exempt from unemployment compensation coverage under RCW 50.44.040 and the members shall be so advised by the department.

(f) The department shall administer the program in consultation with the state natural resource agencies. The employment security department may enter into contracts and agreements with state agencies and private and public individuals and organizations to carry out the program.

~~((5))~~ (7) \$120,000 of the administrative contingency fund—federal appropriation is provided solely for a reemployment bonus demonstration project, contingent on the availability of federal or private funding of no less than \$500,000. The employment security department shall evaluate the effectiveness of the reemployment bonus in returning unemployed workers to employment and report to the commerce and labor committees of the senate and house of representatives by January 15, 1989. If federal or private moneys do not become available before June 30, 1988, the amount provided in this subsection shall lapse.

(8) \$670,000 of the administrative contingency fund—federal appropriation is provided solely for transfer through interagency agreement as follows:

(a) \$300,000 to the department of trade and economic development for the establishment of a business and job retention program. No more than \$75,000 of the amount provided in this subsection (a) may be used for administrative costs including staff to carry out the responsibilities under this subsection (a). The director of the department of trade and economic development shall appoint six people to an advisory committee by July 1, 1988, including equal representation from business and labor, and may also appoint up to four additional nonvoting members from other interested parties. No more than \$5,000 of the amount provided in this subsection (a) may be used for the advisory committee. The department of trade and economic development shall select, with the approval of the advisory committee, local organizations to undertake local business and job retention activities, including: The identification of local firms at risk of closure, mass layoff, or relocation out-of-state through the administration of local business surveys or other appropriate methods; initial assessments of firms or workforces; and the coordination and provision of technical and training assistance to businesses, unions,

employee groups, and workforces. A minimum of \$170,000 of the amount provided in this subsection (a) shall be used for contracts to local development organizations for local business and job retention activities. The department of trade and economic development shall: (i) Provide training programs for local organizations that receive contracts for local business and job retention activities and for other interested parties such as local government, unions, and community-based economic development organizations, including training in the use of local business surveys and other methods of identifying and assessing firms at risk of shutdown, mass layoff, or relocation out of state; (ii) develop model local business surveys to gather information about business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, and other appropriate information; and (iii) develop and administer grants, in consultation with the advisory committee, to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or have closed, making funds available to local governments, local associate development organizations, unions, or local nonprofit community organizations. The department of trade and economic development may require that money be matched at least dollar-for-dollar with nonstate money. No more than \$25,000 of the amount provided in this subsection (a) may be made available for any one study or any one business facility. No more than \$50,000 of the amount provided in this subsection (a) may be used for the feasibility grants. The department of trade and economic development shall draw upon its existing resources and existing data from other sources to do nonduplicative analyses of trends in the state's industries and workforces. The director of the department of trade and economic development shall publish an annual report in conjunction with the annual state economic report prepared by the employment security department.

(b) \$110,000 to the department of trade and economic development for the establishment of a Washington marketplace program. The department of trade and economic development shall contract with and provide technical assistance to local nonprofit organizations in two economically distressed areas of the state, as defined in RCW 82.60.020(3), to contact local businesses to identify goods and services currently purchased out of state and determine which of these goods and services could be purchased on competitive terms within the state, inform local businesses about local market opportunities, and undertake other activities necessary to implement the Washington marketplace program at the local level. A maximum of \$30,000 of the amount provided in this subsection (b) may be used for contracts with no more than two nonprofit organizations in nondistressed areas of the state that are currently operating local marketplace programs to provide technical assistance for local marketplace programs in distressed areas.

(c) \$60,000 to the department of trade and economic development to implement Engrossed Second Substitute Senate Bill No. 6220. If the bill is not enacted by June 30, 1988, the amount provided in this subsection (c) shall lapse.

(d) \$200,000 to the department of trade and economic development for contracts with the Washington research foundation for hiring licensing and university liaison staff and for patents and other licensing-related expenses. Any contract with the Washington research foundation shall include, but is not limited to, the following conditions:

(i) Washington research foundation activities shall increase the transfer to Washington businesses of new technologies developed by state university researchers.

(ii) At least fifty percent of licenses issued through the Washington research foundation shall go to firms with headquarters in Washington state.

(iii) Washington research foundation activities shall be coordinated with the business assistance and financing services provided by the departments of community development and trade and economic development.

(iv) The Washington research foundation shall make a report to the legislature by December 31, 1988. This report shall include, but is not limited to, the following information: The number of licenses issued during the preceding year, the number of licenses issued during the preceding year to firms with headquarters in Washington state, nonconfidential information on the financial outcome of technologies in which the foundation has invested, and the financial status of the foundation.

(e) None of the moneys provided in this subsection (8) may be used for administrative expenses of the employment security department.

(9) \$500,000 of the administrative contingency fund—federal appropriation is provided solely for the purpose of addressing state impacts due to the federal immigration reform act. The funds shall be expended to carry out employee work eligibility certification, agricultural worker recruitment, supply and demand projects, and overall agricultural labor market analysis.

(10) \$2,080,000 of the federal interest payment fund appropriation may be expended by the department only if the governor authorizes the expenditure in order to avoid or mitigate across-the-board allotment reductions under RCW 43.88.110. If the governor authorizes the expenditure, \$2,080,000 of the general fund—state appropriation shall lapse. The amount expended by the department from the federal interest payment fund appropriation shall not exceed the amount lapsed from the general fund—state appropriation. Any moneys from the

federal interest payment fund appropriation remaining unexpended on June 30, 1989, shall be deposited in the unemployment insurance trust fund.

(11) \$40,000 of the administrative contingency fund—federal appropriation is provided solely to contract with the Washington institute for public policy for a study to investigate the impact of the state's reliance on the defense industry and to investigate methods to promote greater economic diversification of the state's economy. The study shall focus primarily on identifying companies and workers at risk from defense cutbacks over the next five years; reviewing existing state and federal programs available to provide reemployment and retraining assistance to affected workers; identifying potential government and private sector contracts and clients that could help firms diversify; and examining alternative production technologies and occupations that could easily be converted from defense use such as light rail mass transit, alternative energy, low-cost housing, and new product development. The department shall cooperate and provide whatever assistance is needed in the completion of the study. The institute shall submit a final report to the legislature no later than January 1, 1989. The institute shall contract with Washington State University for the study.

Sec. 221. Section 229, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	((525,000))
		513,000

Sec. 222. Section 230, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	((19,109,000))
		14,609,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop and operate the basic health plan under Engrossed Second Substitute House Bill No. 477. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

PART III

NATURAL RESOURCES

Sec. 301. Section 301, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	1,874,000
General Fund Appropriation—Federal	\$	16,528,000
General Fund Appropriation—Private/Local	\$	20,000
Geothermal Account Appropriation—Federal	\$	45,000
Building Code Council Account Appropriation	\$	((632,000))
		682,000
Total Appropriation	\$	((19,099,000))
		19,149,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund—state appropriation is provided solely to contract with the institute for public policy at The Evergreen State College to complete a comprehensive state hydropower study. The study shall: (1) Be developed in consultation with other state agencies (2) be completed by December 1, 1987, and (3) result in recommendations for a state hydro-power plan for the balanced protection and development of the state's waterways.

Sec. 302. Section 302, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund Appropriation—State	\$	((463,000))
		509,000
General Fund Appropriation—Private/Local	\$	468,000
Total Appropriation	\$	((931,000))
		977,000

Sec. 303. Section 303, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	((51,666,000))
		51,886,000
General Fund Appropriation—Federal	\$	((59,846,000))
		40,846,000
General Fund Appropriation—Private/Local	\$	398,000
Hazardous Waste Control and Elimination Account Appropriation	\$	2,616,000
Flood Control Account Appropriation	\$	3,999,000
Wood Stove Public Education Account Appropriation	\$	366,000
Special Grass Seed Burning Research Account Appropriation	\$	40,000

State Toxics Control Account	\$	620,000
Reclamation Revolving Account Appropriation	\$	836,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	((175,000))
		907,000
Litter Control Account Appropriation	\$	6,395,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	761,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	((2,095,000))
		2,575,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	((1,071,000))
		1,111,000
Stream Gaging Basic Data Fund Appropriation	\$	139,000
Tire Recycling Account Appropriation	\$	548,000
Water Quality Account Appropriation	\$	2,398,000
Workers and Community Right to Know Fund Appropriation	\$	229,000
Total Appropriation	\$	((133,578,000))
		116,670,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall implement the Nisqually river task force recommendations. \$150,000 of the general fund—state appropriation is provided solely for this purpose.

((3)) (2) \$985,000 of the general fund—state appropriation is provided solely for allocation to local air pollution control authorities.

((4)) (3) The appropriation from the wood stove public education account is contingent upon the enactment of House Bill No. 16. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

((5)) (4) \$9,250,000 of the general fund—state appropriation is provided solely to carry out the department's responsibilities contained in the Puget Sound water quality plan and perform corresponding state-wide water quality activities

((6)) (5) \$715,000 of the general fund—state appropriation is provided for the purposes of solid waste management.

((7)) (6) \$553,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

((8)) If House Bill No. 434 is enacted by June 30, 1987, the appropriation from the hazardous waste control and elimination account shall lapse.

((9)) (7) \$225,000 of the general fund—state appropriation and \$50,000 of the hazardous waste control and elimination account appropriation are provided solely to: (a) Contract with the University of Washington college of ocean and fisheries sciences to develop a damage assessment methodology for determining damages as a result of oil spills, and (b) contract with the department of community development to design a model oil spill contingency plan.

((10)) (8) Within the general fund appropriation, the department shall prepare penalty regulations for waste disposal permit violations, including minimum penalties, based upon severity and frequency of violation.

((11)) (9) \$302,000 of the general fund—state appropriation is provided solely for operating the Padilla Bay estuarine sanctuary interpretive center.

((12)) Within the general fund appropriation, the department shall phase out state hazardous waste remedial action sites currently in progress and meet emergency response actions. This subsection does not apply if House Bill No. 434 is enacted by June 30, 1987.

((13)) (10) \$288,000 of the general fund—state appropriation is provided solely to implement Senate Bill No. 5570. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(11) \$392,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for the purpose of planning and administering drought relief activities as required by Second Substitute Senate Bill No. 6513. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(12) \$200,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for staff support and contract services as required by Engrossed Second Substitute Senate Bill No. 6724. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(13) \$140,000 of the emergency water project revolving account appropriation (emergency water supply) is provided solely for a comprehensive state water use efficiency study as

required by Engrossed Substitute House Bill No. 1594. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(14) \$20,000 of the general fund—state appropriation and \$100,000 of the general fund—federal appropriation are provided solely for a grant to Pend Oreille county for the purpose of controlling millfol in the Pend Oreille river. In addition to the funds provided in this subsection, the department shall provide up to \$75,000 from other appropriate state fund sources. These amounts, when combined with local matching funds, shall equal a total project cost of at least \$200,000.

(15) \$200,000 of the general fund—state appropriation is provided solely for the completion of phase two of the site closure and perpetual care report required by RCW 43.200.190.

Sec. 304. Section 305, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	((35,258,888))
		35,308,000
General Fund Appropriation—Federal	\$	999,000
General Fund Appropriation—Private/Local	\$	745,000
Trust Land Purchase Account Appropriation	\$	8,784,000
Winter Recreation Parking Account Appropriation	\$	322,000
Snowmobile Account Appropriation	\$	922,000
Public Safety and Education Account Appropriation	\$	10,000
ORV (Off-Road Vehicle) Appropriation	\$	159,000
Motor Vehicle Fund Appropriation	\$	1,000,000
Total Appropriation	\$	((48,199,888))
		48,249,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$416,000 of the general fund—state appropriation is provided solely for carrying out the Puget Sound water quality plan.

(2) \$50,000 of the general fund—state appropriation is provided solely to improve and provide recreational access for Doug's Beach.

Sec. 305. Section 308, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	602,000
Water Quality Account Appropriation	\$	78,000
Total Appropriation	\$	680,000

The appropriations in this section ~~((s))~~ are subject to the following conditions and limitations:

(1) \$182,000 is provided solely for carrying out the Puget Sound water quality plan.

(2) No more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

Sec. 306. Section 310, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	((47,465,888))
		47,595,000
General Fund Appropriation—Federal	\$	14,057,000
General Fund Appropriation—Private/Local	\$	3,651,000
Aquatic Lands Enhancement Account Appropriation	\$	425,000
Total Appropriation	\$	((65,598,888))
		65,728,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$106,000 of the general fund—state appropriation is provided solely for carrying out the Puget Sound water quality plan.

(2) ~~((40,888 of the general fund—state appropriation is provided solely for the purposes of reintroducing an early coho salmon run to the Tilton river and Winston creek:~~

~~((3))~~ \$587,000 of the general fund—state appropriation is provided solely for implementing the timber, fish, and wildlife agreement. If Senate Bill No. 5845 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$150,000 of the general fund—state appropriation is provided solely for shellfish enforcement on Hood Canal.

~~((5))~~ (4) \$150,000 of the aquatic lands enhancement account appropriation is provided solely for the preparation of an ecological impact statement on the guidelines for the management of salmon net pens in Puget Sound.

((6)) (5) The department shall present to the natural resource committees of the senate and house of representatives no later than February 1988 a report on the department's watershed plan, with specific identification of the benefits associated with the Queets hatchery and other Indian tribal agreements.

((7)) (6) \$194,000 of the general fund—state appropriation may be expended for additional feed for the Deschutes hatchery.

((8)) (7) \$400,000 of the general fund—state appropriation is provided solely for the purpose of a comprehensive biological study conducted by the department in conjunction with the University of Washington and Grays Harbor community college to determine what is affecting the survival of salmon in the Grays Harbor area.

((9)) (8) \$150,000 of the general fund—state appropriation is provided solely to maintain and operate the Toutle river fish collection facility.

(9) \$45,000 of the general fund—state appropriation is provided solely for the operation of a twenty-four hour per day hotline for user groups or individuals to obtain up-to-date information on departmental rules and regulations. The department may charge fees to recover the cost of operation of the hotline.

(10) \$125,000 of the general fund—state appropriation is provided solely for the purpose of developing a salmon and steelhead rehabilitation plan for the Stillaguamish river in cooperation with the Tulalip Indian tribe and the department of wildlife.

Sec. 307. Section 311, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((GAME)) WILDLIFE

ORV (Off-Road Vehicle) Account Appropriation	\$	256,000
Aquatic Lands Enhancement Account Appropriation	\$	275,000
Public Safety and Education Account Appropriation	\$	(515,000)
		533,000
((Game)) Wildlife Fund Appropriation—State	\$	(36,821,000)
		37,137,000
((Game)) Wildlife Fund Appropriation—Federal	\$	15,142,000
((Game)) Wildlife Fund Appropriation—Private/Local	\$	1,856,000
((Game)) Wildlife Fund—Special Wildlife Account Appropriation	\$	423,000
Total Appropriation	\$	(55,288,000)
		55,622,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, in carrying out its responsibilities under the timber, fish, and wildlife agreement, accomplish the following:

(a) Perform the necessary data collection, research, and monitoring programs which examine the differences, and make provisions for those differences, between eastern and western Washington; and

(b) Conduct a study on the department's cooperative road closure program and land-owner education program in eastern Washington.

(2) Of the \$8,000,000 general fund—state appropriation in chapter 508, Laws of 1987, \$711,000 is provided solely for implementation of the timber, fish, and wildlife agreement and \$59,000 is provided solely for carrying out the Puget Sound water quality plan.

(3) \$36,000 of the public safety and education account appropriation is provided solely for transfer to the state wildlife conservation reward fund for the purpose of paying rewards. In making payments for rewards, the department shall make payments directly to the recipient.

Sec. 308. Section 312, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	(36,170,000)
		42,574,000
General Fund Appropriation—Federal	\$	78,000
General Fund Appropriation—Private/Local	\$	20,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,086,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	(21,136,000)
		21,294,000
Survey and Maps Account Appropriation	\$	(773,000)
		838,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	106,000
Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,636,000
Resource Management Cost Account Appropriation	\$	(52,495,000)
		55,279,000
Total Appropriation	\$	(115,516,000)
		124,927,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(2,766,666)~~ 8,721,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,649,000 of the general fund—state appropriation is provided solely for implementing the provisions of the timber fish wildlife agreement. This amount is contingent on: (a) The department reorganizing existing staff in the forest practices subprogram so that the majority of the staff positions are dedicated to regulating forest practices and are not responsible for state land management; and (b) the enactment of Senate Bill No. 5845. If the bill is not enacted by June 30, 1987, this amount shall lapse.

(3) \$270,000 of the general fund—state appropriation is provided solely for the department's responsibilities in implementing the recommendations contained in the Puget Sound water quality plan.

(4) From the resource management cost account and general fund—state appropriations in this section, the department shall create an additional one hundred full time equivalent jobs, providing employment opportunities for a total of 200 people, 50 each for a period not to exceed six months, under the provisions of the employment security department's counter-cyclical employment program in section 226 of this act. These jobs shall pay at least eight dollars per hour, excluding benefits. Work performed under this subsection must provide economic benefits to state trust lands.

(5) \$193,000 of the general fund—state and the aquatic land dredged material disposal site account appropriations are provided solely for the purposes of Senate Bill No. 5501. If the bill is not enacted by June 30, 1987, this appropriation shall lapse.

(6) ~~\$(166,666 of the general fund—state appropriation is provided solely for interim relocation of all department staff presently located in the John A. Cherberg building. The department shall vacate the John A. Cherberg building no later than February 29, 1988:)~~ \$439,000 of the general fund—state appropriation is provided solely for spraying to control spruce budworm infestations.

(7) \$75,000 of the resource management cost account appropriation is provided solely for a feasibility study, under the guidance of the office of financial management and the department of information systems, directed at the development of a cost allocation system.

(8) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

Sec. 309. Section 313, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	(16,621,666) 16,073,000
General Fund Appropriation—Federal	\$	601,000
Feed and Fertilizer Account Appropriation	\$	22,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	455,000
Commercial Feed Fund Appropriation	\$	409,000
Seed Fund Appropriation	\$	979,000
Nursery Inspection Fund Appropriation	\$	1,011,000
Livestock Security Interest Account Appropriation	\$	34,000
Total Appropriation	\$	((19,532,666)) 19,584,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the general fund—state appropriation is provided solely for carrying out the water quality plan.

(2) \$53,000 of the general fund—state appropriation is provided solely for the control of starlings as a part of the predatory animal control program.

(3) \$20,000 of the general fund—state appropriation is provided solely to purchase poultry disease diagnostic laboratory equipment through a cooperative agreement with Washington State University.

(4) \$120,000 of the general fund—state appropriation is provided solely for the continuation of the brucellosis vaccination program.

(5) \$200,000 of the general fund—state appropriation is provided solely for enhancement of the noxious weed control program.

~~((7))~~ (6) \$200,000 of the general fund—state appropriation is provided solely to initiate a marketing program for Washington-bred horses.

~~((8) \$66,666)~~ (7) \$120,000 of the general fund—state appropriation is provided solely for the aquaculture program.

(8) \$12,000 of the general fund—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6240. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

Sec. 310. Section 314, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	23,650,000
Motor Vehicle Fund Appropriation	\$	532,000
Total Appropriation	\$	24,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund appropriation is provided solely for the business assistance center. The center, in concert with participating state agencies, shall develop a reporting system to document the work and results of state business assistance programs. The center shall forward annual reports to the ways and means committees of the house of representatives and senate, the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate, including but not limited to jobs created, investment generated, and measures of technical assistance provided and other program activities.

(2) \$195,000 of the general fund appropriation is provided solely for contracts with Washington State University small business development center programs. State funds for small business development center programs in Lewis county shall not be reduced from the level provided in the 1985-1987 biennium.

(3) \$625,000 of the general fund appropriation is provided solely for contracts with the small business export finance assistance center of Washington. At least \$100,000 of the amount provided in this subsection shall be used by the department and the small business export finance assistance center for the development of a coordinated outreach program for trade information services and export finance assistance. In developing this program, the department and the small business export finance assistance center shall work with the business assistance center, ports, and other users and suppliers of trade services.

(4) The department shall analyze market trends and investment opportunities in at least eight key sectors of the Washington economy. The department shall publish five-year projections of selected mature and growth industries with current or potentially large impacts on the state economy, including barriers to competitiveness, potential market niches, investment trends, and their relationship to state economic development efforts. The department shall work in concert with the Washington state economic development board, the department of community development, CENTRAFOR, IMPACT, the employment security department, and the private sector to develop these industry studies and to analyze strategies for the retention and development of high-wage jobs.

(5) The following amounts of the general fund appropriation are provided solely for matching funds to equal amounts of private-sector, federal, and in-kind contributions:

- (a) Washington high technology center, \$7,000,000; and
- (b) Center for international trade in forest products, \$297,000.

(6) \$225,000 of the general fund appropriation is provided solely for preparation, if warranted, of a proposal to the federal department of energy that the proposed superconducting supercollider be located in Washington state.

(7) The director shall form an interagency task force charged with gathering information on entrepreneurial development, formulating interagency agreements to promote entrepreneurial activity, and designing programs and policy options. The task force shall be composed of representatives from the department of community development, the employment security department, the department of labor and industries, the department of social and health services, the state board for vocational education, the state board for community college education, the higher education coordinating board, and the superintendent of public instruction.

(8) The department shall establish the Washington investment opportunities office as a clearinghouse for entrepreneurs seeking capital and investments. The office shall keep a list of entrepreneurs in the state looking for capital resources, provide prospective investors with information about these entrepreneurs, and coordinate the delivery of assistance to entrepreneurs developing business plans.

Sec. 311. Section 318, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	27,000
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The appropriation in this section is subject to the following conditions and limitations: \$5,000 of the appropriation is provided solely as partial funding of a study of the effect of the ski industry on the economy of the state.

Sec. 312. Section 12, chapter 8, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

~~\$(9,320,000)~~ 11,956,000 or so much thereof as may be necessary, is appropriated from the state convention and trade center operations account to the state convention and trade center

corporation, for the fiscal biennium ending June 30, 1989, for the purposes of operation and promotion of the center. The appropriation in this section is subject to the following conditions and limitations: \$1,540,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Unless a bill increasing the special excise tax under RCW 67.40.090 to six percent in the city of Seattle and two and four-tenths percent in King county outside the city of Seattle is enacted by June 30, 1988, the amount provided in the previous sentence shall lapse.

Sec. 313. Section 316, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	7,377,000
State Centennial Commission Account Appropriation	\$	2,540,000
Total Appropriation	\$	9,917,000

The appropriations in this section are subject to the following conditions and limitations:

(1) State agencies, at the request of the centennial commission, may develop programs or activities related to the Washington state centennial. Agencies that develop programs or activities in conjunction with the centennial commission shall not charge the commission for overhead or administrative costs.

(2) The commission may contract with Pacific Celebration '89 for promotion of Washington state's future trade and economic ties with nations in the Pacific rim. Any contract with Pacific Celebration '89 shall include, but is not limited to, the following conditions:

(a) Pacific Celebration '89 activities shall create increased opportunities for marketing Washington state products and services, include a series of leadership conferences on emerging issues of the Pacific economy, promote Washington state as the focus of trade activity within the Pacific basin, recognize the contributions to the development of Washington state by people of Pacific heritage, and increase knowledge and understanding of Pacific cultures by Washington citizens. Activities shall be staged in communities throughout the state during the centennial year.

(b) Each \$1.00 in state funds provided to Pacific Celebration shall be matched over the course of the biennium by at least \$1.60 in private contributions and event sponsorships. If, at any point during the biennium, the centennial commission determines that private contributions and event sponsorships will, by the end of the biennium, amount to less than \$1.60 for each \$1.00 of state money provided, it shall reduce disbursements proportionally.

(c) Any state money used for contracts with Pacific Celebration shall be repaid, to the greatest extent possible, from net revenue of Pacific Celebration activities. Net revenues from these activities shall be maximized and returned to the general fund according to a financial plan approved by the commission.

(3) The general fund appropriation is intended to be the final state contribution to the funding of centennial commission projects.

(4) If the commission terminates the contracts authorized under subsection (2) of this section prior to the effective date of this 1988 section, the commission shall use all money that had been committed to but will not be expended for these contracts on the following activities: (a) Efforts to increase opportunities for marketing Washington state products and services; (b) a series of leadership conferences on emerging issues of the Pacific economy; (c) promotion of Washington state as the focus of trade activity within the Pacific basin; (d) recognition of the contributions to the development of Washington state by people of Pacific heritage; and (e) efforts to increase knowledge and understanding of Pacific cultures by Washington citizens.

(5) \$50,000 of the general fund appropriation is provided solely for staff and administrative services by the department of community development for a 20:20 commission. The 20:20 commission shall develop a plan to prepare the state to respond positively to the economic, social, and environmental changes which will face its citizens as they enter the next century.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

Death Investigations Account Appropriation	\$	24,000
General Fund Appropriation—State	\$	((+6,938,000))
		19,306,000
General Fund Appropriation—Federal	\$	2,974,000
General Fund Appropriation—Private/Local	\$	((+769,000))
		146,000
Total Appropriation	\$	((21,705,000))
		22,450,000

The appropriations in this section are subject to the following conditions and limitations:

~~(1) ((At least \$471,000 of the general fund—state appropriation shall be spent on crime labs. \$1,424,000 of the general fund—federal appropriation is provided solely for crime labs if federal narcotics enforcement moneys are granted to the state. If these moneys are not~~

granted to the state, an additional \$471,000 of the general fund—state appropriation shall be spent on crime labs. If the additional \$471,000 is spent on crime labs, the expenditure for the narcotics section shall not exceed the expenditures for that purpose during the 1985-1987 biennium.)) \$721,000 of the general fund—state appropriation shall be spent on crime labs. \$1,000,000 of the general fund—federal appropriation is provided solely for crime labs to the extent federal narcotics moneys are provided to the state.

(2) \$431,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5063. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse. Fees resulting from implementation of the bill shall be placed in the state general fund.

(3) Notwithstanding subsection (1) of this section, an additional \$500,000 of the general fund—state appropriation shall be spent on crime labs. \$275,000 of this amount shall be used for additional personnel and related costs. The remainder shall be used for salary adjustments as approved by the department of personnel.

(4) \$300,000 of the general fund—state appropriation is provided solely to support existing narcotics task forces state-wide that are experiencing decreasing federal revenues.

(5) \$300,000 of the general fund—state appropriation is provided solely to establish a separate unit to provide expertise in the investigation of major crimes and to provide assistance to law enforcement entities throughout the state at their request. The state patrol shall develop a computer database and record system to store crime scene information to assist in major crimes investigations and to make such data readily available to all law enforcement agencies.

Sec. 402. Section 402, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	((15,508,000))
		15,704,000
Architects' License Account Appropriation	\$	765,000
Health Professions Account Appropriation	\$	((9,601,000))
		9,709,000
Medical Disciplinary Account Appropriation	\$	1,195,000
Professional Engineers' Account Appropriation	\$	1,207,000
Real Estate Commission Account Appropriation	\$	4,936,000
Total Appropriation	\$	((33,212,000))
		33,516,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$426,000 from the health professions account appropriation may be used to contract with the board of pharmacy for drug-related investigations regarding licensed health care professionals.

(2) \$750,000 of the general fund appropriation is provided solely for expansion of the master license system. ~~((This funding is contingent on interagency transfers totaling \$548,000 in value. The office of financial management shall determine: (a) Which agencies shall make transfers to the department of licensing; (b) how much each agency shall transfer; and (c) whether the transfers shall be money or in-kind.~~

(4)) (3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed House Bill No. 713. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(4) \$64,000 of the general fund appropriation is provided solely for enhanced regulation and scrutiny of debenture companies under the provisions of Substitute House Bill No. 1525. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(5) \$28,000 of the general fund appropriation is provided solely for recording federal liens under Engrossed Senate Bill No. 6563. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse. The amount spent under this subsection shall not exceed the amount of additional fee revenue generated under the bill.

(6) \$83,000 of the health professions account appropriation is provided solely for certifying and registering nursing assistants under Engrossed Substitute House Bill No. 1530. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(7) \$25,000 of the health professions account appropriation is provided solely for adopting rules governing the use of sedation and anesthesia for dental practice under Engrossed House Bill No. 668. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

(8) \$104,000 of the general fund appropriation is provided solely for regulation of camping clubs under Substitute House Bill No. 791. If the bill is not enacted by June 30, 1988, the amount provided in this subsection shall lapse.

PART V
EDUCATION

Sec. 501. Section 501, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	((17,701,000))
		17,601,000
General Fund Appropriation—Federal	\$	10,683,000
Public Safety and Education Account Appropriation	\$	456,000
Total Appropriation	\$	((28,840,000))
		28,740,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$364,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs. \$50,000 of this amount shall be used to contract for services to expand the program to include Latin America.

(3) \$18,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$50,000 of the general fund—state appropriation is provided solely for pilot programs for Hispanic dropout prevention and retrieval.

(5) \$43,000 of the general fund—state appropriation is provided solely for the purchase of multi-cultural/multi-ethnic instructional materials to be distributed to all elementary and secondary school buildings in the state.

(6) The superintendent of public instruction shall, jointly with the state board for community college education, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

(7) \$35,000 of the general fund—state appropriation is provided solely for the development of a horticulture greenhouse project within the Sequim school district.

Sec. 502, Section 503, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 3rd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	((3,814,863,000))
		3,834,946,000
Revenue Accrual Account Appropriation	\$	55,100,000
Total Appropriation	\$	((3,869,963,000))
		3,890,046,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((3,814,863,000)) 367,323,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504, chapter 7, Laws of 1987 1st ex. sess., as amended, by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding hand-capped full time equivalent enrollment as recognized for funding purposes under section 507, chapter 7, Laws of 1987 1st ex. sess., and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (i) of this subsection:

(i) Forty-six certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b)(i) For the 1987-88 school year, an additional two certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(ii) For the 1988-89 school year, an additional three certificated instructional staff units for each one thousand average annual full time equivalent students in kindergarten through third grade.

(c)(i) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(ii) For school districts that are located in a special economic distress impact area as defined in this subsection, and that experienced a decline in average annual full time equivalent enrollment between the 1987-88 and 1988-89 school years of at least two hundred full time

equivalent students or four percent, whichever is less, additional staff unit allocations for the 1988-89 school year equivalent to the number of staff units generated under (a) of this subsection by half of the enrollment difference between the two school years. "Special economic distress impact area" shall mean a county that had an average unemployment rate for fiscal year 1988 which exceeded the average state unemployment rate for the same period by fifteen percent, and which is located in whole or in part within a fifty mile radius of a nuclear reactor scheduled to be placed in inoperative standby status.

(d) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(i) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students, for enrollments in each such high school, excluding handicapped and vocational full time equivalent enrollments for the 1987-88 school year only:

(i) Nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students; ~~((and))~~

(ii) Additional certificated staff units based upon a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per forty-three and one-half average annual full time equivalent students; and

(iii) For the 1988-89 school year, excluding certificated staff units at the rate of 46 certificated instructional staff units and 4 certificated administrative staff units per 1,000 vocational and handicapped full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as determined under section 504(2), chapter 7, Laws of 1987 1st ex. sess., as amended, by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.41 percent in the 1987-88 school year and 19.53 percent in the ~~((1987-88))~~ 1988-89 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.00 percent in the 1987-88 school year and 17.12 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of \$5,973 per certificated staff unit in the 1987-88 school year and a maximum of \$6,188 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$11,382 per certificated staff unit in the 1987-88 school year and a maximum of \$11,792 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of \$3,209,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$342,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,135,000 may be expended in fiscal year 1989.

(c) A maximum of ~~\$(272,000))~~ 472,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of ~~((section 101, chapter 2, Laws of 1987 1st ex. sess.))~~ RCW 84.52.0531, the following allocations ~~((for the 1987-88 school year))~~ shall be recognized as levy reduction funds:

(a) For the 1987-88 school year, for certificated instructional staff units generated under subsection (2)(b)(i) of this section, all allocations for nonemployee-related costs and one-half of all allocations for certificated salaries and benefits.

(b) For the 1988-89 school year, for certificated instructional staff units generated under subsection (2)(b)(ii) of this section, one-third of all allocations including nonemployee-related costs and certificated staff salaries and benefits.

(10) For the purposes of section 101, chapter 2, Laws of 1987 1st ex. sess., the increase per full time equivalent student in the state basic education appropriation provided under this section and section 514 of this 1988 act is 2.75 percent between the 1986-87 and 1987-88 school years, and ~~((3.52))~~ 4.93 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. ~~((Any school district receiving an allocation under this subsection must certify that funding distributed for its remote and necessary school plants under this subsection and subsection (2)(e) of this section is used solely for programs for students enrolled in these school plants.))~~ To be eligible in any school year for an allocation under this subsection, a school district must demonstrate that, either on an aggregate or per pupil basis, the percentage growth from the prior year in the district's expenditures for programs for students enrolled in the remote school plant is not less than the percentage growth from the prior school year in the district's operating expenditures district-wide. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

(13) The appropriations in this section include \$119,343,000 allocated for compensation increases for basic education staff, as provided pursuant to section 504, chapter 7, Laws of 1987 1st ex. sess., as amended.

Sec. 503, Section 504, chapter 7, Laws of 1987 1st ex. sess. as amended by section 2, chapter 1, Laws of 1987 3rd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

For the purposes of section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of ~~((subsection (2) of))~~ this section, "basic education certificated instructional staff" is defined as provided in ~~((section 203, chapter 2, Laws of 1987 1st ex. sess.))~~ RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 10" means the computerized tabulation of 1986-87 average salary allocations for basic education certificated administrative staff and basic education classified staff, as developed by the legislative evaluation and accountability program committee on May 11, 1987, at 11:06 hours.

(e) "LEAP Document 11" means the computerized tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, as developed by the legislative evaluation and accountability program committee on August 19, 1987, at 10:29 hours.

(f) "Derived base salary" means a school district's average salary for basic education certificated instructional staff, divided by the district's average staff mix factor for such staff computed using LEAP Document 1.

(2)(a)(i) For the 1987-88 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 certificated administrative average salary shown on LEAP Document 10, increased by 2.1 percent of the 1986-87 LEAP Document 10 state-wide average salary for certificated administrative staff.

(ii) For the 1988-89 school year, average salary allocations for basic education certificated administrative staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's certificated administrative average salary allocation for the 1987-88 school year provided under this section, further increased by 2.14 percent of the 1986-87 LEAP Document 10 state-wide average salary.

(b)(i) For the 1987-88 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's 1986-87 classified average salary shown on LEAP Document 10, increased by 2.7 percent of the 1986-87 LEAP Document 10 state-wide average salary for classified staff.

(ii) For the 1988-89 school year, average salary allocations for basic education classified staff under section 503, chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the district's classified average salary allocation for the 1987-88 school year provided under this section, further increased by 2.77 percent of the 1986-87 LEAP Document 10 state-wide average classified salary.

(c) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by 2.1 percent; or

(iii) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(d) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2), chapter 7, Laws of 1987 1st ex. sess., as amended, shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(c)(ii) or (iii) of this section, the district's actual 1987-88 derived base salary for basic

education certificated instructional staff computed by the superintendent of public instruction using LEAP Document 1, multiplied by the district's average staff mix factor determined using LEAP Document 1 for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent. In no case shall the actual 1987-88 derived base salary recognized in this subsection exceed the average salary used for state allocations in the 1987-88 school year for basic education certificated instructional staff under section 502 of this 1988 act, including the increases provided under this section and section 504(4) of this 1988 act, divided by the district's average staff mix factor for 1987-88 basic education certificated instructional staff.

(3) Pursuant to (~~section 204, chapter 2, Laws of 1987 1st ex. sess.;~~) RCW 28A.41.112, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,050	17,510	17,988	18,465
1	17,681	18,158	18,653	19,164
2	18,329	18,823	19,335	19,897
3	19,011	19,522	20,051	20,648
4	19,710	20,255	20,801	21,432
5	20,443	21,006	21,568	22,250
6	21,210	21,773	22,370	23,103
7	21,995	22,574	23,188	23,972
8	22,796	23,410	24,041	24,893
9		24,279	24,944	25,831
10			25,865	26,820
11				27,843
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,000	20,989	20,000	21,210	22,250
1	20,750	21,756	20,750	21,995	23,069
2	21,517	22,557	21,517	22,813	23,921
3	22,301	23,393	22,301	23,648	24,808
4	23,137	24,262	23,137	24,518	25,728
5	23,989	25,166	23,989	25,439	26,666
6	24,876	26,087	24,876	26,376	27,655
7	25,797	27,058	25,797	27,348	28,678
8	26,751	28,064	26,751	28,354	29,752
9	27,740	29,104	27,740	29,411	30,843
10	28,763	30,179	28,763	30,502	31,986
11	29,838	31,287	29,838	31,628	33,162
12	30,946	32,446	30,946	32,804	34,390
13	32,088	33,640	32,088	34,015	35,669
14 or more		34,884	33,265	35,276	36,981

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,600	18,075	18,568	19,061
1	18,251	18,744	19,254	19,782
2	18,920	19,430	19,958	20,539
3	19,624	20,152	20,698	21,314
4	20,346	20,909	21,472	22,123
5	21,102	21,683	22,264	22,968
6	21,894	22,475	23,091	23,848
7	22,704	23,302	23,936	24,746

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
8	23,531	24,165	24,816	25,696
9		25,062	25,749	26,664
10			26,699	27,685
11				28,741
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	20,645	21,666	20,645	21,894	22,968
1	21,419	22,458	21,419	22,704	23,813
2	22,211	23,285	22,211	23,549	24,693
3	23,021	24,147	23,021	24,411	25,608
4	23,883	25,045	23,883	25,309	26,558
5	24,763	25,978	24,763	26,259	27,526
6	25,678	26,928	25,678	27,227	28,547
7	26,629	27,931	26,629	28,230	29,603
8	27,614	28,970	27,614	29,269	30,712
9	28,635	30,043	28,635	30,360	31,838
10	29,691	31,152	29,691	31,486	33,018
11	30,800	32,296	30,800	32,648	34,232
12	31,944	33,493	31,944	33,862	35,499
13	33,123	34,725	33,123	35,112	36,819
14 or more		36,010	34,338	36,414	38,174

(c) As used in this subsection:

(i) "BA" means a baccalaureate degree;

(ii) "MA" means a masters degree;

(iii) "PHD" means a doctorate degree;

(iv) "+(N)" means the number of college quarter hour credits and inservice credits earned since the highest degree. Inservice hours shall be converted to equivalent college quarter hour credits in accordance with RCW 28A.71.110.

(4) (a) Prior to August 31st of each school year, each school district shall report to the superintendent of public instruction the following information for each certificated instructional employee employed by the district as of October 1st of that school year:

(i) The full time equivalency of the employee by duty code and program assignment;

(ii) The number of days in the employee's base contract;

(iii) The finalized salary amount provided for the employee's base contract;

(iv) The amount contributed by the school district for the employee's fringe benefits as defined in RCW 28A.58.0951(3)(b); and

(v) The finalized amount paid to the employee for any supplemental contracts under RCW 28A.58.0951(4).

Districts shall also confirm this data and submit any necessary revisions prior to December 1st of the subsequent school year.

(b) Prior to August 31st of each school year, each school district shall submit to the superintendent of public instruction copies of the district's finalized salary schedules used for compensation of certificated instructional employees.

(c) The superintendent of public instruction shall make available to school districts, the legislature, and the governor the information submitted by the school districts under this subsection (4), including calculation of average amounts provided by each school district for base salary contracts, supplemental contracts, and fringe benefits of basic education certificated instructional staff and of other certificated instructional staff.

Sec. 504. Section 505, chapter 7, Laws of 1987 1st ex. sess. as amended by section 3, chapter 1, Laws of 1987 3rd ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MINIMUM SALARIES AND CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ((22,549,000))
23,264,000

The appropriation in this section is subject to the following conditions and limitations:

(1) "Incremental fringe benefits" means 18.77 percent in the 1987-88 school year and 18.89 percent in the 1988-89 school year for certificated staff, and 13.47 percent in the 1987-88 school year and 13.59 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in subsections (3) and (4) of this section.

(2) A maximum of ~~\$(6,431,000)~~ 8,185,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 509, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$10.51 per pupil for the 1987-88 school year and by ~~\$(21,600)~~ 21.68 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 510, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$9.15 per pupil for the 1987-88 school year and by ~~\$(16,600)~~ 16.72 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 511, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$6.23 per pupil for the 1987-88 school year and by \$12.84 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 513, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$57.15 per full time equivalent student for the 1987-88 school year, and by ~~\$(117,450)~~ 114.91 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 516, chapter 7, Laws of 1987 1st ex. sess. shall be increased by \$0.47 per weighted pupil-mile for the 1987-88 school year, and by ~~\$(8,950)~~ 0.86 per weighted pupil-mile for the 1988-89 school year.

(3) A maximum of ~~\$(13,118,000)~~ 14,979,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 507, and for state-supported staff in institutional education programs, section 508, and in educational service districts, section 502. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 504, chapter 7, Laws of 1987 1st ex. sess.

(4) A maximum of ~~\$(1,600,000)~~ 100,000 is provided solely to implement minimum salaries, distributed as follows:

(a) For any certificated instructional employee in the 1987-88 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

- (i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus
- (ii) The salary that the school district would have paid to such an employee in the 1986-87 school year at the employee's 1987-88 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1986-87 and 1987-88 school years. For the purposes of this section, no salary which an employee would have been paid in the 1986-87 school year shall be considered to be less than \$16,500 on a full time equivalent basis if the district had received funds under section 502(3)(f) of chapter 7, Laws of 1987, to establish a minimum certificated salary of \$16,500.

(b) For any certificated instructional employee in the 1988-89 school year, the superintendent of public instruction may allocate additional salary moneys equal to:

- (i) The minimum salary required for the employee under RCW 28A.58.0951(2); minus
- (ii) The salary that the school district would have paid to such an employee during the 1987-88 school year at the employee's 1988-89 level of experience and education, increased by the average percentage increase provided in the district's derived base salary for basic education certificated instructional staff under section 2 of this 1987 act between the 1987-88 and 1988-89 school years.

(c) The superintendent of public instruction shall allocate incremental fringe benefits as defined in subsection (1) of this section for additional salary moneys allocated under (a) and (b) of this subsection.

Sec. 505. Section 506, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation	\$	(49,500,000)
		<u>45,042,000</u>

The appropriation in this section is subject to the following conditions and limitations:
(1) The purpose of this section is to provide a grant, in addition to the district's basic education allocation, to each school district based on full time equivalent student enrollment to meet the educational needs of each district.

(2) School districts shall be eligible to receive a grant in addition to their basic education allocation. This additional grant shall be distributed to local school districts from the superintendent of public instruction on the basis of full time equivalent students. For districts enrolling not more than one hundred average annual full time equivalent students, except as otherwise specified, and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, the grant shall be distributed as follows:

(a) For grades K-6, for districts enrolling not more than sixty average full time equivalent students, the grant shall be based on sixty full time equivalent students;

(b) For grades 7 and 8, for districts enrolling not more than twenty average full time equivalent students, the grant shall be based on twenty full time equivalent students; and

(c) For districts that have high schools with sixty or fewer full time equivalent students, the grant shall be based on sixty full time equivalent students.

(3) For each school year beginning in the 1987-89 biennium, each school district shall receive, in addition to the basic education allocation, a grant (~~((of no less than \$67.56))~~) per full time equivalent student of a maximum of \$33.75. Grants shall be distributed on a school year basis. A maximum of \$~~((24,750,000))~~ 24,900,000 may be allocated for the 1987-88 school year.

(4) For the purposes of this section, each school board shall:

(a) Assess the needs of the schools within the district;

(b) Assign priority to addressing the identified needs; and

~~((c))~~ (c) Develop an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

(5) New or existing programs enhanced by the funds provided to districts by a grant under this chapter shall not become a part of the state's basic education obligation as set forth by the Constitution.

~~((6))~~ (6) Local district grants may be used to fund any or all of the following activities:

(a) Innovative programs to increase the adult-pupil ratio without increasing the number of certificated staff, including but not limited to:

(i) Providing stipends to competent retired teachers to return them to the classroom as "team teachers" or classroom assistants;

(ii) Providing stipends to teachers' aides;

(iii) Providing incentives to administrators who spend a portion of their work day in the classroom team teaching or providing classroom assistance;

(iv) Providing recognition to citizen volunteers who assist in the classroom;

(v) Providing training programs for classroom assistants, including volunteers; and

(vi) Purchasing equipment that directly relates to classroom instruction or assists the teacher in minimizing time away from teaching.

(b) Dropout prevention and retrieval programs, including, but not limited to:

(i) Curriculum development;

(ii) Public and private sector partnerships in expanding offerings in programs such as "Choices" and the "Registry" program;

(iii) Alternative learning program development;

(iv) Enhancement of vocational, career, college, and pupil advisory programs;

(v) Elementary school advisory programs;

(vi) Mentor pupil programs such as "Natural Helpers"; and

(vii) Curriculum materials and equipment purchases.

(c) Drug and alcohol abuse programs, including, but not limited to:

(i) In-service staff training programs for the identification of students at-risk; and

(ii) Community services networking to direct students who are substance abusers to appropriate treatment facilities.

(d) Early childhood programs, including but not limited to:

(i) A parents as first teachers program that provides for resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other appropriate activities to enable parents to improve learning in the home, understand the relationship between developmental stages and behavior, and monitor their children's growth and development relating to understanding and use of language; perception through sight and hearing; motor development and hand-eye coordination; and health, physical development, and emotional, social, and mental development;

(ii) Nutritional programs;

(iii) Parental participation programs; and

(iv) Child day-care programs.

(e) In-service training programs for staff development including, but not limited to:

(i) Funding speakers or group leaders to deliver in-service training to staff;

(ii) Program materials and equipment;

(iii) Tuition, registration fees, and associated fees for attendance at seminars, workshops, or courses that directly relate to enhancing adult training for classroom duties; and

(iv) Travel reimbursement directly related to in-service training.

(f) Programs that develop and promote logical reasoning and improved analytical skills, including programs for highly capable students.

((+)) (7) Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.

((+)) (8) The superintendent of public instruction shall make a comprehensive report to the legislature on the use of the local district grants and the educational benefits derived therefrom by January 31, 1989.

Sec. 506. Section 507, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((407-476-000))
		<u>423,035,000</u>
General Fund Appropriation—Federal	\$	45,318,000
Total Appropriation	\$	((452-794-000))
		<u>468,353,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((41-565-000))~~ 41,570,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1987-88 and 1988-89 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 9 as developed by the legislative evaluation and accountability program committee on April 27, 1987, at 14:43 hours.

(3) A maximum of \$411,000 may be expended from the general fund—state appropriation to fund 4.66 full time equivalent teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) From state or federal funds appropriated under this section, the superintendent of public instruction shall allocate a total of \$130,000 for the early childhood home instruction program for hearing impaired infants and their families.

Sec. 507. Section 508, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((20-121-000))
		<u>21,445,000</u>
General Fund Appropriation—Federal	\$	7,034,000
Total Appropriation	\$	((27-155-000))
		<u>28,479,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((3-577-000))~~ 3,462,000 of the general fund—state appropriation is provided solely for the remaining months of the 1986-87 school year.

(2) ~~\$((10-094-000))~~ 10,908,000 of the general fund—state appropriation is provided solely for the 1987-88 school year, distributed as follows:

(a) \$4,128,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$10,294 per full time equivalent student.

(b) ~~\$((2-978-000))~~ 3,368,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((5-405))~~ 6,112 per full time equivalent student.

(c) ~~\$((370-000))~~ 390,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((3-492))~~ 3,678 per full time equivalent student.

(d) ~~\$((564-000))~~ 733,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((1-395))~~ 1,815 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 503 of this act.

(e) ~~\$((2-054-000))~~ 2,289,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$((4-012))~~ 4,471 per full time equivalent student.

(3) Distribution of state funding for the 1988-89 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1989:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$10,296 per full time equivalent student and a total allocation of no more than \$3,735,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~\$(5,410)~~ 6,116 per full time equivalent student and a total allocation of no more than ~~\$(2,094,000)~~ 3,272,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of ~~\$(3,502)~~ 3,688 per full time equivalent student and a total allocation of no more than ~~\$(371,000)~~ 391,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of ~~\$(1,307)~~ 1,808 per full time equivalent student and a total allocation of no more than ~~\$(560,000)~~ 730,000 for that school year, excluding funds provided through the basic education formula established in section 503 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of ~~\$(4,022)~~ 4,482 per full time equivalent student and a total allocation of no more than ~~\$(2,059,000)~~ 2,295,000 for that school year.

(4) The superintendent of public instruction may distribute a maximum of ~~\$(153,000)~~ 33,000 from the general fund—state appropriation to supplement moneys provided under subsections (1) through (3) of this section, for the purpose of addressing enrollment variations or other program needs, including increases in summer school programs.

(5) \$100,000 of the general fund—state appropriation is provided solely for grants for the establishment of job search skills, preemployment training, and job placement programs at state institutions for delinquent youth. Grants provided under this subsection shall not exceed twenty-five thousand dollars for any individual institution.

(6) \$120,000 of the general fund—state appropriation is provided solely to increase the teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(7) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section, so long as the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

Sec. 508. Section 509, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ~~((1,294,000))~~
1,217,500

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(1,174,000)~~ 1,111,000 is provided solely for the remaining months of the 1986-87 school year.

(2) The superintendent shall distribute funds for the 1987-88 and 1988-89 school years at a rate for each year of \$420 per eligible student.

Sec. 509. Section 510, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~((40,011,000))~~
48,886,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(3,982,000)~~ 3,929,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 and 1988-89 school years at a maximum rate of \$356 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

Sec. 510. Section 511, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation	\$	(5,272,000)
		5,275,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(2,462,000)~~ 458,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) ~~\$(2,463,000)~~ 2,458,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$338 per student for up to one percent of each district's 1987-88 full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$341 per student for up to one percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$340,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 511. Section 513, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	(75,136,000)
		75,023,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,888 per student for a maximum of 12,050 full time equivalent students.

(2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of \$2,930 per student for a maximum of 12,050 full time equivalent students.

(3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.

(5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.

(6) ~~\$(3,660,000)~~ 2,700,000 is provided solely for the establishment and operation of the Washington institute of applied technology within the Seattle area. This program shall be administered under a cooperative agreement between the Seattle school district, Seattle community college district No. 6, and the Seattle private business community. If Engrossed Senate Bill No. 5996 is not enacted by June 30, 1987, the amount provided in this subsection shall lapse.

(7) \$185,000 is provided solely to increase the funding rate for vocational programs, effective May 1, 1989, by \$147 per full time equivalent student. The increase is provided to assist vocational-technical institutes in replacing out-of-date or worn-out equipment used for vocational training.

Sec. 512. Section 514, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	(13,434,000)
		13,808,000
General Fund Appropriation—Federal	\$	4,000,000
Total Appropriation	\$	(17,434,000)
		17,808,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$855,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools. The Pacific Science Center shall work towards an equitable distribution of program activities state-wide. The center shall also determine the extent to which the state-wide need for science enrichment for K-12 students and teachers is being met by the outreach programs partially funded by this appropriation. The Pacific Science Center shall examine the geographical and demographic distribution of the populations served by these activities and recommend methods for efficiently reaching underserved student and teacher populations. These findings and recommendations shall be reported to the legislature by July 1, 1988.

(2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$4,000,000 of the general fund—federal appropriation is provided solely for the implementation of the substance abuse prevention programs.

(4) \$5,500,000 of the general fund—state appropriation is provided for solely for the implementation of the drop-out prevention and retrieval provisions of ~~(Engrossed-Second~~

Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, this amount shall lapse)
RCW 28A.120.060 through 28A.120.072.

(5) \$2,020,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by (~~Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, this amount shall lapse~~)
RCW 28A.100.030 through 28A.100.068.

(6) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under (~~Substitute Senate Bill No. 5622. If the bill is not enacted by June 30, 1987, this amount shall lapse~~)
RCW 28A.67.240. For fiscal year 1989, moneys shall be distributed under this subsection at a maximum rate of \$1,700 per mentor/beginning teacher team.

(7) \$225,000 of the general fund—state appropriation is provided solely for child abuse education provisions of (~~Engrossed Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse~~)
RCW 28A.03.512 through 28A.03.514.

(8) \$1,600,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations for scholarships or support services, including but not limited to child care or transportation, for parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under (~~Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse~~)
RCW 28A.130.010 through 28A.130.020.

(9) \$250,000 of the general fund—state appropriation is provided solely for the implementation of the student teaching pilot project established by (~~Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by June 30, 1987, the amount provided in this subsection shall lapse~~)
RCW 28A.100.030 through 28A.100.068.

(10) \$314,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(11) \$60,000 of the general fund—state appropriation is provided solely to establish and operate a toll free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

Sec. 513. Section 516, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION
 General Fund Appropriation \$ ~~(216,956,686)~~
 221,840,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~\$(20,678,686)~~ 20,422,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.
- (2) A maximum of ~~\$(95,546,686)~~ 97,507,000 may be distributed for pupil transportation operating costs in the 1987-88 school year.
- (3) A maximum of \$800,000 may be expended for regional transportation coordinators.
- (4) A maximum of \$60,000 may be expended for bus driver training.
- (5) A maximum of \$152,000 may be expended for the state school for the deaf and the state school for the blind to contract for transportation of day students enrolled in those schools. Transportation services funded under this subsection are not eligible for additional state reimbursement provided through the allocation formulas for school district or educational service district pupil transportation programs, but shall, to the maximum extent feasible, be reimbursed on the same basis.

NEW SECTION. Sec. 514. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES
 General Fund Appropriation \$ 31,878,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) Effective October 1, 1988, allocations for insurance benefits for school district and education service district employees are increased to a rate of \$224.75 per month for each full time equivalent certificated employee, and \$224.75 per month for each full time equivalent classified employee as calculated pursuant to this subsection. For the purposes of allocations of insurance benefits, full time equivalent classified employees shall be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.
- (2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff units in the 1988-89 school year, distributed as follows:

(a) A maximum of \$25,717,000 may be expended to increase insurance benefit allocations for basic education staff units under section 502(5) of this act by \$57.75 per month.

(b) A maximum of \$3,303,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 506 of this act by \$57.75 per month.

(c) A maximum of \$174,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$57.75 per month.

(d) A maximum of \$2,684,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing state funding rates for the 1988-89 school year as follows:

- (i) For pupil transportation, an increase of \$0.48 per weighted pupil mile;
- (ii) For learning assistance, an increase of \$13.23 per pupil;
- (iii) For education of highly capable students, an increase of \$4.54 per pupil;
- (iv) For transitional bilingual education, an increase of \$8.59 per pupil;
- (v) For vocational-technical institutes, an increase of \$35.22 per full time equivalent pupil.

PART VI
HIGHER EDUCATION

Sec. 601. Section 601, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, "institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total appropriated operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7,763
Washington State University	\$	6,549
Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	5,974
Each Student over 3000 FTE	\$	3,895
State Board for Community College Education	\$	2,793

(3) Each institution of higher education and the state board for community college education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students;

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Actions taken by the institution or system to operate programs jointly with another public or private institution;

(h) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention;

(i) The annual faculty turnover rates experienced by the institution or the system; and

(j) The amount spent on instructional equipment, the type of equipment purchased, and the instructional enhancements that resulted from the additional equipment.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) The state board for community college education shall, jointly with the superintendent of public instruction, develop an integrated state plan for all state and federally funded vocational education services. The superintendent of public instruction and the state board for community college education shall also jointly develop a consistent and reliable data base on public vocational education, including enrollments, costs, program activities, and job placement. Such data shall be made available to the office of the governor and the legislature.

((6)) (5) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

((7)) (6) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level. At least \$147,000 of the amount appropriated to the University of Washington shall go to increase the efforts of the math, engineering, and science achievement program.

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

((8)) (7) The following are the maximum amounts that may be expended at each institution of higher education from the appropriations in sections 602 through 608 of this act for continuing the salary increases authorized by section 604, chapter 7, Laws of 1987 (ESSB 5351) from July 1, 1987, through February 29, 1988:

University of Washington	\$	3,893,000
Washington State University	\$	2,083,000
Central Washington University	\$	405,000
Eastern Washington University	\$	489,000
The Evergreen State College	\$	212,000
Western Washington University	\$	575,000
State Board for Community College Education	\$	(4,036,000)
		<u>3,196,000</u>

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604, chapter 7, Laws of 1987 (ESSB 5351), which are hereby incorporated by reference.

((9)) (8) The following are maximum amounts which each institution may spend from the appropriations in sections 602 through 608 of this act for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, academic deans, department chairpersons, and community college librarians and counselors who are not part of the state classified service system. "Exempt staff" includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, and four-year institution librarians and counselors who are exempt from the classified service system.

University of Washington	\$	(19,266,000)
		<u>19,058,000</u>
Washington State University	\$	(9,493,000)
		<u>9,330,000</u>
Central Washington University	\$	(2,159,000)
		<u>2,152,000</u>
Eastern Washington University	\$	(2,469,000)
		<u>2,441,000</u>
The Evergreen State College	\$	(1,069,000)
		<u>1,060,000</u>
Western Washington University	\$	(2,893,000)
		<u>2,851,000</u>
State Board for Community College Education	\$	(14,283,000)
		<u>14,667,000</u>
Higher Education Coordinating Board	\$	55,000

These amounts are intended to provide full time faculty and teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

March 1, 1988

January 1, 1989

University of Washington	8.5%	8.4%
Washington State University	8.2%	8.1%
Central Washington University	7.6%	7.6%
Eastern Washington University	7.6%	7.6%
The Evergreen State College	7.6%	7.6%
Western Washington University	7.6%	7.6%
State Board for Community College Education	6.3%	6.0%

Exempt staff and part time faculty at each four-year institution, the community college system as a whole, and the higher education coordinating board are entitled to receive the average salary increases enumerated below on the effective dates indicated:

	March 1, 1988	January 1, 1989
University of Washington	5%	3%
Washington State University	5%	3%
Central Washington University	4.5%	3%
Eastern Washington University	4.5%	3%
The Evergreen State College	4.5%	3%
Western Washington University	4.5%	3%
State Board for Community College Education	4.0%	3%
Higher Education Coordinating Board	3%	3%

However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

The salary increase authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

((+H)) (9) In addition to the 6.3 and 6.0 percent salary increases provided to community college faculty in subsection ((9)) (8) of this section, \$1,129,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on administrative staff salaries. The state board for community college education shall allocate one third of these funds in fiscal year 1988 and two thirds in fiscal year 1989 as follows:

Lower Columbia College	\$	124,000
Shoreline Community College	\$	242,000
Community College of Spokane	\$	533,000
Skagit Valley College	\$	115,000
Whatcom Community College	\$	18,000
Community College District 12	\$	52,000
Walla Walla Community College	\$	18,000
Highline Community College	\$	27,000

((+H)) (10) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified employees to provide a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

University of Washington	\$	3,501,000
Washington State University	\$	2,365,000
Central Washington University	\$	478,000
Eastern Washington University	\$	583,000
The Evergreen State College	\$	337,000
Western Washington University	\$	652,000
State Board for Community College Education	\$	(3,166,666)
		<u>3,350,000</u>
Higher Education Coordinating Board	\$	23,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

((+Z)) (11) Any institution that grants an average salary increase in excess of the amounts authorized in subsection ((9)) (8) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsections ((9) and (H)) (8) and (9) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

Sec. 602. Section 602, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ ~~((531,174,000))~~
530,902,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$170,000 shall be spent solely for necessary expenditures attributable to the fire of February 16, 1987, at Everett Community College.

(2) At least \$480,000 shall be spent by the state board for community college education for the literacy tutor coordination project.

Sec. 603. Section 603, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ ~~((516,799,000))~~
516,089,000

Medical Aid Fund Appropriation \$ 2,553,000

Accident Fund Appropriation \$ 2,553,000

Death Investigations Account Appropriation \$ 594,000

Total Appropriation \$ ~~((522,499,000))~~
521,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,500,000 of the general fund appropriation is provided solely for equipment.

(2) A maximum of \$75,000 may be spent to identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service employees and for start-up costs of the day care centers.

(3) \$400,000 is provided solely to conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.

(4) At least \$75,000 of the appropriations in this section shall be spent for research on the health and safety hazards of video display terminals in the workplace.

(5) \$200,000 of the general fund appropriation is provided solely for rental costs on a building to house clinical and laboratory space for the treatment of patients with AIDS and the training of health care professionals in such treatment.

(6) The University of Washington shall take whatever actions are necessary to maximize refunds from the social security administration during the 1987-89 biennium and shall transfer to the general fund the refund received from the social security administration for graduate teaching and research assistants paid from the state general fund from January 1, 1980, through June 30, 1987.

(7) At least \$10,000 shall be spent for a study on the predation of sockeye smolt in Lake Washington.

(8) \$300,000 of the general fund—state appropriation is provided solely to conduct an assessment, in consultation with local community organizations in the Puget Sound area, of higher education needs and programs to be offered at branch campuses in accordance with the higher education coordinating board master plan.

Sec. 604. Section 604, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ ~~((287,150,000))~~
287,152,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,717,000 is provided solely for equipment.

(2) Funds are provided to Washington State University to continue the Yakima nursing training program.

(3) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

(4) \$165,000 of the appropriation is provided solely for additional training of education professionals at the Southwest Washington joint center for education.

(5) \$427,000 is provided solely for start-up and operation of the health research and education center in Spokane.

~~((5))~~ (6) \$750,000 is provided solely to enhance and operate the Washington higher education telecommunications system (WHETS) for the purpose of allowing the delivery of university courses directly to Spokane, Vancouver, Seattle, and the Tri-Cities.

Sec. 605. Section 605, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((81,688,000))~~
81,559,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,157,000 is provided solely for equipment.

(2) \$150,000 is provided solely for start-up and operation of the health research and education center in Spokane.

Sec. 606. Section 606, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((68,969,000))~~
68,962,000

The appropriation in this section is subject to the following conditions and limitations: (((+)))
\$1,015,000 is provided solely for equipment.

Sec. 607. Section 607, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ ~~((40,269,000))~~
40,260,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$945,000 is provided solely for equipment.

(2) \$400,000 of the general fund appropriation is provided solely for the Washington state center for the improvement of the quality of undergraduate education.

(3) \$300,000 of the general fund appropriation is provided solely for summer seminars in coordination with the national faculty of humanities, arts and sciences to improve the quality of teaching in high schools and community colleges.

(4) At least \$200,000 shall be spent for a labor center. The college shall endeavor to obtain additional funds for the labor center from nonstate sources.

Sec. 608. Section 608, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((87,675,000))~~
87,231,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,421,000 is provided solely for equipment.

(2) \$96,000 of the general fund appropriation is provided solely for development of a value-added testing program to measure educational attainment of students while enrolled at the university.

Sec. 609. Section 609, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State \$ ~~((52,344,000))~~
52,324,000

General Fund Appropriation—Federal \$ 3,471,000

State Educational Grant Appropriation \$ 40,000

Total Appropriation \$ ~~((55,855,000))~~
55,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,392,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount, a minimum of \$18,100,000 shall be expended for work study grants and \$50,000 shall be expended for implementation of Senate Bill No. 6638, the nursing student scholarship program. The state need grant program shall emphasize, to the extent possible, the provision of aid to low-income single parents with dependents.

(2) ~~S((5,000,000))~~ 4,750,000 of the general fund—state appropriation is provided solely for the distinguished professorship trust fund.

(3) \$300,000 of the general fund appropriation is provided solely for the implementation of House Bill No. 857, the teachers conditional scholarship program.

(4) \$900,000 of the general fund—state appropriation is provided solely for the displaced homemaker program.

(5) Prior to January 1, 1989, \$50,000 of the general fund—state appropriation is provided solely to support the special joint study group created by Senate Concurrent Resolution No. 8429. The money shall be transferred to the office of financial management via interagency reimbursement and shall be used for contracted services and other support activities of the study group. After January 1, 1989, these funds may be used for any expenses of the higher education coordinating board or its staff.

(6) \$200,000 of the general fund—state appropriation is provided solely for grants for Washington scholars authorized by Senate Bill No. 5558. If the bill is not enacted by July 1, 1988, the amount provided in this subsection shall lapse.

(7) A maximum of \$30,000 of the general fund—state appropriation may be used to provide one staff person to coordinate the minority recruitment efforts of the state institutions of higher education. The amount provided in this subsection is contingent on the board matching the \$30,000 with an equal amount of money from nonstate sources other than student financial aid funds.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701, Section 701, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS	
General Fund Appropriation—State	\$ ((45,845,000)) 70,853,000
General Fund Appropriation—Federal	\$ ((9,645,000)) 13,973,000
Special Fund Salary and Insurance Contribution	
Increase Revolving Fund Appropriation	\$ ((36,835,000)) 46,935,000
Total Appropriation	\$ ((92,325,000)) 131,761,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$30,722,000 of the general fund—state appropriation, \$9,644,000 of the general fund—federal appropriation, and \$25,397,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for all state personnel board classified and exempt employees. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(2) \$1,000 of the general fund—federal appropriation and \$82,000 of the special fund salary and insurance revolving fund appropriation are provided for a 2.65 percent or \$50 per month, whichever is greater, salary increase effective January 1, 1988, and an additional 3.0 percent salary increase effective January 1, 1989, for higher education personnel board classified and exempt employees (~~employed by the higher education coordinating board and the higher education personnel board~~). These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3) \$123,000 of the general fund—state appropriation and \$2,056,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a three percent salary increase effective January 1, 1988, followed by an additional three percent salary increase effective January 1, 1989, for commissioned officers of the Washington state patrol.

(4) The governor shall allocate to state agencies from the general fund—state appropriation \$5,000,000 for fiscal year 1988 and \$10,000,000 for fiscal year 1989, and from the special fund salary and insurance contribution increase revolving fund appropriation \$3,100,000 for fiscal year 1988 and \$6,200,000 for fiscal year 1989 to fulfill the 1987-89 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(5) \$246,000 of the special fund salary and insurance contribution increase revolving fund appropriation is provided solely for salary increases, equal to the percentage increases identified in section 601 of this 1988 act, for faculty and exempt employees employed by the University of Washington.

(6)(a) The monthly contributions for insurance benefits shall not exceed ~~((\$167-00))~~ \$224.75 per eligible employee.

(b) Any returns of funds to the state employees' insurance board resulting from favorable claims experienced during the 1987-89 biennium shall be held in reserve within the state employees insurance fund until appropriated by the legislature.

(c) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

~~((6))~~ (7) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

~~((7))~~ (8) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the committees on ways and means of the senate and house of representatives.

((6)) (9) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board or the higher education personnel board.

(10) The appropriation for ferry workers in this section shall be available for salary and benefit increases in accordance with section 30(4), chapter 10, Laws of 1987 1st ex. sess., as amended by the 1988 legislature.

Sec. 702, Section 702, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system.

	FY 1988	FY 1989
Revenue Accrual Account Appropriation \$	57,134,000	((52,866,000))
Total Appropriation	<u>\$((10,000,000))</u>	<u>52,526,000</u>
	109,660,000	

(2) There is appropriated for contributions to the judicial retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation \$	1,350,000	1,350,000
Total Appropriation	\$2,700,000	

(3) There is appropriated for contributions to the judges retirement system an amount sufficient to meet the cash flow requirements of all benefit payments made during the 1987-89 biennium.

	FY 1988	FY 1989
General Fund Appropriation \$	800,000	800,000
Total Appropriation	\$1,600,000	

(4) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.22% of earnable compensation for the 1987-89 biennium.

(5) The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.92% of compensation earnable for the 1987-89 biennium.

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation, the level recommended by the state actuary.

Sec. 703, Section 703, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1988	FY 1989
General Fund Appropriation \$	((1,300,000))	((1,300,000))
Total Appropriation	<u>1,767,000</u>	<u>1,767,000</u>
	\$((2,600,000))	
	3,534,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund—state appropriation shall be distributed to state agencies for the purpose of additional contributions required for the public employees' retirement system as a result of ~~((Senate Bill No. 5150))~~ chapter 192, Laws of 1987.

(2) ~~\$((2,000,000))~~ 2,559,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the teachers' retirement system as a result of ~~((Senate Bill No. 5150))~~ chapter 192, Laws of 1987 and chapter 455, Laws of 1987.

(3) ~~((Senate Bill No. 5150 is not enacted by June 30, 1987, the appropriations in this section shall lapse))~~ \$375,000 of the general fund—state appropriation shall be distributed to the superintendent of public instruction for the purpose of additional contributions required for the public employees' retirement system as a result of chapter 136, Laws of 1987, chapter 192, Laws of 1987, and chapter 455, Laws of 1987.

Sec. 704, Section 705, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—INDIAN CLAIMS

General Fund Appropriation \$	4,000,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Before June 30, ~~((1988))~~ 1989, the governor, through the department of community development, in consultation with the attorney general, may use all or any portion of the amount appropriated for the purpose of settling the claims of the Puyallup Indian tribe to lands formerly lying beneath the Puyallup river.

(2) On and after July 1, ~~((1988))~~ 1989, the governor through the department of general administration may provide for purchasing, for current or future public purposes, any land for which the tribal claim remains unsettled, subject to all of the following:

(a) Before March 31, ~~((1989))~~ 1990, the owner of the land must offer in writing to sell the land at a price not exceeding what its market value would be without the tribal claim.

(b) If a parcel lies partially on lands formerly beneath the Puyallup river and partially outside such lands, the department also may elect to purchase all or part of the portion lying outside such lands if the purchase is reasonably necessary to make the purchased land suitable for a public purpose.

(c) The sale to the state of each parcel shall include an assignment of any rights the landowner has against others for defects in title to the land.

(d) In order to facilitate the use of the land for a public purpose, the department may purchase parcels conditioned on access being provided by the seller or other landowners. The department may also use any other lawful means to gain access to the purchased land.

Sec. 705. Section 712, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	316,600
<u>General Fund Appropriation: For transfer to the Landowner Contingency Forest Fire Suppression Account</u>	<u>\$</u>	<u>285,000</u>
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1989, an amount up to \$5,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1990, for credit to the fiscal year in which earned	\$	5,000,000
Charitable, Educational, Penal and Reformatory Institutions Account Appropriations: For transfer to the Resource Management Cost Account to the extent that funds are available as determined by the department of natural resources. The department shall provide the state treasurer with a schedule of such transfers	\$	3,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	7,913,300
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	((2,500,000)) 5,978,000
<u>Liquor Revolving Fund Appropriation: For Transfer to the Miscellaneous Fund—Tort Claims Revolving Fund</u>	<u>\$</u>	<u>573,000</u>
Employment Security Fund—Deferred Compensation Revolving Fund: For transfer to the Motor Vehicle Fund	\$	861,000
Ferry System Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	884,100
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1987, through June 30, 1989	\$	378,900
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation <u>and the state patrol</u> during the period July 1, 1987 through June 30, 1989	\$	14,200,000
<u>State Employees Insurance Principal Account: For transfer to the General Fund</u>	<u>\$</u>	<u>2,700,000</u>

Sec. 706. Section 715, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((6,187,000)) 6,225,000
General Fund Appropriation for public utility district excise tax distribution	\$	((24,031,000)) 21,138,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,950,000

General Fund Appropriation for motor vehicle excise tax distribution	\$	((58,636,666)) 59,751,000
General Fund Appropriation for local mass transit assistance	\$	((177,580,666)) 185,535,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((2,283,666)) 2,152,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	60,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((17,807,666)) 18,233,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((272,649,666)) 268,082,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((39,160,666)) 42,740,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	((39,844,666)) 44,291,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	((31,570,666)) 32,174,000
County Sales and Use Tax Equalization Account Appropriation	\$	((10,900,666)) 11,062,000
Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	((592,666)) 688,000
Total Appropriation	\$	((682,383,666)) 694,081,000

The appropriations in this section are subject to the following conditions and limitations: \$96,000 is provided from the death investigations account appropriation for the purpose of reimbursing counties up to the maximum level authorized by RCW 68.08.104 for expenses incurred in the 1985-87 biennium.

Sec. 707. Section 717, chapter 7, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,280,467
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	5,479,684
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	8,773,875
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	1,619,731
Highway Bond Retirement Fund Appropriation	\$	171,910,324
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	233,575
Higher Education Bond Redemption Fund 1977 Appropriation	\$	19,528,417
Ferry Bond Retirement Fund 1977 Appropriation	\$	25,627,988
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,604,490
Public School Building Bond Redemption Fund 1965 Appropriation	\$	1,238,790
((Spokane River Toll Bridge Account Appropriation	\$	889,088))
Higher Education Bond Retirement Fund 1979 Appropriation	\$	10,736,990
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	((327,069,645)) 307,961,175
Fisheries Bond Redemption Fund 1976 Appropriation	\$	764,034
State Building Bond Redemption Fund 1967 Appropriation	\$	656,800
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	11,423,031
Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,890,745
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	6,292,542
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	4,067,765
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	10,349,392
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,448,830
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,944,960
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,952,815

Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,705,605
Recreation Improvements Bond Redemption Fund Appropriation	\$	5,986,813
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,499,389
State Building Authority Bond Redemption Fund Appropriation	\$	9,452,680
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$	270,900
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$	1,163,924
Washington State University Bond Redemption Fund 1977 Appropriation	\$	559,915
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,165,785
State Building Bond Redemption Fund 1973 Appropriation	\$	3,794,144
State Building Bond Retirement Fund 1975 Appropriation	\$	424,780
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,367,163
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,475,867
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	372,820
Community College Refunding Bond Retirement Fund 1974 Appropriation	\$	9,436,996
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,190,700
Total Appropriation	\$	(749,656,859)
		<u>729,653,901</u>

NEW SECTION. Sec. 708. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

BOND RETIREMENT—STATE TRADE AND CONVENTION CENTER

The following is appropriated from the state trade and convention center account for reimbursement to the general fund for the transfer to the state general obligation bond retirement fund for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

State Convention and Trade Center Account Appropriation	\$	19,746,278
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NEW SECTION. Sec. 709. A new section is added to chapter 7, Laws of 1987 1st ex. sess. to read as follows:

BOND RETIREMENT—SPOKANE RIVER TOLL BRIDGE

The following is appropriated from the Spokane River toll bridge revolving account to the Spokane River toll bridge account for disbursement of bond retirement and interest, including ongoing bond registration and transfer charges:

Spokane River Toll Bridge Revolving Account Appropriation	\$	889,088
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Sec. 710. Section 7, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.16.070 are each amended to read as follows:

The federal interest payment fund shall consist of contributions payable by each employer (except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, employers who are required to make payments in lieu of contributions, and employers paying contributions under RCW 50.44.035) for any calendar quarter which begins on or after January 1, 1984, and for which the commissioner determines that the department will have an outstanding balance of accruing federal interest at the end of the calendar quarter. The amount of wages subject to tax shall be determined according to RCW 50.24.010. The tax rate applicable to wages paid during the calendar quarter shall be determined by the commissioner and shall not exceed fifteen one-hundredths of one percent. In determining whether to require contributions as authorized by this section, the commissioner shall consider the current balance in the federal interest payment fund and the projected amount of interest which will be due and payable as of the following September 30. Except as appropriated for the fiscal biennium ending June 30, 1989, any excess moneys in the federal interest payment fund shall be retained in the fund for future interest payments.

Contributions under this section shall become due and be paid by each employer in accordance with such rules as the commissioner may prescribe and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

Sec. 711. Section 3, chapter 272, Laws of 1987 (uncodified) is amended to read as follows:

EVERETT HOME PORT

(1) There is hereby appropriated to the office of financial management for the biennium beginning July 1, 1987, and ending June 30, 1989:

(a) ~~(Ten million, four hundred seventy)~~ two million, two hundred sixty-six thousand dollars from the general fund—state;

(b) One million, one hundred sixty-nine thousand dollars from the general fund—federal;

(c) Three hundred ninety-two thousand dollars from the state electrical license fund;

(d) Five hundred thirty-three thousand dollars from the state accident fund; and

(e) Five hundred thirty-three thousand dollars from the state medical aid fund.

(2) The appropriations in this section are provided solely for the purposes of this act and are subject to the following conditions and limitations:

(a) The appropriations in this section are provided solely for the increased demands for public services as a result of the development or construction of the Everett home port. No funds, except those related to the educational impacts associated with the arrival of the U.S.S. Nimitz, may be spent, except as may be necessary for planning and monitoring to meet the requirements of federal legislation authorizing the construction of the Everett home port, until the following conditions are met: (i) Actual construction or site preparation is started, and (ii) the federal government releases to be obligated, or expended, the \$43.5 million appropriated in federal fiscal year 1987 in section 2208 of the national defense authorization act for construction of the home port, and (iii) all required local, state, and federal permits for site construction, preparation, and dredging are obtained.

(b) The governor shall allocate funds to the superintendent of public instruction, the department of social and health services, the department of community development, the department of fisheries, the department of ecology, and the department of labor and industries. The governor shall allocate these appropriations to specific agencies based on increased agency ((operating)) expenditures and workload directly associated with the Everett home port. The governor may release to the specific agencies only the amount necessary to offset the directly incurred increased costs which have been documented by the agency.

(c) Any appropriation adjustments and actions that the governor has taken related to the Everett home port and pursuant to this appropriation shall be reported to the legislature on January 1, 1988, and January 1, 1989.

PART VIII MISCELLANEOUS

Sec. 801. Section 4, chapter 7, Laws of 1982 2nd ex. sess. as last amended by section 2, chapter 511, Laws of 1987 and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket: PROVIDED, That approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, less amounts of unclaimed prizes deposited in the general fund under RCW 67.70.190 during the fiscal year ending June 30, 1989, (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050;

(l) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

Sec. 802. Section 19, chapter 7, Laws of 1982 2nd ex. sess. as amended by section 8, chapter 511, Laws of 1987 and RCW 67.70.190 are each amended to read as follows:

(1) Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, the prize shall be retained in the state lottery fund for further use as prizes, except as provided in subsection (2) of this section, and all rights to the prize shall be extinguished.

(2) During the fiscal year ending June 30, 1989, moneys from unclaimed prizes shall be used as follows:

(a) Fifty percent of the moneys, not exceeding one million dollars, shall be deposited quarterly in the general fund.

(b) The remainder of the moneys shall be retained in the state lottery account for further use as prizes.

NEW SECTION. Sec. 803. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 804. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "fiscal matters," strike the remainder of the title and insert

"amending RCW 50.16.070, 67.70.040, and 67.70.190; amending section 104, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 107, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 109, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 110, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 114, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 120, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 121, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 124, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 131, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 202, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 203, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 204, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 205, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 206, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 208, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 209, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 210, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 211, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 212, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 213, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 214, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 217, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 218, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 219, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 223, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 224, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 226, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 229, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 230, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 301, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 302, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 303, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 305, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 308, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 310, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 311, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 312, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 313, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 314, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 316, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 318, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 12, chapter 8, Laws of 1987 1st ex. sess. (uncodified); amending section 401, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 402, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 501, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); amending section 504, chapter 7, Laws of 1987 1st ex. sess. as amended by section 2, chapter 1, Laws of 1987 3rd ex. sess. (uncodified); amending section 505, chapter 7, Laws of 1987 1st ex. sess. as amended by section 3, chapter 1, Laws of

1987 3rd ex. sess. (uncodified); amending section 506, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 507, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 508, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 509, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 510, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 511, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 513, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 514, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 601, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 602, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 603, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 604, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 605, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 606, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 607, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 608, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 609, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 701, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 702, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 703, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 705, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 712, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 715, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 717, chapter 7, Laws of 1987 1st ex. sess. (uncodified); amending section 3, chapter 272, Laws of 1987 (uncodified); reenacting and amending section 207, chapter 7, Laws of 1987 1st ex. sess. as amended by section 1, chapter 1, Laws of 1987 2nd ex. sess. and by section 1, chapter 2, Laws of 1987 2nd ex. sess. (uncodified); adding new sections to chapter 7, Laws of 1987 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

Signed by Senators McDonald, Gaspard, Hayner: Representatives Grimm, Locke, Holland.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Engrossed Substitute House Bill No. 1312 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on SENATE BILL NO. 6297 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SB 6297

Revising investment policies for funds of the department of labor and industries.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Senate Bill No. 6297, read in March 9, 1988.)

Signed by Senators von Reichbauer, West, Moore: Representatives Wang, Jones, Patrick.

MOTION

On motion of Senator Newhouse, the Report of the Free Conference Committee on Senate Bill No. 6297 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6297, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6297, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Moore - 1.

Excused: Senator Anderson - 1.

SENATE BILL NO. 6297, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 1271

Revising provisions relating to the department of corrections.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1271, read in March 9, 1988.)

Signed by Senators Deccio, Owen, West; Representatives Sprenkle, Braddock.

MOTION

Senator Nelson moved that the Report of the Free Conference Committee on Substitute House Bill No. 1271 be adopted.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Free Conference Committee on Substitute House Bill No. 1271.

The motion by Senator Nelson carried and the Report of the Free Conference Committee on Substitute House Bill No. 1271 was adopted.

MOTION

On motion of Senator Vognlid, Senators Moore and Wojahn were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1271, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1271, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Absent: Senator Smith - 1.

Excused: Senators Anderson, Moore, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 1271, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 1302

Establishing penalties for sexual offenses against developmentally disabled persons.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1302, read in March 9, 1988.)

Signed by Senators Pullen, Talmadge, Anderson; Representatives Crane, Armstrong, Padden.

MOTION

On motion of Senator Pullen, the Report of the Free Conference Committee on Substitute House Bill No. 1302 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1302, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1302, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Decio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 46.

Excused: Senators Anderson, Moore, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 1302, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

RE: HB 1515

Modifying the termination dates of various state agencies.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 1515, read in March 9, 1988.)

Signed by Senators Newhouse, Halsan, McCaslin; Representatives H. Sommers, Locke, Hankins.

MOTION

Senator Newhouse moved that the Report of the Free Conference Committee on House Bill No. 1515 be adopted.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Free Conference Committee on House Bill No. 1515.

The motion by Senator Newhouse carried and the Report of the Free Conference Committee on House Bill No. 1515 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1515, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1515, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Anderson, Moore - 2.

HOUSE BILL NO. 1515, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

RE: EHB 1585

Revising provisions for juvenile dependency proceedings.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 1585, read in March 9, 1988.)

Signed by Senators Kiskaddon, Stratton, Bailey; Representatives Brekke, Leonard, Winsley.

MOTION

On motion of Senator Kiskaddon, the Report of the Free Conference Committee on Engrossed House Bill No. 1585 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1585, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1585, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 1585, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

RE: 2SHB 1640

Establishing the G. Robert Ross public service award program for outstanding public service by faculty.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute House Bill No. 1640, read in March 9, 1988.)

Signed by Senators Saling, Patterson; Representatives Jacobsen, Fox, Miller.

MOTION

On motion of Senator Saling, the Report of the Free Conference Committee on Second Substitute House Bill No. 1640 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1640, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1640, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hayner, Sellar - 2.

Excused: Senator Moore - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1640, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

RE: SHB 1445

Prohibiting drug-related activities in rental dwellings.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 1445, read in March 9, 1988.)

Signed by Senators Pullen, Halsan, McCaslin; Representatives Armstrong, Wineberry, Padden.

MOTION

On motion of Senator Pullen, the Report of the Free Conference Committee on Substitute House Bill No. 1445 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1445, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1445, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 1445, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1817

Facilitating public and private funding of local transportation improvements.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1817, read in March 9, 1988.)

Signed by Senators Patterson, Bender, Nelson; Representatives Walk, Hine, Schmidt.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1817 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1817, as amended by the Free Conference Committee.

POINT OF INQUIRY

Senator Metcalf: "Thank you, Mr. President. Maybe someone can answer this question. This bill appears to me to be sort of a backdoor way of achieving sort of a tax increment financing. I've always opposed the concept of tax increment financing. This may not be it, but it is my opinion that it is, and if it isn't I would like to have somebody stand up and tell me that it isn't. I'm just going to vote 'no' on the bill unless I can feel comfortable on that point."

Senator Nelson: "Mr. President and members of the Senate. I want to assure everybody that this is not tax increment financing. This particular measure ends up allowing private property owners to finally get recognition for their donating property that up till now, cities, counties and the state government just simply go in and use their right of eminent domain and takes the property. What we are allowing now to have happen is a private public partnership, where the property owner gets credit for donating the property and can also participate by helping construct improvements in a sight location such as a shopping center or a housing development. There is no other activity involved as far as taxing is concerned. There is in the bill, of course, the same existing language relative to having LIDs and the rest, but I can assure you that this is not tax increment financing."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1817, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Metcalf, Rasmussen - 2.

Absent: Senator McDonald - 1.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1729 and has passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

CALL OF THE SENATE

Senators Newhouse, Nelson and Zimmerman demanded a Call of the Senate and the demand was sustained.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present, except Senator Moore who was excused earlier.

MOTION

On motion of Senator Newhouse, the Senate proceeded under the Call of the Senate.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a point of parliamentary inquiry. Under the Call of the Senate, no unauthorized personnel are allowed within the Senate Chamber or the adjoining offices. My question, Mr. President, is if a Senator requests a person to be brought into the Chamber, into their office, would that be an authorized presence?"

REPLY BY THE PRESIDENT

President Cherberg: "That would be an authorized person, Senator."

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1420

Revising provisions on property taxes.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Revised Report of Conference Committee on Engrossed Substitute House Bill No. 1420, read in March 9, 1988.)

Signed by Senators Cantu, Garrett, Lee: Representatives Appelwick, Haugen, Ferguson.

MOTION

Senator Nelson moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1420 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Lee, basically, if this bill doesn't pass, the potential is that the state would lose about thirty million dollars? Who would gain that? Would local government gain it or would it be a tax decrease for the people?"

Senator Lee: "Senator Metcalf, it would not be any kind of a tax decrease for the governmental--those persons living in governmental jurisdictions that would cause that to happen. It is possible that for a one-year period of time, because of a smaller--because of the uniformity provisions the state being forced to reduce its request for school money--that it might be a one-year decrease for certain property tax owners, but I would guarantee you that before that year was over, every local government would be in there sucking up that share once again. That's why we're making it for a one-year situation, so that we can sit down and try to work out the differences so that indeed does not happen."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Free Conference Committee Report on Engrossed Substitute House Bill No. 1420.

The motion by Senator Nelson carried and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1420 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1420, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1420, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Owen, Patterson, Rinehart, Sellar, Smitherman, Talmadge, Vognlid, von Reichbauer, West, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Bender, Metcalf, Pullen, Rasmussen, Saling, Smith, Stratton, Warnke - 8.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1594

Providing for a water use efficiency study.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1594, read in March 9, 1988.)

Signed by Senators Barr, DeJarnatt, Bailey; Representatives Nealey, Rayburn, H. Sommers.

MOTION

On motion of Senator Barr, the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1594 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1594, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1594, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:14 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:39 a.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House suspended the rules, returned ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6221 to second reading, further amended the Committee amendment and passed the bill with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I DEFINITIONS

NEW SECTION, Sec. 101. A new section is added to chapter 70.24 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

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

(3) "Department" means the department of social and health services, or any successor department with jurisdiction over public health matters.

(4) "Health care provider" means any person who is a member of a profession under RCW 18.130.040 or other person providing medical, nursing, psychological, or other health care services regulated by the department of licensing or the department of social and health services.

(5) "Health care facility" means a hospital, nursing home, neuropsychiatric or mental health facility, home health agency, hospice, child care agency, adult family home, group care facility, family foster home, clinic, blood bank, blood center, sperm bank, laboratory, or other social service or health care institution regulated or operated by the department of social and health services.

(6) "HIV-related condition" means any medical condition resulting from infection with HIV including, but not limited to, seropositivity for HIV.

(7) "Human immunodeficiency virus" or "HIV" means all HIV and HIV-related viruses which damage the cellular branch of the human immune or neurological systems and leave the infected person immunodeficient or neurologically impaired.

(8) "Test for a sexually transmitted disease" means a test approved by the board by rule.

(9) "Legal guardian" means a person appointed by a court to assume legal authority for another who has been found incompetent or, in the case of a minor, a person who has legal custody of the child.

(10) "Local public health officer" means the officer directing the county health department or his or her designee who has been given the responsibility and authority to protect the health of the public within his or her jurisdiction.

(11) "Person" includes any natural person, partnership, association, joint venture, trust, public or private corporation, or health facility.

(12) "Release of test results" means a written authorization for disclosure of any sexually transmitted disease test result which is signed, dated, and which specifies to whom disclosure is authorized and the time period during which the release is to be effective.

(13) "Sexually transmitted disease" means a bacterial, viral, fungal, or parasitic disease, determined by the board by rule to be sexually transmitted, to be a threat to the public health and welfare, and to be a disease for which a legitimate public interest will be served by providing for regulation and treatment. The board shall designate chancroid, gonorrhoea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), trachomitis, genital human papilloma virus infection, syphilis,

acquired immunodeficiency syndrome (AIDS), and human immunodeficiency virus (HIV) infection as sexually transmitted diseases, and shall consider the recommendations and classifications of the centers for disease control and other nationally recognized medical authorities in designating other diseases as sexually transmitted.

(14) "State public health officer" means the secretary of social and health services or an officer appointed by the secretary.

PART II

SEXUAL ABSTINENCE AND AVOIDANCE OF SUBSTANCE ABUSE

NEW SECTION, Sec. 201. A new section is added to chapter 70.24 RCW to read as follows:

Information directed to the general public and providing education regarding any sexually transmitted disease that is written, published, distributed, or used by any public entity, and all such information paid for, in whole or in part, with any public moneys shall give emphasis to the importance of sexual abstinence, sexual fidelity, and avoidance of substance abuse in controlling disease.

NEW SECTION, Sec. 202. A new section is added to chapter 70.24 RCW to read as follows:

All material directed to children in grades kindergarten through twelve and providing education regarding any sexually transmitted disease that is written, published, distributed, or used by any public entity, and all such information paid for, in whole or in part, with any public moneys shall give emphasis to the importance of sexual abstinence outside lawful marriage and avoidance of substance abuse in controlling disease.

PART III

CENTER FOR VOLUNTARY ACTION

Sec. 301. Section 5, chapter 11, Laws of 1982 1st ex. sess. and RCW 43.150.050 are each amended to read as follows:

The center, working in cooperation with individuals, local groups, and organizations throughout the state, may undertake any program or activity for which funds are available which furthers the goals of this chapter. These programs and activities may include, but are not limited to:

- (1) Providing information about programs, activities, and resources of value to volunteers and to organizations operating or planning volunteer programs;
- (2) Sponsoring recognition events for outstanding individuals and organizations;
- (3) Facilitating the involvement of business, industry, government, and labor in community service and betterment;
- (4) Organizing, or assisting in the organization of, training workshops and conferences;
- (5) Publishing schedules of significant events, lists of published materials, accounts of successful programs and programming techniques, and other information concerning the field of volunteerism, and distributing this information broadly;
- (6) Reviewing the laws and rules of the state of Washington, and proposed changes therein, to determine their impact on the success of volunteer activities and programs, and recommending such changes as seem appropriate to ensure the achievement of the goals of this chapter;

(7) Providing information about agencies and individuals who are working to prevent the spread of the human immunodeficiency virus, as defined in chapter 70.24 RCW, and to agencies and individuals who are working to provide health and social services to persons with acquired immunodeficiency syndrome, as defined in chapter 70.24 RCW.

PART IV

AIDS EDUCATION IN THE COMMON SCHOOLS

NEW SECTION, Sec. 401. The legislature finds that the public schools provide a unique and appropriate setting for educating young people about the pathology and prevention of acquired immunodeficiency syndrome (AIDS). The legislature recognizes that schools and communities vary throughout the state and that locally elected school directors should have a significant role in establishing a program of AIDS education in their districts.

NEW SECTION, Sec. 402. A new section is added to chapter 28A.05 RCW to read as follows:

(1) The life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the life-threatening dangers of the disease, its spread, and prevention. Students shall receive such education at least once each school year beginning no later than the fifth grade.

(2) Each district board of directors shall adopt an AIDS prevention education program which is developed in consultation with teachers, administrators, parents, and other community members including, but not limited to, persons from medical, public health, and mental health organizations and agencies so long as the curricula and materials developed for use in the AIDS education program either (a) are the model curricula and resources under subsection (3) of this section, or (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in section 602 of this act. If a district elects to use curricula developed by the school district, the district shall submit to the office on AIDS a copy of its curricula and an affidavit of medical accuracy stating that the material in the district-developed curricula has been compared to the model curricula for medical accuracy and that in the

opinion of the district the district-developed materials are medically accurate. Upon submission of the affidavit and curricula, the district may use these materials until the approval procedure to be conducted by the office of AIDS has been completed.

(3) Model curricula and other resources available from the superintendent of public instruction through the state clearinghouse for educational information may be reviewed by the school district board of directors, in addition to materials designed locally, in developing the district's AIDS education program. The model curricula shall be reviewed for medical accuracy by the office on AIDS established in section 602 of this act within the department of social and health services.

(4) Each school district shall, at least one month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education. The parents and guardians shall be notified by the school district of the presentation and that the curricula and materials are available for inspection. No student may be required to participate in AIDS prevention education if the student's parent or guardian, having attended one of the district presentations, objects in writing to the participation.

(5) The office of the superintendent of public instruction with the assistance of the office on AIDS shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

(6) The curriculum for AIDS prevention education shall be designed to teach students which behaviors place a person dangerously at risk of infection with the human immunodeficiency virus (HIV) and methods to avoid such risk including, at least:

(a) The dangers of drug abuse, especially that involving the use of hypodermic needles; and

(b) The dangers of sexual intercourse, with or without condoms.

(7) The program of AIDS prevention education shall stress the life-threatening dangers of contracting AIDS and shall stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on condoms puts a person at risk for exposure to the disease.

Sec. 403. Section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 232, Laws of 1987 and RCW 28A.05.010 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

NEW SECTION, Sec. 404. Sections 402 and 403 of this act shall take effect July 1, 1988.

PART V

AIDS EDUCATION IN COLLEGES, UNIVERSITIES, AND VOCATIONAL SCHOOLS

NEW SECTION, Sec. 501. A new section is added to chapter 28B.10 RCW to read as follows:

The governing board of each state four-year institution of higher education shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

NEW SECTION, Sec. 502. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

NEW SECTION, Sec. 503. A new section is added to chapter 28C.04 RCW to read as follows:

Each publicly operated vocational school shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

PART VI

AIDS TRAINING FOR EMPLOYEES

NEW SECTION, Sec. 601. The number of acquired immunodeficiency syndrome (AIDS) cases in the state may reach five thousand by 1991. This makes it necessary to provide our

state's workforce with the resources and knowledge to deal with the epidemic. To ensure that accurate information is available to the state's work force, a clearinghouse for all technically correct educational materials related to AIDS should be created.

NEW SECTION, Sec. 602. There is established in the department an office on AIDS. If a department of health is created, the office on AIDS shall be transferred to the department of health, and its chief shall report directly to the secretary of health. The office on AIDS shall have as its chief a physician licensed under chapter 18.57 or 18.71 RCW or a person experienced in public health who shall report directly to the assistant secretary for health. This office shall be the repository and clearinghouse for all education and training material related to the treatment, transmission, and prevention of AIDS. The office on AIDS shall have the responsibility for coordinating all publicly funded education and service activities related to AIDS. The University of Washington shall provide the office on AIDS with appropriate training and educational materials necessary to carry out its duties. The office on AIDS shall assist state agencies with information necessary to carry out the purposes of this chapter. The department shall work with state and county agencies and specific employee and professional groups to provide information appropriate to their needs, and shall make educational materials available to private employers and encourage them to distribute this information to their employees.

NEW SECTION, Sec. 603. The department shall adopt rules that recommend appropriate education and training for licensed and certified emergency medical personnel under chapter 18.73 RCW on the prevention, transmission, and treatment of AIDS. The department shall require appropriate education or training as a condition of certification or license issuance or renewal.

NEW SECTION, Sec. 604. Each disciplining authority under chapter 18.130 RCW shall adopt rules that require appropriate education and training for licensees on the prevention, transmission, and treatment of AIDS. The disciplining authorities shall work with the office on AIDS under section 602 of this act to develop the training and educational material necessary for health professionals.

NEW SECTION, Sec. 605. The state board of pharmacy shall adopt rules that require appropriate education and training for licensees on the prevention, transmission, and treatment of AIDS. The board shall work with the office on AIDS under section 602 of this act to develop the training and educational material necessary for health professionals.

NEW SECTION, Sec. 606. The superintendent of public instruction shall adopt rules that require appropriate education and training, to be included as part of their present continuing education requirements, for public school employees on the prevention, transmission, and treatment of AIDS. The superintendent of public instruction shall work with the office on AIDS under section 602 of this act to develop the educational and training material necessary for school employees.

NEW SECTION, Sec. 607. The state personnel board, the higher education personnel board, and each unit of local government shall determine whether any employees under their jurisdiction have a substantial likelihood of exposure in the course of their employment to the human immunodeficiency virus. If so, the agency or unit of government shall adopt rules requiring appropriate training and education for the employees on the prevention, transmission, and treatment of AIDS. The rules shall specifically provide for such training and education for law enforcement, correctional, and health care workers. The state personnel board, the higher education personnel board, and each unit of local government shall work with the office on AIDS under section 602 of this act to develop the educational and training material necessary for employees.

NEW SECTION, Sec. 608. The department shall adopt rules requiring appropriate education and training of employees of state licensed or certified health care facilities. The education and training shall be on the prevention, transmission, and treatment of AIDS and shall not be required for employees who are covered by comparable rules adopted under other sections of this chapter. In adopting rules under this section, the department shall consider infection control standards and educational materials available from appropriate professional associations and professionally prepared publications.

NEW SECTION, Sec. 609. Sections 602 through 608 of this act are each added to chapter 70.24 RCW.

PART VII COUNSELING AND TESTING

NEW SECTION, Sec. 701. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Pretest counseling" means counseling aimed at helping the individual understand ways to reduce the risk of HIV infection, the nature and purpose of the tests, the significance of the results, and the potential dangers of the disease, and to assess the individual's ability to cope with the results.

(2) "Posttest counseling" means further counseling following testing usually directed toward increasing the individual's understanding of the human immunodeficiency virus infection, changing the individual's behavior, and, if necessary, encouraging the individual to notify persons with whom there has been contact capable of spreading HIV.

(3) "AIDS counseling" means counseling directed toward increasing the individual's understanding of acquired immunodeficiency syndrome and changing the individual's behavior.

(4) "HIV testing" means a test indicative of infection with the human immunodeficiency virus as specified by the board of health by rule.

NEW SECTION. Sec. 702. No person may undergo HIV testing without the person's consent except:

(1) Pursuant to RCW 7.70.065 for incompetent persons;

(2) In seroprevalence studies where neither the persons whose blood is being tested know the test results nor the persons conducting the tests know who is undergoing testing;

(3) If the department of labor and industries determines that it is relevant, in which case payments made under Title 51 RCW may be conditioned on the taking of an HIV antibody test; or

(4) As otherwise expressly authorized by this chapter.

NEW SECTION. Sec. 703. (1) Local health departments authorized under this chapter shall conduct or cause to be conducted pretest counseling, HIV testing, and posttest counseling of all persons:

(a) Convicted of a sexual offense under chapter 9A.44 RCW;

(b) Convicted of prostitution or offenses relating to prostitution under chapter 9A.88 RCW; or

(c) Convicted of drug offenses under chapter 69.50 RCW if the court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles.

(2) Such testing shall be conducted as soon as possible after sentencing and shall be so ordered by the sentencing judge.

(3) This section applies only to offenses committed after the effective date of this section.

(4) A law enforcement officer, fire fighter, health care provider, health care facility staff person, or other categories of employment determined by the board in rule to be at risk of substantial exposure to HIV, who has experienced a substantial exposure to another person's bodily fluids in the course of his or her employment, may request a state or local public health officer to order pretest counseling, HIV testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. The person who is subject to the order shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order refuses to comply, the state or local public health officer may petition the superior court for a hearing. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order. The state or local public health officer shall perform counseling and testing under this subsection if he or she finds that the exposure was substantial and presents a possible risk as defined by the board of health by rule.

NEW SECTION. Sec. 704. Local health departments, in cooperation with the regional AIDS services networks, shall make available voluntary testing and counseling services to all persons arrested for prostitution offenses under chapter 9A.88 RCW and drug offenses under chapter 69.50 RCW. Services shall include educational materials that outline the seriousness of AIDS and encourage voluntary participation.

NEW SECTION. Sec. 705. (1) Every health care practitioner attending a pregnant woman or a person seeking treatment of a sexually transmitted disease shall insure that AIDS counseling of the patient is conducted.

(2) AIDS counseling shall be provided to each person in a drug treatment program under chapter 69.54 RCW.

NEW SECTION. Sec. 706. Jail administrators, with the approval of the local public health officer, may order pretest counseling, HIV testing, and posttest counseling for persons detained in the jail if the local public health officer determines that actual or threatened behavior presents a possible risk to the staff, general public, or other persons. Approval of the local public health officer shall be based on section 909(3) of this act and may be contested through section 909(4) of this act. The administrator shall establish, pursuant to RCW 70.48.071, a procedure to document the possible risk which is the basis for the HIV testing. "Possible risk," as used in this section, shall be defined by the board in rule. Documentation of the behavior, or threat thereof, shall be reviewed with the person to try to assure that the person understands the basis for testing.

NEW SECTION. Sec. 707. (1) Department of corrections facility administrators may order pretest counseling, HIV testing, and posttest counseling for inmates if the secretary of corrections or the secretary's designee determines that actual or threatened behavior presents a possible risk to the staff, general public, or other inmates. The department of corrections shall establish a procedure to document the possible risk which is the basis for the HIV testing. "Possible risk," as used in this section, shall be defined by the department of corrections after consultation with the board. Possible risk, as used in the documentation of the behavior, or threat thereof, shall be reviewed with the inmate.

(2) Department of corrections administrators and superintendents who are authorized to make decisions about testing and dissemination of test information shall, at least annually, participate in training seminars on public health considerations conducted by the assistant secretary for public health or her or his designee.

(3) Administrative hearing requirements set forth in chapter 34.04 RCW do not apply to the procedure developed by the department of corrections pursuant to this section. This section shall not be construed as requiring any hearing process except as may be required under existing federal constitutional law.

(4) Section 703 of this act does not apply to the department of corrections or to inmates in its custody or subject to its jurisdiction.

NEW SECTION. Sec. 708. By January 1, 1989, the secretary of corrections shall report to the legislature on the necessity of an AIDS-related segregation policy for all facilities under the director of the secretary.

NEW SECTION. Sec. 709. The board of health shall adopt rules establishing minimum standards for pretest counseling, HIV testing, posttest counseling, and AIDS counseling.

NEW SECTION. Sec. 710. Sections 701 through 707 and 709 of this act are each added to chapter 70.24 RCW.

PART VIII REGIONAL AIDS SERVICE NETWORKS

NEW SECTION. Sec. 801. A new section is added to chapter 70.24 RCW to read as follows:

The department shall establish a state-wide system of regional acquired immunodeficiency syndrome (AIDS) service networks as follows:

(1) The secretary of social and health services shall direct that all state or federal funds, excluding those from federal Title XIX for services or other activities authorized in this chapter, shall be allocated to the office on AIDS established in section 602 of this act. The secretary shall further direct that all funds for services and activities specified in subsection (3) of this section shall be provided to lead counties through contractual agreements based on plans developed as provided in subsection (2) of this section, unless direction of such funds is explicitly prohibited by federal law, federal regulation, or federal policy. The department shall deny funding allocations to lead counties only if the denial is based upon documented incidents of nonfeasance, misfeasance, or malfeasance. However, the department shall give written notice and thirty days for corrective action in incidents of misfeasance or nonfeasance before funding may be denied. The department shall designate six AIDS service network regions encompassing the state. In doing so, the department shall use the boundaries of the regional structures in place for the community services administration on January 1, 1988.

(2) The department shall request that a lead county within each region, which shall be the county with the largest population, prepare, through a cooperative effort of local health departments within the region, a regional organizational and service plan, which meets the requirements set forth in subsection (3) of this section. Efforts should be made to use existing plans, where appropriate. The plan should place emphasis on contracting with existing hospitals, major voluntary organizations, or health care organizations within a region that have in the past provided quality services similar to those mentioned in subsection (3) of this section and that have demonstrated an interest in providing any of the components listed in subsection (3) of this section. If any of the counties within a region do not participate, it shall be the lead county's responsibility to develop the part of the plan for the nonparticipating county or counties. If all of the counties within a region do not participate, the department shall assume the responsibility.

(3) The regional AIDS service network plan shall include the following components:

- (a) A designated single administrative or coordinating agency;
- (b) A complement of services to include:
 - (i) Voluntary and anonymous counseling and testing;
 - (ii) Mandatory testing and/or counseling services for certain individuals, as required by law;
 - (iii) Notification of sexual partners of infected persons, as required by law;
 - (iv) Education for the general public, health professionals, and high-risk groups;
 - (v) Intervention strategies to reduce the incidence of HIV infection among high-risk groups, possibly including needle sterilization and methadone maintenance;
 - (vi) Related community outreach services for runaway youth;
 - (vii) Case management;
 - (viii) Strategies for the development of volunteer networks;
 - (ix) Strategies for the coordination of related agencies within the network; and
 - (x) Other necessary information, including needs particular to the region;
- (c) A service delivery model that includes:
 - (i) Case management services; and
 - (ii) A community-based continuum-of-care model encompassing both medical, mental health, and social services with the goal of maintaining persons with AIDS in a home-like setting, to the extent possible, in the least-expensive manner; and
 - (d) Budget, caseload, and staffing projections.

(4) Efforts shall be made by both the counties and the department to use existing service delivery systems, where possible, in developing the networks.

(5) The University of Washington health science program, in cooperation with the office on AIDS may, within available resources, establish a center for AIDS education, which shall be linked to the networks. The center for AIDS education is not intended to engage in state-funded research related to HIV infection, AIDS, or HIV-related conditions. Its duties shall include providing the office on AIDS with the appropriate educational materials necessary to carry out that office's duties.

(6) The department shall implement this section, consistent with available funds, by October 1, 1988, by establishing six regional AIDS service networks whose combined jurisdictions shall include the entire state.

(a) Until June 30, 1991, available funding for each regional AIDS service network shall be allocated as follows:

(i) Seventy-five percent of the amount provided for regional AIDS service networks shall be allocated per capita based on the number of persons residing within each region, but in no case less than one hundred fifty thousand dollars for each regional AIDS service network per fiscal year. This amount shall be expended for testing, counseling, education, case management, notification of sexual partners of infected persons, planning, coordination, and other services required by law, except for those enumerated in (ii) of this subsection.

(ii) Twenty-five percent of the amount provided for regional AIDS service networks shall be allocated for intervention strategies specifically addressing groups that are at a high risk of being infected with the human immunodeficiency virus. The allocation shall be made by the office on AIDS based on documented need as specified in regional AIDS network plans.

(b) After June 30, 1991, the funding shall be allocated as provided by law. By December 15, 1990, the department shall report to the appropriate committees of the legislature on proposed methods of funding regional AIDS service networks.

(7) The regional AIDS service networks shall be the official state regional agencies for AIDS information education and coordination of services. The state public health officer, as designated by the secretary of social and health services, shall make adequate efforts to publicize the existence and functions of the networks.

(8) If the department is not able to establish a network by an agreement solely with counties, it may contract with nonprofit agencies for any or all of the designated network responsibilities.

(9) The department, in establishing the networks, shall study mechanisms that could lead to reduced costs and/or increased access to services. The methods shall include capitation.

(10) The department shall reflect in its departmental biennial budget request the funds necessary to implement this section.

(11) The department shall submit an implementation plan to the appropriate committees of the legislature by July 1, 1988.

(12) The use of appropriate materials may be authorized by regional AIDS service networks in the prevention or control of HIV infection.

NEW SECTION, Sec. 802. The department shall study the need for community residential care for persons with AIDS, including facility size, staffing, and related community health and social services, and report its finding to the appropriate committees of the legislature by December 15, 1988.

NEW SECTION, Sec. 803. To assist the secretary of social and health services in the development and implementation of AIDS programs, the governor shall appoint an AIDS advisory committee. Among its duties shall be a review of insurance problems as related to persons with AIDS. The committee shall terminate on June 30, 1991.

PART IX

CONTROL OF SEXUALLY TRANSMITTED DISEASES

NEW SECTION, Sec. 901. A new section is added to chapter 70.24 RCW to read as follows:

The legislature declares that sexually transmitted diseases constitute a serious and sometimes fatal threat to the public and individual health and welfare of the people of the state. The legislature finds that the incidence of sexually transmitted diseases is rising at an alarming rate and that these diseases result in significant social, health, and economic costs, including infant and maternal mortality, temporary and lifelong disability, and premature death. The legislature further finds that sexually transmitted diseases, by their nature, involve sensitive issues of privacy, and it is the intent of the legislature that all programs designed to deal with these diseases afford patients privacy, confidentiality, and dignity. The legislature also finds that medical knowledge and information about sexually transmitted diseases are rapidly changing. It is therefore the intent of the legislature to provide a program that is sufficiently flexible to meet emerging needs, deals efficiently and effectively with reducing the incidence of sexually transmitted diseases, and provides patients with a secure knowledge that information they provide will remain private and confidential.

NEW SECTION, Sec. 902. A new section is added to chapter 49.60 RCW to read as follows:

(1) For the purposes of determining whether an unfair practice under this chapter has occurred, claims of discrimination based on actual or perceived HIV infection shall be evaluated in the same manner as other claims of discrimination based on sensory, mental, or physical handicap.

(2) Subsection (1) of this section shall not apply to transactions with insurance entities, health service contractors, or health maintenance organizations subject to RCW 49.60.030 (1)(e) or 49.60.178 to prohibit fair discrimination on the basis of actual HIV infection status when bona fide statistical differences in risk or exposure have been substantiated.

(3) For the purposes of this chapter, "HIV" means the human immunodeficiency virus, and includes all HIV and HIV-related viruses which damage the cellular branch of the human immune system and leave the infected person immunodeficient.

NEW SECTION, Sec. 903. A new section is added to chapter 49.60 RCW to read as follows:

(1) No person may require an individual to take an HIV test, as defined in chapter 70.24 RCW, as a condition of hiring, promotion, or continued employment unless the absence of HIV infection is a bona fide occupational qualification for the job in question.

(2) No person may discharge or fail or refuse to hire any individual, or segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of an HIV test unless the absence of HIV infection is a bona fide occupational qualification of the job in question.

(3) The absence of HIV infection as a bona fide occupational qualification exists when performance of a particular job can be shown to present a significant risk, as defined by the board of health by rule, of transmitting HIV infection to other persons, and there exists no means of eliminating the risk by restructuring the job.

(4) For the purpose of this chapter, any person who is actually infected with HIV, but is not disabled as a result of the infection, shall not be eligible for any benefits under the affirmative action provisions of chapter 49.74 RCW solely on the basis of such infection.

(5) Employers are immune from civil action for damages arising out of transmission of HIV to employees or to members of the public unless such transmission occurs as a result of the employer's gross negligence.

NEW SECTION, Sec. 904. A new section is added to chapter 70.24 RCW to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this chapter.

(2) No person may disclose or be compelled to disclose the identity of any person upon whom a test for a sexually transmitted disease is performed, or the results of such a test or any information relating to diagnosis of or treatment for a sexually transmitted disease in a manner which permits identification of the subject of the test, diagnosis, or treatment except to the following persons:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(b) Any person who secures a specific release of test results executed by the subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor child over fourteen years of age and otherwise competent;

(c) The state public health officer, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(d) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that provided prior to the effective date of this section, for the purpose of artificial insemination; or (iii) blood specimens;

(e) Any state or local public health officer conducting an investigation pursuant to section 909 of this act, provided that such record was obtained by means of court ordered HIV testing pursuant to section 703 or 909 of this act;

(f) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure shall: (i) limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures

to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services, including but not limited to the written statement set forth in subsection (5) of this section:

(g) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in section 906 of this act, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary:

(h) A law enforcement officer, fire fighter, health care provider, health care facility staff person, or other persons as defined by the board in rule pursuant to section 703(4) of this act, who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to section 703(4) of this act, if a state or local public health officer performs the test; and

(i) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state-administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection shall be confidential and shall not be released or available to persons who are not involved in handling or determining medical claims payment.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender, except as provided in subsection (2)(e) of this section, shall be governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender shall be made available by department of corrections health care providers to a department of corrections superintendent or administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of correction's jurisdiction.

(b) The sexually transmitted disease status of a person detained in a jail shall be made available by the local public health officer to a jail administrator as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities.

(c) Information regarding a department of corrections offender's sexually transmitted disease status is confidential and may be disclosed by a correctional superintendent or administrator or local jail administrator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to any other penalties as may be prescribed by law.

(5) Whenever disclosure is made pursuant to this section, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied or followed by such a notice within ten days.

NEW SECTION, Sec. 905. A new section is added to chapter 70.24 RCW to read as follows:

The board shall establish reporting requirements for sexually transmitted diseases by rule. Reporting under this section may be required for such sexually transmitted diseases included under this chapter as the board finds appropriate.

NEW SECTION, Sec. 906. A new section is added to chapter 70.24 RCW to read as follows:

(1) The board shall adopt rules authorizing interviews and the state and local public health officers and their authorized representatives may interview, or cause to be interviewed, all persons infected with a sexually transmitted disease and all persons who, in accordance with standards adopted by the board by rule, are reasonably believed to be infected with such diseases for the purpose of investigating the source and spread of the diseases and for the purpose of ordering a person to submit to examination, counseling, or treatment as necessary for the protection of the public health and safety, subject to section 909 of this act.

(2) State and local public health officers or their authorized representatives shall investigate identified partners of persons infected with sexually transmitted diseases in accordance with procedures prescribed by the board.

(3) All information gathered in the course of contact investigation pursuant to this section shall be considered confidential.

(4) No person contacted under this section or reasonably believed to be infected with a sexually transmitted disease who reveals the name or names of sexual contacts during the

course of an investigation shall be held liable in a civil action for such revelation, unless the revelation is made with a knowing or reckless disregard for the truth.

(5) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any sexually transmitted disease under this section is guilty of a gross misdemeanor punishable as provided under RCW 9A.20.021.

Sec. 907. Section 6, chapter 114, Laws of 1919 and RCW 70.24.050 are each amended to read as follows:

Diagnosis of a sexually transmitted disease in every instance must be confirmed by laboratory tests or examinations in a laboratory approved or conducted in accordance with procedures and such other requirements as may be established by the ((state)) board ((of health, before any person shall be isolated or committed to quarantine and before any person committed to quarantine shall be discharged therefrom)). Laboratories testing for HIV shall report anonymous HIV prevalence results to the department, for health statistics purposes, in a manner established by the board.

Sec. 908. Section 8, chapter 114, Laws of 1919 and RCW 70.24.070 are each amended to read as follows:

For the purpose of carrying out ~~((the provisions of))~~ this ~~((act))~~ chapter, the ~~((state))~~ board ~~((of health))~~ shall have the power and authority ~~((from time to time, to divide the state into such number of quarantine districts consisting of one or more counties or parts of counties or municipalities as it shall deem expedient, and to establish at such place or places as it shall deem necessary quarantine stations and clinics))~~ to designate facilities for the detention and treatment of persons found to be infected with a sexually transmitted disease and to ~~((establish))~~ designate any such ~~((quarantine station and clinic in connection with any county or city jail, or))~~ facility in any hospital or other public or private institution, other than a jail or correctional facility, having, or which may be provided with, such necessary detention, segregation, isolation, clinic and hospital facilities as may be required and prescribed by the board, and to enter into arrangements for the conduct of such ~~((quarantine stations and clinics))~~ facilities with the public officials or persons, associations, or corporations in charge of or maintaining and operating such institutions.

NEW SECTION. Sec. 909. A new section is added to chapter 70.24 RCW to read as follows:

(1) Subject to the provisions of this chapter, the state and local public health officers or their authorized representatives may examine and counsel or cause to be examined and counseled persons reasonably believed to be infected with or to have been exposed to a sexually transmitted disease.

(2) Orders or restrictive measures directed to persons with a sexually transmitted disease shall be used as the last resort when other measures to protect the public health have failed, including reasonable efforts, which shall be documented, to obtain the voluntary cooperation of the person who may be subject to such an order. The orders and measures shall be applied serially with the least intrusive measures used first. The burden of proof shall be on the state or local public health officer to show that specified grounds exist for the issuance of the orders or restrictive measures and that the terms and conditions imposed are no more restrictive than necessary to protect the public health.

(3) When the state or local public health officer within his or her respective jurisdiction knows or has reason to believe, because of direct medical knowledge or reliable testimony of others in a position to have direct knowledge of a person's behavior, that a person has a sexually transmitted disease and is engaging in specified conduct, as determined by the board by rule based upon generally accepted standards of medical and public health science, that endangers the public health, he or she shall conduct an investigation in accordance with procedures prescribed by the board to evaluate the specific facts alleged, if any, and the reliability and credibility of the person or persons providing such information and, if satisfied that the allegations are true, he or she may issue an order according to the following priority to:

(a) Order a person to submit to a medical examination or testing, seek counseling, or obtain medical treatment for curable diseases, or any combination of these, within a period of time determined by the public health officer, not to exceed fourteen days.

(b) Order a person to immediately cease and desist from specified conduct which endangers the health of others by imposing such restrictions upon the person as are necessary to prevent the specified conduct that endangers the health of others only if the public health officer has determined that clear and convincing evidence exists to believe that such person has been ordered to report for counseling as provided in (a) of this subsection and continues to demonstrate behavior which endangers the health of others. Any restriction shall be in writing, setting forth the name of the person to be restricted and the initial period of time, not to exceed three months, during which the order shall remain effective, the terms of the restrictions, and such other conditions as may be necessary to protect the public health. Restrictions shall be imposed in the least-restrictive manner necessary to protect the public health.

(4) (a) Upon the issuance of any order by the state or local public health officer or an authorized representative pursuant to subsection (3) of this section or section 703(4) of this act, such public health officer shall give written notice promptly, personally, and confidentially to the person who is the subject of the order stating the grounds and provisions of the order.

including the factual bases therefor, the evidence relied upon for proof of infection and dangerous behavior, and the likelihood of repetition of such behaviors in the absence of such an order, and notifying the person who is the subject of the order that, if he or she contests the order, he or she may appear at a judicial hearing on the enforceability of the order, to be held in superior court. He or she may have an attorney appear on his or her behalf in the hearing at public expense, if necessary. The hearing shall be held within seventy-two hours of receipt of the notice, unless the person subject to the order agrees to comply. If the person contests the order, no invasive medical procedures shall be carried out prior to a hearing being held pursuant to this subsection. If the person does not contest the order within seventy-two hours of receiving it, and the person does not comply with the order within the time period specified for compliance with the order, the state or local public health officer may request a warrant be issued by the superior court to insure appearance at the hearing. The hearing shall be within seventy-two hours of the expiration date of the time specified for compliance with the original order. The burden of proof shall be on the public health officer to show by clear and convincing evidence that the specified grounds exist for the issuance of the order and for the need for compliance and that the terms and conditions imposed therein are no more restrictive than necessary to protect the public health. Upon conclusion of the hearing, the court shall issue appropriate orders affirming, modifying, or dismissing the order.

(b) If the superior court dismisses the order of the public health officer, the fact that the order was issued shall be expunged from the records of the department or local department of health.

(5) Any hearing conducted pursuant to this section shall be closed and confidential unless a public hearing is requested by the person who is the subject of the order, in which case the hearing will be conducted in open court. Unless in open hearing, any transcripts or records relating thereto shall also be confidential and may be sealed by the order of the court.

NEW SECTION. Sec. 910. A new section is added to chapter 70.24 RCW to read as follows:

(1) When the procedures of section 909 of this act have been exhausted and the state or local public health officer, within his or her respective jurisdiction, knows or has reason to believe, because of medical information, that a person has a sexually transmitted disease and that the person continues to engage in behaviors that present an imminent danger to the public health as defined by the board by rule based upon generally accepted standards of medical and public health science, the public health officer may bring an action in superior court to detain the person in a facility designated by the board for a period of time necessary to accomplish a program of counseling and education, excluding any coercive techniques or procedures, designed to get the person to adopt nondangerous behavior. In no case may the period exceed ninety days under each order. The board shall establish, by rule, standards for counseling and education under this subsection. The public health officer shall request the prosecuting attorney to file such action in superior court. During that period, reasonable efforts will be made in a noncoercive manner to get the person to adopt nondangerous behavior.

(2) If an action is filed as outlined in subsection (1) of this section, the superior court, upon the petition of the prosecuting attorney, shall issue other appropriate court orders including, but not limited to, an order to take the person into custody immediately, for a period not to exceed seventy-two hours, and place him or her in a facility designated or approved by the board. The person who is the subject of the order shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual bases therefor, the evidence relied upon for proof of infection and dangerous behavior, and the likelihood of repetition of such behaviors in the absence of such an order, and notifying the person that if he or she refuses to comply with the order he or she may appear at a hearing to review the order and that he or she may have an attorney appear on his or her behalf in the hearing at public expense, if necessary. If the person contests testing or treatment, no invasive medical procedures shall be carried out prior to a hearing being held pursuant to subsection (3) of this section.

(3) The hearing shall be conducted no later than forty-eight hours after the receipt of the order. The person who is subject to the order has a right to be present at the hearing and may have an attorney appear on his or her behalf in the hearing, at public expense if necessary. If the order being contested includes detention for a period of fourteen days or longer, the person shall also have the right to a trial by jury upon request. Upon conclusion of the hearing or trial by jury, the court shall issue appropriate orders.

The court may continue the hearing upon the request of the person who is subject to the order for good cause shown for no more than five additional judicial days. If a trial by jury is requested, the court, upon motion, may continue the hearing for no more than ten additional judicial days. During the pendency of the continuance, the court may order that the person contesting the order remain in detention or may place terms and conditions upon the person which the court deems appropriate to protect public health.

(4) The burden of proof shall be on the state or local public health officer to show by clear and convincing evidence that grounds exist for the issuance of any court order pursuant to subsection (2) or (3) of this section. If the superior court dismisses the order, the fact that the order was issued shall be expunged from the records of the state or local department of health.

(5) Any hearing conducted by the superior court pursuant to subsection (2) or (3) of this section shall be closed and confidential unless a public hearing is requested by the person who is the subject of the order, in which case the hearing will be conducted in open court. Unless in open hearing, any transcripts or records relating thereto shall also be confidential and may be sealed by order of the court.

(6) Any order entered by the superior court pursuant to subsection (1) or (2) of this section shall impose terms and conditions no more restrictive than necessary to protect the public health.

Sec. 911. Section 5, chapter 114, Laws of 1919 and RCW 70.24.080 are each amended to read as follows:

Any person who shall violate any of the provisions of this ~~((act))~~ chapter or any lawful rule ~~((or regulation made))~~ adopted by the ~~((state))~~ board ~~((of health))~~ pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county or municipal public health officer, pursuant to the authority granted in this ~~((act))~~ chapter, shall be deemed guilty of a gross misdemeanor punishable as provided under RCW 9A.20.021.

Sec. 912. Section 1, chapter 164, Laws of 1969 ex. sess. and RCW 70.24.110 are each amended to read as follows:

A minor fourteen years of age or older who may have come in contact with any ~~((venereal))~~ sexually transmitted disease or suspected ~~((venereal))~~ sexually transmitted disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.

Sec. 913. Section 1, chapter 59, Laws of 1977 and RCW 70.24.120 are each amended to read as follows:

~~((Venereal))~~ Sexually transmitted disease case investigators, upon specific authorization from a ~~((doctor))~~ physician, are hereby authorized to perform venipuncture or skin puncture on a person for the sole purpose of withdrawing blood for use in ~~((venereal))~~ sexually transmitted disease tests.

The term ~~((venereal))~~ sexually transmitted disease case investigator" shall mean only those persons who:

- (1) Are employed by public health authorities; and
- (2) Have been trained by a ~~((doctor))~~ physician in proper procedures to be employed when withdrawing blood in accordance with training requirements established by the department of social and health services; and
- (3) Possess a statement signed by the instructing ~~((doctor))~~ physician that the training required by subsection (2) of this section has been successfully completed.

The term ~~((doctor))~~ physician" means any person licensed under the provisions of chapters 18.57 or 18.71 RCW.

NEW SECTION. Sec. 914. A new section is added to chapter 70.24 RCW to read as follows:

(1) Any person aggrieved by a violation of this chapter shall have a right of action in superior court and may recover for each violation:

- (a) Against any person who negligently violates a provision of this chapter, one thousand dollars, or actual damages, whichever is greater, for each violation.
 - (b) Against any person who intentionally or recklessly violates a provision of this chapter, two thousand dollars, or actual damages, whichever is greater, for each violation.
 - (c) Reasonable attorneys' fees and costs.
 - (d) Such other relief, including an injunction, as the court may deem appropriate.
- (2) Any action under this chapter is barred unless the action is commenced within three years after the cause of action accrues.

(3) Nothing in this chapter limits the rights of the subject of a test for a sexually transmitted disease to recover damages or other relief under any other applicable law.

(4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.

NEW SECTION. Sec. 915. A new section is added to chapter 70.24 RCW to read as follows:

The board shall adopt such rules as are necessary to implement and enforce this chapter. Rules may also be adopted by the department of social and health services or the department of licensing for the purposes of this chapter. The rules may include procedures for taking appropriate action, in addition to any other penalty under this chapter, with regard to health care facilities or health care providers which violate this chapter or the rules adopted under this chapter. The rules shall prescribe stringent safeguards to protect the confidentiality of the persons and records subject to this chapter. The procedures set forth in chapter 34.04 RCW apply to the administration of this chapter, except that in case of conflict between chapter 34.04 RCW and this chapter, the provisions of this chapter shall control.

Sec. 916. Section 5, chapter 257, Laws of 1986 as amended by section 2, chapter 324, Laws of 1987 and RCW 9A.36.021 are each amended to read as follows:

(1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

- (a) Intentionally assaults another and thereby inflicts substantial bodily harm; or
 - (b) Intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or
 - (c) Assaults another with a deadly weapon; or
 - (d) With intent to inflict bodily harm, administers to or causes to be taken by another, poison, the human immunodeficiency virus as defined in chapter 70.24 RCW, or any other destructive or noxious substance; or
 - (e) With intent to inflict bodily harm, exposes or transmits human immunodeficiency virus as defined in chapter 70.24 RCW; or
 - (f) With intent to commit a felony, assaults another.
- (2) Assault in the second degree is a class B felony.

NEW SECTION, Sec. 917. A new section is added to chapter 70.24 RCW to read as follows:

It is unlawful for any person who has a sexually transmitted disease, except HIV infection, when such person knows he or she is infected with such a disease and when such person has been informed that he or she may communicate the disease to another person through sexual intercourse, to have sexual intercourse with any other person, unless such other person has been informed of the presence of the sexually transmitted disease.

NEW SECTION, Sec. 918. A new section is added to chapter 70.24 RCW to read as follows:

Members of the state board of health and local boards of health, public health officers, and employees of the department of social and health services and local health departments are immune from civil action for damages arising out of the good faith performance of their duties as prescribed by this chapter, unless such performance constitutes gross negligence.

NEW SECTION, Sec. 919. A new section is added to chapter 70.24 RCW to read as follows:

Nothing in this chapter may be construed to require additional local funding of programs to treat communicable disease established as of the effective date of this section.

NEW SECTION, Sec. 920. A new section is added to chapter 70.24 RCW to read as follows:

Nothing in this chapter is intended to create a state-mandated liberty interest of any nature for offenders or inmates confined in department of corrections facilities or subject to the jurisdiction of the department of corrections.

NEW SECTION, Sec. 921. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 114, Laws of 1919 and RCW 70.24.010;
- (2) Section 2, chapter 114, Laws of 1919, section 93, chapter 141, Laws of 1979 and RCW 70.24.020;
- (3) Section 3, chapter 114, Laws of 1919 and RCW 70.24.030;
- (4) Section 4, chapter 114, Laws of 1919 and RCW 70.24.040; and
- (5) Section 7, chapter 114, Laws of 1919, section 94, chapter 141, Laws of 1979 and RCW 70.24.060.

NEW SECTION, Sec. 922. Sections 916 and 917 of this act shall take effect July 1, 1988.

PART X MISCELLANEOUS

NEW SECTION, Sec. 1001. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 1002. Except as otherwise specifically provided, this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "diseases;" strike the remainder of the title and insert "amending RCW 43.150.050, 28A.05.010, 70.24.050, 70.24.070, 70.24.080, 70.24.110, 70.24.120, and 9A.36.021; adding a new section to chapter 28A.05 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.04 RCW; adding new sections to chapter 49.60 RCW; adding new sections to chapter 70.24 RCW; adding a new section to chapter 70.48 RCW; creating new sections; repealing RCW 70.24.010, 70.24.020, 70.24.030, 70.24.040, and 70.24.060; prescribing penalties; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Deccio moved that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6221.

MOTION

Senator Newhouse moved that the question be divided and that the Senate do concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6221, with the exception of Subsection (1) of Section No. 902, on page 18, lines 17 through 21.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse that the question be divided regarding the House amendments to Engrossed Second Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse to divide the question on the House amendments to Engrossed Second Substitute Senate Bill No. 6221 carried by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 29.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 20.

The President declared the question divided.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognild: "A parliamentary inquiry, Mr. President. Do I understand correctly that the motion presently before the body is to concur with the House amendment to subsection (1) of Section 902 on page 18, lines 17 through 21?"

REPLY BY THE PRESIDENT

President Cherberg: "The motion is to concur with everything except that, Senator."

The President declared the question before the Senate to be the motion by Senator Deccio to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6221, with the exception of subsection (1) of Section 902 on page 18, lines 17 through 21.

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Is the action now on the motion by Senator Deccio?"

REPLY BY THE PRESIDENT

President Cherberg: "It's on--"

Senator Rasmussen: "Senator Deccio made the motion to concur and Senator Newhouse moved to divide the question. Now which one are we on?"

President Cherberg: "Senator Deccio's motion."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognild: "Thank you, Mr. President. I believe there is still some confusion on the floor. I believe, if I understand correctly, the motion before us is to concur with all of the amendments except the amendment on page 18, lines 15 through 31. Is that correct?"

REPLY BY THE PRESIDENT

President Cherberg: "Lines 17 through 21, Senator."

REMARKS BY SENATOR PULLEN

Senator Pullen: "I sense there is a lot of confusion, too. To clarify it, the motion before us is to concur in the relatively noncontroversial amendments. After we concur in those, then the fur will fly on the controversial one."

The President declared the question before the Senate to be the motion by Senator Deccio to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6221, with the exception of subsection (1) of Section 902 on page 18, lines 17 through 21.

The motion by Senator Deccio carried and the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 6221, with the exception of subsection (1) of Section 902 on page 18, lines 17 through 21.

The President declared the question before the Senate to the motion by Senator Deccio to concur in the House amendment to subsection (1) of Section 902 on page 18, lines 17 through 21 to Engrossed Second Substitute Senate Bill No. 6221.

Senator Rasmussen demanded a roll call and the demand was sustained. Further debate ensued.

POINT OF INQUIRY

Senator Rinehart: "Senator Deccio, by voting 'yes' to concur in this amendment, will we, by adopting this provision, in any way alter the defenses available to employers or to others should they be accused of handicap discrimination on the basis of an HIV infection?"

Senator Deccio: "No Senator, all the defenses available in a handicap case, would be available to an employer or anyone else accused of discrimination against persons with an HIV infection."

Senator Rinehart: "Senator Deccio, by adopting this provision, are we giving people with an HIV infection a higher degree of protection against discrimination than any other person?"

Senator Deccio: "No, it is simply the intent to make certain that people with an HIV infection are treated the same as other people with conditions which may constitute a handicap under the state's discrimination laws. We've merely taken an existing law in WAC. We've not added anything new in order to deal with this section."

Further debated ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Deccio to concur in the remaining House amendment to subsection (1), Section 902 to Engrossed Second Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio to concur in the remaining House amendment to Engrossed Second Substitute Senate Bill No. 6221 failed by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kiskaddon, Kreidler, Madsen, McMullen, Moore, Niemi, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Halsan, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 26.

MOTION

On motion of Senator Deccio, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 6221, with the exception of subsection (1) of Section 902 on page 18, lines 17 through 21, and asks the House to recede therefrom.

DISPENSE WITH CALL OF THE SENATE

On motion of Senator Newhouse, the Senate dispensed with the Call of the Senate.

MOTION

At 12:32 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1988-8757

by Senators Sellar, Lee, Newhouse, Saling, Deccio, Smitherman, Williams, Anderson, McMullen and Warnke

WHEREAS, The private sector business community is of vital importance to the state of Washington to ensure that employment opportunities are available and to ensure a high standard of living and quality of life for Washington citizens; and

WHEREAS, It is in the interest of the state of Washington to preserve a competitive economy dedicated to providing quality goods and services at fair and reasonable prices; and

WHEREAS, The Legislature recognizes the vital importance of not-for-profit organizations in providing community and charitable services that have not traditionally been commercially viable and that not-for-profit organizations enable citizens to cooperate to serve their communities; and

WHEREAS, In January, 1988, the office of the Secretary of State issued its "Preliminary Study Results" on nonprofit organizations in Washington and the Department of Revenue issued its research report on nonprofit organizations as to Washington state excise tax treatment; and

WHEREAS, In December, 1987, the Small Business Improvement Council issued its "Annual Report to the Governor and the Legislature," which report identified issues of concern to the small business community, and which specifically identified the issue of competition between for-profit and not-for-profit organizations; and

WHEREAS, It is now appropriate that the Legislature address concerns of both for-profit and not-for-profit organizations; and

WHEREAS, It is necessary to study the impact of tax and regulatory exemptions on for-profit and not-for-profit organizations;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that a committee on for-profit and not-for-profit competition shall be established; and

BE IT FURTHER RESOLVED, That the committee shall be composed of the following members: Four members of the Senate, two appointed by each caucus; four members of for-profit organizations, two appointed by each caucus; four members of not-for-profit organizations, two appointed by each caucus; and four ex officio, nonvoting members from state government agencies, two appointed by each caucus; and

BE IT FURTHER RESOLVED, That the committee shall review the following areas:

- (1) The tax and regulatory advantages that accrue to for-profit and not-for-profit organizations;
- (2) The extent to which not-for-profit organizations engage in unrelated business activities;
- (3) The major areas in which competition exists between for-profit and not-for-profit organizations, together with the historical perspectives on such major areas of competition;
- (4) The manner in which both for-profit and not-for-profit organizations can cooperate to mitigate the problems generated by such competition;
- (5) What action, if any, should be taken by the Legislature to reduce such competition; and
- (6) Additional issues in this area which should be examined; and

BE IT FURTHER RESOLVED, That the committee shall be constituted not later than May 1, 1988, and shall convene its first meeting not later than June 1, 1988; and

BE IT FURTHER RESOLVED, That the committee shall report its initial findings and recommendations for scope of work to the Governor and the Legislature not later than January 1, 1989; and

BE IT FURTHER RESOLVED, That it is intended that the committee shall make its final report and recommendations to the Governor and the Legislature not later than January 1, 1990; and

BE IT FURTHER RESOLVED, That all executive branch agencies having expertise in the area of for-profit and not-for-profit competition, or which are impacted by the issue of such competition, shall cooperate with and provide such services as requested by the committee.

Senators Lee and Smitherman spoke to Senate Resolution 1988-8757.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1418,

HOUSE BILL NO. 1558,

HOUSE BILL NO. 1695,

HOUSE CONCURRENT RESOLUTION NO. 4402.

PERSONAL PRIVILEGE

Senator Smitherman: "A point of personal privilege, Mr. President. Over the past two years, one of the functions that I have held here in Olympia is the Bill Smitherman Eight Ball Tournament. The proceeds from those tournaments are always given to the Thurston County Food Bank. It's my way of saying and those who participate of saying that we believe that we owe this city something, that it's been good to us and we want to return something to it. With the permission of the body, I would like to give to Senator Mike Kreidler and Senator Stu Halsan checks and dollars in the amount of about three hundred thirty-five dollars that were the proceeds from that event and that's what we have this year, Mike. Last year we had approximately the same amount. Thank you."

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

REPORT OF FREE CONFERENCE COMMITTEE

RE: E2SHB 1835

Providing for economic diversification in the Tri-Cities.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Second Substitute House Bill No. 1835, read in March 9, 1988.)

Signed by Senators Benitz, Williams, Lee; Representatives Ebersole, Grant, Hankins.

MOTION

Senator Lee moved that the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1835 be adopted.

POINT OF INQUIRY

Senator Smitherman: "Senator Lee, on page 18, at the beginning of Section 16 and in passages after that throughout, there's language that is very similar to what you find in the current bill that provides for distressed area funding. I was wondering, is there anything in this language that would set up a priority for the Tri-City area receiving money or is it just intended to clarify that they are also eligible for those types of considerations—the distressed area considerations?"

Senator Lee: "This language does not give them any priority over any other area that would qualify for distressed area consideration. The reason we needed special language here is because we got two counties involved and one of them by itself might not qualify for the distressed area designation, so this language was carefully worked out. It is somewhat different than what we passed, but we did pass the same concept in our original form of the bill."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Free Conference Committee Report on Engrossed Second Substitute House Bill No. 1835.

The motion by Senator Lee carried and the Report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1835 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1835, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1835, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Bender - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1835, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1445 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on HOUSE BILL NO. 1515 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1585 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1302 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1271 and has passed the bill as amended by the Free Conference Committee.

SHARON CASE, Assistant Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038 and has granted said committee the powers of Free Conference.

SHARON CASE, Assistant Chief Clerk

March 10, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1368 and has passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1312 and has granted said committee the powers of Free Conference.

SHARON CASE, Assistant Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6124 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESSB 6124

Providing technical and financial assistance to assist in the delivery of rural health care systems.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the

measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 6124, read in March 9, 1988.)

Signed by Senators Zimmerman, Wojahn, Johnson: Representatives Braddock, Sprenkle, Brooks.

MOTION

On motion of Senator Zimmerman, the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 6124 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6124, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6124, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogndil, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bender, Deccio, Hayner, Kreidler, Saling - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6124, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6157 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 6157

Changing provisions relating to student learning objectives.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 6157, read in March 9, 1988.)

Signed by Senators Bailey, Rinehart, Kiskaddon: Representatives Peery, Spanel, Betzoff.

MOTION

On motion of Senator Bailey, the Report of the Free Conference Committee on Substitute Senate Bill No. 6157 was adopted.

MOTION

On motion of Senator Zimmerman, Senators Deccio, Hayner, McCaslin and Saling were excused.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, you have a very sharp mind and are a very able person, have you found a shelf where they put these student learning objectives when they file them over there at the Superintendent's Office? They tell me that nobody can find that shelf and nobody looks at them."

Senator Bailey: "There may be some truth in that. I can't verify it, but I think there may be some truth in that statement."

Senator Rasmussen: "Maybe by adopting this, we can take another step next session."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6157, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6157, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Garrett - 1.

Excused: Senators Deccio, Hayner, McCaslin, Saling - 4.

SUBSTITUTE SENATE BILL NO. 6157, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTION SENATE BILL NO. 6238 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 6238

Changing provisions relating to the authority of state agencies to administer part C of the federal safe drinking water act.

March 8, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 6238, read in March 9, 1988.)

Signed by Senators Metcalf, Owen, Barr: Representatives Rust, Valle, Walker.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Substitute Senate Bill No. 6238 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6238, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6238, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Craswell - 1.

Excused: Senators Deccio, Hayner, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6238, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Pullen moved that the Free Conference Committee be relieved of further consideration of Substitute House Bill No. 608.

*EDITOR'S NOTE: The Senate failed to adopt the Report of the Free Conference Committee on Substitute House Bill No. 608 and the bill was referred back to the Free Conference Committee on March 9, 1988.

Debate ensued.

The President declared the question before the Senate to be the motion to relieve the Free Conference Committee of further consideration of Substitute House Bill No. 608.

The motion by Senator Pullen carried and the Free Conference Committee was relieved of further consideration of Substitute House Bill No. 608.

MOTION

On motion of Senator Pullen, the Senate insists on its position regarding the Senate amendments to Substitute House Bill No. 608 and once again asks the House to concur therein.

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

MOTION

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

SENATE RESOLUTION 1988-8752

by Senators Warnke, Smitherman, Owen, Rinehart, Gaspard and von Reichbauer

WHEREAS, The Auburn High School Marching Band has been selected to march in the 1989 Tournament of Roses Centennial Parade in Pasadena, California, on January 2, 1989, the year Washington State celebrates its 100th birthday; and

WHEREAS, The band is one of only twenty-two bands selected to perform from more than five hundred applicants nation-wide; and

WHEREAS, The selection of the Auburn High School Marching Band has brought great recognition and honor to Washington State; and

WHEREAS, The talents of the marching band members will contribute significantly to the centennial celebration of our state; and

WHEREAS, The citizens of the city of Auburn are extremely proud of the marching band and of the invitation for the band to perform at the 1989 Tournament of Roses Centennial Parade; and

WHEREAS, The Auburn High School Marching Band members, parents, and administration will take an active role in the celebration of Washington's Centennial in 1989; and

WHEREAS, The Mayor of the city of Auburn has named 1988 "The Year of the Rose" in recognition of the band's achievements;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors the Auburn High School Marching Band for their achievements, demonstrated by their invitation to perform in the Tournament of Roses Centennial Parade; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mayor of Auburn, to Band Director Dean Immel, and to each member of the Auburn High School Marching Band.

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

MOTION FOR RECONSIDERATION

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1849 and the pending motion by Senator Talmadge to reconsider the vote by which the Senate insists on its position regarding the Senate amendments, deferred March 9, 1988.

Debate ensued.

The President declared the question before the Senate to be the motion for reconsideration of the vote by which the Senate insisted on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 1849.

The motion for reconsideration carried.

MOTION

On motion of Senator Zimmerman, the motion that the Senate insists on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 1849 was withdrawn.

MOTION

On motion of Senator Zimmerman, the Senate receded from its amendments to Engrossed Substitute House Bill No. 1849.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1849, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1849, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senator Zimmerman - 1.

Absent: Senators Sellar, West - 2.

Excused: Senators Deccio, McCaslin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1849, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Patterson, the following resolution was adopted:

SENATE RESOLUTION 1988-8745

by Senators Patterson, Saling, Zimmerman, Nelson, Barr, Benitz, Rasmussen, Newhouse, Hansen, Bauer, Rinehart, Stratton, DeJarnatt, McCaslin, von Reichbauer, Sellar, Anderson, Bailey, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Niemi, Owen, Pullen, Smith, Smitherman, Talmadge, Vognlid, Warnke, West, Williams and Wojahn

WHEREAS, C. Clement French, who has passed away at the age of 86, has left an everlasting legacy to Washington State University and the nation's higher education system; and

WHEREAS, Dr. French, who served admirably as the sixth president of Washington State University will long be remembered for his unique ability to inspire harmony among the administration, staff and students; and

WHEREAS, This esteemed man, credited with the University's remarkable growth during his tenure from 1952 to 1966, played an important role in establishing Washington State University as a prominent institution of higher education; and

WHEREAS, Dr. French was a "clean desk man," a man of great efficiency, a man prompt in the resolution of tough issues; and

WHEREAS, He helped establish the Council of Presidents and served as president of the National Association of State Universities and Land-Grant Colleges, as well as chairman of the Western Interstate Commission for Higher Education; and

WHEREAS, Dr. French's numerous contributions to Washington State University specifically and to higher education in general will not soon be forgotten by the many people whose lives were enhanced by knowing him;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we the members of the Senate of the state of Washington, take a moment to pay tribute to one of this state's most respected citizens; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this Resolution to Washington State University and to the members of Dr. French's family.

Senator Hayner spoke to Senate Resolution 1988-8745.

MOTION

On motion of Senator Kiskaddon, the following resolution was adopted:

SENATE RESOLUTION 1988-8746

by Senators Kiskaddon, Stratton, Bailey and Garrett

WHEREAS, Foster care provides a family environment for children who are unable to stay in their natural homes; and

WHEREAS, More than four thousand five hundred children are in foster care as a result of some form of trauma, with forty-three percent of these children being behaviorally disturbed or developmentally disabled and in need of appropriate foster care resources which can minimize negative emotional and physical results; and

WHEREAS, Licensed private foster care agencies provide nearly one-half of the available foster care services, but these private agencies are reimbursed at a rate of less than one-third of the actual cost of providing foster care services; and

WHEREAS, Private foster care agencies are finding it necessary to reduce the services they provide, thereby jeopardizing the quantity and quality of foster care which is available in the state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Children and Family Services Committee shall conduct a study of the private foster care system to be completed by December 1, 1988; and

BE IT FURTHER RESOLVED, That the study shall include:

(1) A review of the cost of providing private foster care case management services;

(2) Alternatives to improve the ability of private foster care agencies to provide the services necessary to assist children in foster care, which should include the potential for interagency agreements to provide necessary services, examination and revision of statutes and regulations related to foster care, and a review of the experience of other states in private foster care funding; and

(3) Short-term and long-term goals and recommendations for a legislative approach to private foster care through the year 2000.

The study shall be conducted in cooperation with the Department of Social and Health Services to the extent departmental personnel and supportive services are available; and

BE IT FURTHER RESOLVED, That the committee report its findings and recommendations to the Legislature before the commencement of the 1989 Legislative Session.

MOTION

Senator Metcalf moved that the following resolution be adopted:

SENATE RESOLUTION 1988-8750

by Senators Metcalf and Cantu

WHEREAS, There are many public and private marina facilities operating in various marketing areas in Washington State waters; and

WHEREAS, Public marinas are operated by many jurisdictions including public ports, cities, counties, and special districts; and

WHEREAS, Public and private marinas both provide services to the boating public; and

WHEREAS, In its regulatory and fiduciary capacity, the state of Washington should treat public and private marinas in an equitable manner; and

WHEREAS, Public marinas can create unfair competition by charging lower moorage rates;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on Environment and Natural Resources study marina issues, including questions of competition, equal treatment, public benefit and economic impact; and

BE IT FURTHER RESOLVED, That the committee study all aspects of marina fees, including tax and funding advantages of public marinas, actual costs of operation compared to private marina costs and methods to reduce unfair competition; and

BE IT FURTHER RESOLVED, That the committee prepare recommendations for consideration by the 1989 Legislature.

Senators Smitherman and Williams spoke to Senate Resolution 1988-8750.

MOTION

Senator Williams moved that Senate Resolution 1988-8750 not be adopted.

The President declared the question before the Senate to be the positive motion by Senator Metcalf that Senate Resolution 1988-8750 be adopted.

The motion by Senator Metcalf failed and Senate Resolution 1988-8750 was not adopted.

MOTION

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

SENATE RESOLUTION 1988-8744

by Senators Warnke, Smitherman, McMullen, Williams and Conner

WHEREAS, The state of Washington is a governmental entity that can guide, direct, and influence conditions affecting international trade, tourism, and investment; and

WHEREAS, The state of Washington has a primary interest in the assessment of the impact of international trade upon the economy of the state and to determine the appropriate role of state government; and

WHEREAS, The Lieutenant Governor has demonstrated throughout his years of service to the state a keen ability to understand international trade issues and to support actions by the Senate to encourage and promote international trade, tourism, and investment in Washington; and

WHEREAS, Past efforts of the Lieutenant Governor and of the Senate have expanded the scope and quantity of international trade, tourism, and investment which has resulted in increased economic activity, jobs, and revenues to the state;

NOW, THEREFORE, BE IT RESOLVED, That the Legislative Committee on Economic Development under RCW 44.52.010, chaired by the Lieutenant Governor, is directed to:

- (1) Assess the current level of international trade in the state, and the importance of that activity to the state's economic health;
- (2) Establish trading ties with countries which could provide markets for Washington products;
- (3) Identify products and services of particular interest to world markets, especially those that meet special or unusual needs of overseas customers and those that represent special or unusual resources within the state; and

(4) Recommend ways in which the Senate and the Lieutenant Governor can increase their contributions to the process and development of international trade; and

BE IT FURTHER RESOLVED, That the committee shall report to the Senate on the results of its activities under this resolution before the start of the 1989 Legislative Session; and

BE IT FURTHER RESOLVED, That the Department of Trade and Economic Development, all Washington ports, all governmental units interested in international trade, state colleges and universities, and the private sector, are requested to cooperate and provide information to the committee in carrying out its responsibilities.

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

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1640 and has passed the bill as amended by the Free Conference Committee.

ALAN THOMPSON, Chief Clerk

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

MOTION

On motion of Senator Smith, the following resolution was adopted:

SENATE RESOLUTION 1988-8739

by Senators Smith, Kreidler, Wojahn and Deccio

WHEREAS, The Senate of the state of Washington recognizes the growing importance of adult family homes in the state's long term care system; and

WHEREAS, Adult family homes provide an inexpensive alternative to institutional care and promote a high degree of independent living for residents; and

WHEREAS, The Senate recognizes that many adult family home residents may need special care to maintain their independence and good health; and

WHEREAS, The Senate recognizes that minimum standards in adult family homes are needed to ensure the safety and health of residents; and

WHEREAS, The current regulation of adult family homes may not be adequate to protect residents;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Department of Social and Health Services, in consultation with the appropriate standing House of Representatives and Senate Committees on Health Care, shall conduct a study on the regulation of adult family homes; and

BE IT FURTHER RESOLVED, That the study shall analyze existing fire, health, and safety regulations to determine whether they are adequate or whether improved regulations are needed; and

BE IT FURTHER RESOLVED, That the Department shall prepare a report to the Legislature of its findings and suggested legislation by December 1, 1988.

MOTION

On motion of Senator McMullen, the following resolution was adopted:

SENATE RESOLUTION 1988-8774

by Senators McMullen, Conner, Metcalf and Nelson

WHEREAS, The citizens of the state of Washington recognize the recreational, ecological, and commercial value of Puget Sound; and

WHEREAS, The loading and barging of petroleum and other products that may be hazardous to Puget Sound and its shores has resulted in oil spills and in potentially damaging accidents; and

WHEREAS, The cost to the people of the Puget Sound area in time, dollars, and concern about the potential of damage to the waters, beaches, and wildlife of Puget Sound has been great, and continues at this time;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that its legislative staff, in cooperation with the appropriate federal agencies, the Departments of Wildlife, Fisheries, Community Development, and Ecology, and the University of Washington College of Ocean and Fisheries Science, conduct a study of the potential for, and causes and effects of, oil spills in Puget Sound; and

BE IT FURTHER RESOLVED, That the results of the study, and recommendations based upon: (1) That study; (2) the results of the Model Oil Spill Contingency Plan prescribed by RCW 38.52.420; and (3) the results of the Oil Spill Damage Assessment Study mandated by chapter 479, Laws of 1987, be made to the 1989 Legislature to assist in the reduction of the chances that barge accidents involving petroleum or other hazardous materials will endanger the waters, shores, and wildlife of Puget Sound.

MOTION

On motion of Senator Talmadge, the following resolution was adopted:

SENATE RESOLUTION 1988-8706

by Senators Talmadge, Wojahn, Kreidler, Gaspard and Madsen

WHEREAS, Thousands of Jews were rescued from Nazi atrocities during World War II by the people of the Scandinavian countries; and

WHEREAS, "Thanks to Scandinavia, Inc." is a United States organization founded twenty-five years ago to commemorate the valiant efforts of the Scandinavians and to remind the citizens of the world of the noble efforts against the Holocaust; and

WHEREAS, "Thanks to Scandinavia, Inc." demonstrates our appreciation of these efforts by providing educational fellowships and scholarships in the United States to Scandinavian students;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington commends "Thanks to Scandinavia, Inc." for their charitable programs, and commends the people of Norway, Sweden, Finland, and Denmark for their courage and humanity so vividly demonstrated by the compassion they showed to the Jews fleeing the tyranny of the Nazi regime; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to "Thanks to Scandinavia, Inc."

Senator Zimmerman spoke to Senate Resolution 1988-8706.

MOTION

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

SENATE RESOLUTION 1988-8777

by Senators Vognild, Newhouse, Lee and Warnke

WHEREAS, A strong and effective industrial insurance system is of great benefit to business, workers, and the state; and

WHEREAS, Any major changes in the industrial insurance system should be made with the best research available;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Economic Development and Labor Committee conduct a study on the benefits and liabilities on group self-insurance for industrial insurance during the 1988 legislative interim; and

BE IT FURTHER RESOLVED, That the study shall assess the benefits and drawbacks of group self-insurance for business, workers, and the Department of Labor and Industries.

Senator Newhouse spoke to Senate Resolution 1988-8777.

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

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 5595 and has passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: SSB 5595Establishing liens for owners of self-storage facilities.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5595, read in March 9, 1988.)

Signed by Senators Lee, Niemi, West; Representatives Armstrong, Appelwick, Padden.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Substitute Senate Bill No. 5595 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5595, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5595, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Anderson, Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bauer, West - 2.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 5595, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Wojahn, the following resolution was adopted:

SENATE RESOLUTION 1988-8772

by Senators Wojahn, Rasmussen, Gaspard, Smitherman, Madsen, Warnke, von Reichbauer and Johnson

WHEREAS, Norman Fournier was born the thirteenth of fifteen children, graduated from Catholic University in Washington, D.C., with a bachelor's degree in social work, obtained a master's degree in social work from Fairfield University, and served his country as a first lieutenant in the United States Army stationed in Korea; and

WHEREAS, Norman and Clarice Fournier moved to Tacoma, Washington, in the late 1960's when Norman became head of the social work department for St. Joseph's Hospital; and

WHEREAS, Norman Fournier consistently devoted himself to those most acutely and chronically in need of mental health treatment, first under the auspices of the Comprehensive Mental Health Center in Pierce County, as Acting Mental Health Care Coordinator in Pierce County, and as Director of the Office of Involuntary Treatment in Pierce County for fourteen years; and

WHEREAS, Norman Fournier testified before the Washington Legislature in support of better commitment laws, was active in helping to enact and amend the Involuntary Treatment Act, and worked at all levels, from state-wide task forces to the local service level, to tackle and resolve mental health issues and to maintain a deep understanding and knowledge of what treatment in mental health was all about; and

WHEREAS, Norman Fournier worked unceasingly to implement his dream of providing a full array of mental health services, and as an administrator continued to participate as much as possible in directly providing mental health services; and

WHEREAS, Norman Fournier clearly recognized the danger of working with the volatile population of the mentally ill, and warned of the potential of increased violence when too many mentally ill went without adequate treatment; and

WHEREAS, Choosing to remain personally active instead of sending a subordinate to observe and counsel an unbalanced individual, Norman Fournier went on August 4, 1987, to the home of Henry Doyle, a man with whom he had spoken and whom he knew to have a history of mental illness, and while following standard procedure and after taking appropriate precautions, was fatally shot without warning by Mr. Doyle, who then took his own life; and

WHEREAS, Norman Fournier, at age 51, was the first mental health professional to be killed in Washington while performing services for the mentally ill; and

WHEREAS, Norman Fournier was named Social Worker of the Year by the Washington State Chapter of the Association of Social Workers, who remember him not only for his heroism in death, but for the inspiration, guidance, good humor, and compassion which he consistently exhibited to his co-workers, friends, family, and those who suffer from mental illness, and has been nominated as National Social Worker of the Year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington extend its condolences to Norman's wife, Clarice, and his children, Bernadett, Michelle, and Phillip, and recognize, both with pride and sorrow, the outstanding contributions made by Norman Fournier to the improvement of treatment and services for the mentally ill in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Clarice Fournier and to their children, Bernadette, Michelle, and Phillip, to Pierce County Executive Joe Stortini, to the Washington State Chapter of the Association of Social Workers, and to the National Association of Social Workers.

MOTION

On motion of Senator Kreidler, the following resolution was adopted:

SENATE RESOLUTION 1988-8769

by Senators Moore, Craswell and Kiskaddon

WHEREAS, Marriage is a civil contract which comes under the jurisdiction of the state; and

WHEREAS, The dissolution of marriage is also a civil action which comes under the jurisdiction of the state; and

WHEREAS, Marriage and the family are the basis of a strong, productive, and well-adjusted society; and

WHEREAS, Children are the usual result of marriage and in any proceeding for the dissolution of marriage the best interests of the children are the paramount concern of the judicial system; and

WHEREAS, There is a growing need for social services and facilities for children, who require guidance, care, control, protection, treatment, or rehabilitation; and

WHEREAS, Certain sectors of our government, such as the Department of Social and Health Services, are being overloaded with ever-increasing child-related cases; and

WHEREAS, Two-thirds of our state budget is being allocated toward children, and there is additional pressure on our state to allocate additional funds to children's progress, including victims' compensation, juvenile justice, child protection, and children's services; and

WHEREAS, Some would say our state's "no-fault" divorce laws are contributing to the multiplication of poverty-ridden, one-parent situations which are burdening our state budget; and

WHEREAS, Federal assistance for social services in our state is highly unlikely to increase due to the enormous fiscal deficit;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognizes that marriage is an institution of enormous importance to our state and that it should be protected; and

BE IT FURTHER RESOLVED, That the Senate Children and Family Services Committee be instructed to conduct a thorough study of:

(1) The relationship between the disintegration of the family and a continually increasing need for state budget allocations to social services, facilities, and education for children;

(2) The ways in which the state may change its laws to further protect the institution of marriage; and

(3) The requirements for waiting periods and counseling prior to allowing persons to enter into marriage or grant a dissolution of marriage; and

BE IT FURTHER RESOLVED, That the Senate Children and Family Services Committee shall report its findings regarding the relationship between the disintegration of the family and state budget allocation for children, the advisability of requirements for counseling and waiting periods for marriage or dissolution of marriage, together with recommendations for changes in existing laws to protect the institution of marriage, to the Legislature prior to December 1, 1988.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1988-8775

by Senators von Reichbauer and Stratton

WHEREAS, The hobby of collecting, preserving, and maintaining motor vehicles of historic and special interest is recognized by the Legislature of the state of Washington as stated in RCW 46.16.310, 46.16.311, and 46.16.315; and

WHEREAS, The large number of Washington citizens engaging in the hobby of collecting, preserving, and maintaining motor vehicles of historic and special interest are contributing to the enjoyment and preservation of Washington's automotive memorabilia; and

WHEREAS, There are many vehicle-related activities such as car shows, swap meets, interclub meets, rallies, concours, and tours that feature these historical and special interest vehicles; and

WHEREAS, These activities are the focal point of healthful, outdoor, family-oriented recreation, often used for nonprofit and charitable causes; and

WHEREAS, There is a large segment of the citizenry of the great state of Washington who could gain pleasure and knowledge from a greater involvement in vehicle memorabilia and vehicle-related activities;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in Olympia, Washington, during this Fiftieth Legislative Session, that the members of the Senate declare the week of August 8 through August 14 as "Washington Historical and Special Interest Automobile Recognition Week"; and

BE IT FURTHER RESOLVED, That a suitably prepared copy of this resolution be transmitted to the Secretary of the Senate for appropriate distribution.

MOTION

On motion of Senator Wojahn, the following resolution was adopted:

SENATE RESOLUTION 1988-8770

by Senators Wojahn, Warnke, Lee and Vognild

WHEREAS, State regulation of the cosmetology, barbering, and manicuring professions, and the institutions that provide training for these professions, was substantially changed in 1984 by the State Legislature through the enactment of the Washington Cosmetologists, Barbers, and Manicurists Act of 1984 in Chapter 208, Laws of 1984; and

WHEREAS, These professions are important components of the state's service sector; and

WHEREAS, The Senate recognizes the need to evaluate the effects of the 1984 Act on the quality of service provided by this industry to the citizens of the state;

NOW, THEREFORE, BE IT RESOLVED, That the Legislative Budget Committee shall conduct a study to evaluate the quality of service provided to the public by the cosmetology, barbering, and manicuring industry since the enactment of Chapter 208, Laws of 1984; and

BE IT FURTHER RESOLVED, That the Legislative Budget Committee shall report its findings to the Senate Economic Development and Labor Committee by the commencement of the 1989 legislative session.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1988-8778

by Senators von Reichbauer, Vognild, Hayner and Talmadge

WHEREAS, In 1980, the Senate Select Committee on Gubernatorial Appointments undertook a study of the Senate gubernatorial appointment confirmation process; and

WHEREAS, The Select Committee, appointed in 1980, submitted to the Senate recommendations for formalizing and strengthening the Senate confirmation process; and

WHEREAS, Several years have passed since the Senate last undertook a thorough review of the Senate gubernatorial appointment confirmation process;

NOW, THEREFORE, BE IT RESOLVED, That the President of the Senate shall appoint three members of the majority caucus and two members of the minority caucus to serve on a Senate Select Committee on Gubernatorial Appointments, the chair of which shall be selected by the members of the committee; and

BE IT FURTHER RESOLVED, That the Select Committee shall undertake a review and evaluation of legislation enacted since 1980 relating to the Senate gubernatorial appointment confirmation process; and

BE IT FURTHER RESOLVED, That the Select Committee shall identify any and all issues or shortcomings in the Senate gubernatorial appointment confirmation process and recommend legislation designed to resolve or correct any of the issues or shortcomings identified; and

BE IT FURTHER RESOLVED, That the Select Committee shall submit its findings and recommendation to the Senate at the commencement of the 1989 Legislative Session. The Select Committee shall cease to exist on the first day of the 1989 Legislative Session.

MOTION

At 3:12 p.m. on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:40 p.m. by President Cherberg.

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

MOTIONS

On motion of Senator Newhouse, the Free Conference Committee was relieved of further consideration of Engrossed Substitute House Bill No. 2038.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2038 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDonald moved to reconsider the vote by which the three amendments by Senators McDonald and Niemi on page 5, lines 26, 33 and 35, were adopted March 5, 1988.

The President declared the question before the Senate to be the motion by Senator McDonald to reconsider the vote by which the three amendments by Senators McDonald and Niemi on page 5, lines 26, 33 and 35, to Engrossed Substitute House Bill No. 2038 were adopted.

The motion by Senator McDonald for reconsideration carried.

MOTION

On motion of Senator McDonald, and there being no objection, the amendments by Senators McDonald and Niemi on page 5, lines 26, 33 and 35, were withdrawn.

MOTION

On motion of Senator Vognild, the following amendments by Senators Vognild and McDonald were considered simultaneously and adopted:

On page 3, line 14, after "senate," insert "the administrator shall serve at the pleasure of the governor."

On page 7, line 1, after the period, add a new subsection to read as follows:

"(4) The board may authorize premium contributions for an employee and the employee's dependents. Such authorization shall require a vote of five members of the board for approval."

Renumber the remaining subsection accordingly.

On page 7, beginning on line 3, after "board," delete all material down to and including the period on line 10.

On page 9, line 7, after "authority" delete "may" and insert "shall"

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2038, as amended by the Senate under suspension of the rules, was advanced the third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2038, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2038, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Zimmerman - 45.

Voting nay: Senators Moore, Pullen, Warnke, Wojahn - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Tacoma Stars Soccer Team and appointed Senators von Reichbauer, Hayner, Johnson, Wojahn, Craswell and Metcalf to escort the honored guests to the rostrum.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1988-8776

by Senators von Reichbauer, Johnson, Gaspard, Madsen, Rasmussen, Smitherman, Warnke and Wojahn

WHEREAS, The Tacoma Stars Soccer Team has represented the state of Washington in the Major Indoor Soccer League (MISL) with a distinguished record last year by winning the Western Division and competing for the MISL Title; and

WHEREAS, The magnificent team set a league record by winning 18 out of 26 games on the road in 1987 and became the first team in MISL history to have four players who scored 40 or more goals and 70 or more points led by the "Lord of All Indoors," Steve Zungul who scored 89 points; and

WHEREAS, In 1987, the Tacoma Stars attracted 21,728 soccer fans to a Tacoma Dome game--the largest crowd in the world ever to see an indoor soccer team; and

WHEREAS, The Stars currently hold a second place standing after having placed a team record five players in the 1988 MISL All-Star Game; and

WHEREAS, Tacoma Stars Team members have not only shown their mastery of the aggressive and fast-moving sport of soccer, but have also demonstrated unselfish and generous commitment to community and charity programs throughout the state dedicated to the fight against drug abuse among Washington's youth; and

WHEREAS, Having addressed over 30,000 Washington students and teachers at nearly three hundred speaking engagements across the state with encouraging messages of triumph and self-mastery;

NOW, THEREFORE, BE IT RESOLVED, That the Tacoma Stars Soccer Team be honored and remembered by the Washington State Senate and citizens of this great state for their unforgettable mark left in history; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this Resolution to Coach Jimmy McAlister, Assistant Coach Tony Chursky, Trainer Bruce Snell; team members Mike Dowler, Steve Sharp, Gary Heale, Neil Megson, Billy Crook, Steve Zungul, Peter Ward, Joe Waters, Preki, Ralph Black, Charlie Falzon, Peter Hatstrup, Ricky Davis, Mike Getchell, Bernie James, Gregg Blasingame, Homer Screws, Paul Dolan and Val Tuksa; and John Best, President of the Tacoma Stars Soccer Team.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. John Best, President of the Tacoma Stars, and Mr. Jimmy McAlister, the Coach of the Tacoma Stars.

With permission of the Senate, business was suspended to permit Mr. Best to address the Senate.

Coach McAlister presented President Cherberg with a Tacoma Stars jersey and then addressed the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

At 4:05 p.m. on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:46 p.m. by President Cherberg.

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

REPORT OF FREE CONFERENCE COMMITTEE

RE: ESHB 1312

Adopting the supplemental operating budget.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 1312, read in earlier today.)

Signed by Senators McDonald, Gaspard, Hayner; Representatives Grimm, Locke, Holland.

MOTION

Senator McDonald moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1312 be adopted.

PARLIAMENTARY INQUIRY

Senator Vognild: "A parliamentary inquiry, Mr. President. Has this measure been on our desk for twenty-four hours?"

REPLY BY THE PRESIDENT

President Cherberg: "9:45 p.m. will be twenty-four hours."

Senator Vognild: "Mr. President, will it not take a two-thirds vote to consider it at this time?"

President Cherberg: "If the question is raised."

Senator Vognild: "I raise the question."

MOTION

On motion of Senator Vognild, further consideration of the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1312 was deferred until 9:45 p.m.

At 5:53 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 7:02 p.m.

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House adhered to its position regarding its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6221 and again asks the Senate to concur in the remaining amendment, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

CALL OF THE SENATE

Senators Nelson, Newhouse and Zimmerman demanded a Call of the Senate and the demand was sustained.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate, all members being present.

MOTION

On motion of Senator Newhouse, the Senate proceeded under the Call of the Senate.

There being no objection, the Senate resumed consideration of the Message from the House regarding Engrossed Second Substitute Senate Bill No. 6221 under consideration before the Call of the Senate.

MOTION

Senator Deccio moved that the Senate do concur in the remaining amendment to subsection (1) of Section 902 on page 18, lines 17 through 21.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry. Senator Deccio made the motion to concur in subsection (1) of Section 902. Just to be clear, the Senate has previously concurred in subsections (2) and (3) of Section 902?"

REPLY BY THE PRESIDENT

President Cherberg: "That is correct, Senator."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Deccio that the Senate do concur in the remaining House amendment to subsection (1) of Section 902 to Engrossed Second Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio to concur in the remaining House amendment to Engrossed Second Substitute Senate Bill No. 6221 failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Moore, Niemi, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Halsan, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 25.

MOTION

On motion of Senator Newhouse, the Senate insists on its position regarding the remaining House amendment to subsection (1) of Section 902 to Engrossed Second Substitute Senate Bill No. 6221 and once again asks the House to recede therefrom.

MOTION

On motion of Senator Newhouse, Engrossed Second Substitute Senate Bill No. 6221 was ordered immediately transmitted to the House of Representatives.

MOTION

Senator Talmadge moved that the Senate immediately consider Substitute Senate Bill No. 6294.

MOTION

Senator Newhouse moved that the motion by Senator Talmadge to immediately consider Substitute Senate Bill No. 6294 be laid upon the table.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse to lay the motion by Senator Talmadge on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse to lay the motion by Senator Talmadge on the table carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 24.

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

MOTION

At 7:40 p.m. on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:20 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1312 and the pending motion by Senator McDonald to adopt the Report, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDonald to adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1312.

The motion by Senator McDonald carried and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 1312 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1312, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1312, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Zimmerman - 45.

Voting nay: Senators Madsen, McCaslin, McMullen, Wojahn - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1312, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Warnke moved that the Senate immediately consider Engrossed House Concurrent Resolution No. 4451 and Engrossed Substitute House Bill No. 709.

MOTION

At 8:30 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 9:20 p.m. by President Cherberg.

MESSAGES FROM THE HOUSE

March 10, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 692.

HOUSE BILL NO. 1292.

SUBSTITUTE HOUSE BILL NO. 1295.

SUBSTITUTE HOUSE BILL NO. 1317.

SUBSTITUTE HOUSE BILL NO. 1319.

SUBSTITUTE HOUSE BILL NO. 1333.

SUBSTITUTE HOUSE BILL NO. 1340.

HOUSE BILL NO. 1341.

SUBSTITUTE HOUSE BILL NO. 1366.

SUBSTITUTE HOUSE BILL NO. 1369.

HOUSE BILL NO. 1387,
 SUBSTITUTE HOUSE BILL NO. 1389,
 SUBSTITUTE HOUSE BILL NO. 1424,
 SUBSTITUTE HOUSE BILL NO. 1465,
 SUBSTITUTE HOUSE BILL NO. 1469,
 SUBSTITUTE HOUSE BILL NO. 1530,
 SECOND SUBSTITUTE HOUSE BILL NO. 1565,
 SUBSTITUTE HOUSE BILL NO. 1586,
 HOUSE BILL NO. 1588,
 SUBSTITUTE HOUSE BILL NO. 1633,
 SUBSTITUTE HOUSE BILL NO. 1652,
 SUBSTITUTE HOUSE BILL NO. 1660,
 SUBSTITUTE HOUSE BILL NO. 1673,
 SUBSTITUTE HOUSE BILL NO. 1683,
 SUBSTITUTE HOUSE BILL NO. 1684,
 SUBSTITUTE HOUSE BILL NO. 1701,
 SECOND SUBSTITUTE HOUSE BILL NO. 1713,
 SUBSTITUTE HOUSE BILL NO. 1745,
 SUBSTITUTE HOUSE BILL NO. 1754,
 SUBSTITUTE HOUSE BILL NO. 1783,
 HOUSE BILL NO. 1796,
 HOUSE BILL NO. 1836,
 SUBSTITUTE HOUSE BILL NO. 1845,
 SUBSTITUTE HOUSE BILL NO. 1857,
 SUBSTITUTE HOUSE BILL NO. 1883,
 HOUSE BILL NO. 1884,
 SUBSTITUTE HOUSE BILL NO. 1915,
 SUBSTITUTE HOUSE BILL NO. 1952,
 HOUSE BILL NO. 2046,
 HOUSE JOINT RESOLUTION NO. 4223,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4231,
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403,
 HOUSE CONCURRENT RESOLUTION NO. 4452, and the same are herewith

transmitted.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2041 and ENGROSSED HOUSE BILL NO. 2044 and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 692,
 HOUSE BILL NO. 1292,
 SUBSTITUTE HOUSE BILL NO. 1295,
 SUBSTITUTE HOUSE BILL NO. 1317,
 SUBSTITUTE HOUSE BILL NO. 1319,
 SUBSTITUTE HOUSE BILL NO. 1333,
 SUBSTITUTE HOUSE BILL NO. 1340,
 HOUSE BILL NO. 1341,
 SUBSTITUTE HOUSE BILL NO. 1366,
 SUBSTITUTE HOUSE BILL NO. 1369,
 HOUSE BILL NO. 1387,
 SUBSTITUTE HOUSE BILL NO. 1389,
 SUBSTITUTE HOUSE BILL NO. 1424,
 SUBSTITUTE HOUSE BILL NO. 1465,
 SUBSTITUTE HOUSE BILL NO. 1469,
 SUBSTITUTE HOUSE BILL NO. 1530,
 SECOND SUBSTITUTE HOUSE BILL NO. 1565,
 SUBSTITUTE HOUSE BILL NO. 1586,
 HOUSE BILL NO. 1588,
 SUBSTITUTE HOUSE BILL NO. 1633,

SUBSTITUTE HOUSE BILL NO. 1652,
 SUBSTITUTE HOUSE BILL NO. 1660,
 SUBSTITUTE HOUSE BILL NO. 1673,

SUBSTITUTE HOUSE BILL NO. 1660
 SUBSTITUTE HOUSE BILL NO. 1673

SUBSTITUTE HOUSE BILL NO. 1683,
 SUBSTITUTE HOUSE BILL NO. 1684,
 SUBSTITUTE HOUSE BILL NO. 1701,
 SECOND SUBSTITUTE HOUSE BILL NO. 1713,
 SUBSTITUTE HOUSE BILL NO. 1745,
 SUBSTITUTE HOUSE BILL NO. 1754,
 SUBSTITUTE HOUSE BILL NO. 1783,
 HOUSE BILL NO. 1796,
 HOUSE BILL NO. 1836,
 SUBSTITUTE HOUSE BILL NO. 1845,
 SUBSTITUTE HOUSE BILL NO. 1857,
 SUBSTITUTE HOUSE BILL NO. 1883,
 HOUSE BILL NO. 1884,
 SUBSTITUTE HOUSE BILL NO. 1915,
 SUBSTITUTE HOUSE BILL NO. 1952,
 HOUSE BILL NO. 2046,
 HOUSE JOINT RESOLUTION NO. 4223,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4231,
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4403,
 HOUSE CONCURRENT RESOLUTION NO. 4452.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5595,
 SUBSTITUTE SENATE BILL NO. 6124,
 SUBSTITUTE SENATE BILL NO. 6157,
 SUBSTITUTE SENATE BILL NO. 6219,
 SUBSTITUTE SENATE BILL NO. 6238,
 SENATE BILL NO. 6297,
 SUBSTITUTE SENATE BILL NO. 6344,
 SENATE BILL NO. 6668.

There being no objection, the Senate resumed consideration of the motion by Senator Warnke that the Senate immediately consider Engrossed House Concurrent Resolution No. 4451 and Engrossed Substitute House Bill No. 709, which was made before the Senate went at ease.

MOTION

Senator Nelson moved that the motion by Senator Warnke to immediately consider Engrossed House Concurrent Resolution No. 4451 and Engrossed Substitute House Bill No. 709 be laid upon the table.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Nelson to lay the motion by Senator Warnke on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Nelson to lay the motion by Senator Warnke on the table carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rasmussen, Rinehart, Smitherman, Stratton, Talmadge, Vognlid, Warnke, Williams, Wojahn - 24.

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6235 and has passed the bill as

amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

RE: E2SSB 6235

Creating the water pollution control account and authorizing financial assistance from it.

March 9, 1988

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom the above measure was referred, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Second Substitute Senate Bill No. 6235, read in earlier today.)

Signed by Senators Barr, Lee, Kreidler; Representatives Rust, Hine, Schoon.

MOTION

On motion of Senator Nelson, the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 6235 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6235, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6235, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Anderson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6235, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator Niemi, the following resolution was adopted:

SENATE RESOLUTION 1988-8771

by Senators Deccio, Niemi and Talmadge

WHEREAS, Mental health residential services constitute an option for mental health treatment which should be studied to determine how to better implement solutions to mental health crises; and

WHEREAS, Comprehensive information is not presently available to legislators to enable them to make an informed response to the numerous proposals for enactment of legislation regarding comprehensive mental health residential services or to address the adequacy of current mental health programs and the legislation which may be desirable to meet those needs;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the state of Washington, that the Senate Health Care and Corrections Committee examine and study the provisions of RCW 71.24.035(5)(b)(iii)(D) and (F) and 71.24.035(5)(c) and (d) to determine:

(1) If residential treatment options that provide a continuum of residential care for mentally ill individuals are available;

(2) The role of residential treatment options in preventing institutionalization or transitioning from an institution;

(3) The effectiveness of state hospitals, community hospitals, ARTFs, CCFs, independent living, intensive care management, and psychiatric residential treatment for all ages of citizens, including geriatric, adult, adolescent, and children;

(4) The effectiveness and method of interaction of a variety of jurisdictions, such as the Department of Social and Health Services, providers, and counties;

(5) Recommendations regarding legislation needed to complement or enhance the Community Mental Health Services Act; and

(6) The feasibility and method of integrating residential care into the comprehensive mental health care system; and

BE IT FURTHER RESOLVED, That the Senate Health Care and Corrections Committee shall issue a report concerning its findings to the Legislature prior to January 1, 1989.

Senators Deccio, Wojahn and Talmadge spoke to Senate Resolution 1988-8771.

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

MESSAGE FROM THE HOUSE

March 9, 1988

Mr. President:

The House insists on its position regarding the Senate amendments to SUBSTITUTE HOUSE BILL NO. 657 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Pullen, the Senate receded from its amendments to Substitute House Bill No. 657.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 657, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 657, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Anderson, Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Smith, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE BILL NO. 657, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator McMullen, the following resolution was adopted:

SENATE RESOLUTION 1988-8781

by Senators McMullen and Madsen

WHEREAS, Lowell Peterson has served the 40th Legislative District as the State Senator for twenty-four years; and

WHEREAS, With his time as a city councilman and Mayor of Concrete, he has been a dedicated public servant for over thirty years; and

WHEREAS, He has made many lasting improvements to our communities which stretch from the Cascade Mountains to the San Juan Islands, including creation of

Hart Island State Park, the Padilla Bay Sanctuary, the renewed use of Northern State Hospital, and the North Cross Cascade Highway, to name a few; and

WHEREAS, He made many more contributions to our state policies in dealing with senior citizens, health insurance, education, natural resources and childcare, to name a few of his favorites; and

WHEREAS, Lowell Peterson was President of the Good Roads Association, and served sixteen years as chairman of the Natural Resources Committee, five years as chairman of the Senate Transportation Committee and Vice Chairman of the Legislative Transportation Committee; and

WHEREAS, There is no way Lowell's ability to resolve problems with statesmanship and to the benefit of the Fortieth Legislative District can easily be replaced;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the achievements of State Senator Lowell Peterson during his twenty-four years of service, and wish him, Nancy, and Corrie the best as Lowell starts his new position as State Director of the Road Jurisdiction Committee.

MOTION

On motion of Senator Vognild, Senate Rule 15 was suspended for the remainder of the day.

*EDITOR'S NOTE: Senate Rule 15 reads, "The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day."

At 10:06 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:22 p.m. by President Cherberg.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2041 by Representative Grimm

Relating to the capital budget.

HOLD.

EHB 2044 by Representative Grimm

Relating to bonded indebtedness.

HOLD.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 2041 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2041, by Representative Grimm

Relating to the capital budget.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 1, after line 4, strike everything through "emergency," on page 27, line 27, and insert the following:

"PART 1 GENERAL GOVERNMENT

Sec. 101. Section 106, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tacoma Union Station building stabilization and planning

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of this appropriation is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The money in subsections (1) and (2) of this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

(4) \$500,000 of this appropriation is provided solely for architectural plans and construction specifications for a state museum on the Union Station property.

(5) \$400,000 of this appropriation is provided solely for purchase of the Union Station property. The appropriation in this subsection is contingent on a like amount being provided for this purpose from nonstate sources.

(6) \$2,000,000 of this appropriation is provided solely for restoration of the rotunda of the Union Station building. The appropriation in this subsection is contingent on the city's agreement to exercise its option to purchase Union Station and the city's agreement to grant to the state the right of first refusal to assume the city's option to purchase the property should the city decide to withdraw from the project.

(7) The money in subsections (4), (5), and (6) of this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that:

(a) The city obtain the state's approval for all decisions with respect to:

(i) Determining final ownership of Union Station itself;

(ii) Identifying appropriate uses for the site; and

(iii) Selecting consultants retained by the city under its contract with the state;

(b) The city consult with the state and, unless prohibited from doing so by terms of the United States general services administration lease, follow the state's recommendations in other significant decisions concerning the development of the Union Station properties, including but not limited to:

(i) Planning the development and redevelopment of the site to accommodate appropriate uses;

(ii) Obtaining financing for acquisition, development, or redevelopment of the property; and

(iii) Acquiring, leasing, subleasing, and/or reselling the property;

(c) If the city finds that it is not possible to follow the state's recommendations, the city will advise the state and allow the state a reasonable opportunity to comment; and

(d) The city shall obtain a public access easement from the United States general services administration or any other owner or lessee that will allow public access through the rotunda to any future state facility.

St Bldg Constr Acct	Reappropriation	Appropriation
		((+500,000))
		<u>4,400,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((+500,000))
		<u>4,400,000</u>

Sec. 102. Section 107, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Capitalize development loan fund (88-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the appropriation in this section is provided solely for entitlement communities, which shall not require the commitment of additional federal funds by the entitlement community.

(2) Up to one million five hundred thousand dollars may be used for grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants, which shall not require the commitment of additional federal funds by the entitlement community.

(3) Additional grants may be provided to entitlement communities subject to the matching requirement in RCW 43.168.100.

(4) To the extent permitted under federal law, the development loan committee shall require local entitlement communities to transfer repayments of principal and interest to the Washington state development loan fund.

St Bldg Constr Acct	Reappropriation	Appropriation
		((3,070,000))
		<u>4,070,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((3,070,000))
		<u>4,070,000</u>

NEW SECTION, Sec. 103. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Columbia county courthouse

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$400,000 is appropriated to repair and restore the Columbia county courthouse.
- (2) The appropriation in this section shall be matched by \$700,000 in private donations and local funds from Columbia county.

St Bldg Constr Acct	Reappropriation	Appropriation
		400,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	400,000	400,000

Sec. 104. Section 151, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building painting and renovation

The appropriation in this section is subject to the following conditions and limitations: The project shall include renovation and expansion of the ladies' restroom facility on the third floor of the Senate wing of the Legislative Building.

Cap Bldg Constr Acct	Reappropriation	Appropriation
		((1,365,000))
		<u>2,465,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((1,365,000))
		<u>2,465,000</u>

Sec. 105. Section 155, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT
Tacoma Armory rehabilitation (86-1-001)

General Fund, Federal St Bldg Constr Acct	Reappropriation	Appropriation
	((1,500,000))	300,000
	<u>1,524,254</u>	207,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
((620,000))	4,536,000	7,163,000
<u>595,746</u>		

Sec. 106. Section 157, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT
Minor works (86-1-005)

St Bldg Constr Acct St Fac Renew Acct	Reappropriation	Appropriation
	<u>34,747</u>	500,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs

~~(1-764,666)~~
1,729,253

1,000,000

3,264,000

NEW SECTION. Sec. 107. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT
Facility contingency (CR-86-2-006)

	Reappropriation	Appropriation
St Fac Renew Acct	64,812	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
1,010,188	1,210,000	2,285,000

PART 2

HUMAN RESOURCES

Sec. 201. Section 201, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 37 projects (79-3-R01)

Approve, construct, renovate, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps, involving ~~(eight)~~ ten projects as recommended by the department, totaling ~~((9353,267))~~ \$465,547. Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1987, and approved by March 31, 1988, with the exception of \$112,280 for two Thurston county projects, which require final application submittal by December 31, 1988, and approval by March 31, 1989.

	Reappropriation	Appropriation
Hndcp Fac Constr Acct	2,389,000	
LIRA, DSHS Fac		47,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
22,580,000		25,016,000

Sec. 202. Section 202, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 29 projects (79-3-R02)

Provides expenditure authority for projects already in progress and provides new funds from interest earnings to complete a community multipurpose center for the handicapped in Ferry county. \$40,000 of the funds provided in this section may be spent for renovation or other costs necessary to establish a self-supporting day care center for children of state employees at Eastern State Hospital.

	Reappropriation	Appropriation
LIRA, DSHS Fac	874,000	((126,666)) <u>160,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
426,000		((1,426,666)) <u>1,460,000</u>

Sec. 203. Section 216, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency, unanticipated, and small works contingency (86-1-010)

	Reappropriation	Appropriation
St Fac Renew Acct	525,000	
St Bldg Constr Acct		<u>294,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
452,000		((977,666)) <u>1,271,000</u>

Sec. 204. Section 236, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 27 and Referendum 38

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to sixteen full time equivalent staff per year (~~(in this act)~~) may be funded (~~(through)~~) from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.

(2) The appropriation is provided solely for drought related municipal and industrial water supply projects.

	Reappropriation	Appropriation
LIRA, Water Supp Fac	41,934,000	3,200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((41,161,000))
		<u>44,361,000</u>

NEW SECTION. Sec. 205. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Utilities and facilities (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,058,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	8,668,000	9,726,000

NEW SECTION. Sec. 206. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Hazardous materials abatement (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		977,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	800,000	1,777,000

(End of part)

PART 3

HUMAN SERVICES—OTHER

Sec. 301. Section 316, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Transformers (PCB) code compliance (86-1-012)

	Reappropriation	Appropriation
((St Fac Renew Acct))	((100,000))	
<u>CEP & RI Acct</u>	<u>100,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
100,000		200,000

Sec. 302. Section 322, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Emergency repair projects (86-1-010)

	Reappropriation	Appropriation
((St Bldg Constr Acct))	((70,000))	
<u>St Fac Renew Acct</u>	<u>70,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
330,000		400,000

NEW SECTION. Sec. 303. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Tacoma work training release center: Construction of a Tacoma work release facility (88-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,462,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,462,000

NEW SECTION, Sec. 304. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Eastern Washington prerelease: Site preparation costs for Eastern Washington prerelease facility (88-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,011,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,011,000

NEW SECTION, Sec. 305. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Purdy corrections center for women: Wastewater treatment, life safety projects, and master plan preparation (88-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		615,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		615,000

NEW SECTION, Sec. 306. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island corrections center employee parking facilities

	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		300,000

NEW SECTION, Sec. 307. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island corrections center: Site master plan and environmental impact statement (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		621,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		621,000

PART 4
K-12 EDUCATION

Sec. 401. Section 407, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Artwork grants: 1985-87 (86-4-008)

	Reappropriation	Appropriation
Common School Constr Fund	(215,000)	
	<u>294,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87
 ((230,000))
151,000

Thereafter

445,000

Sec. 402. Section 408, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1987 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$955,000 of the appropriation in this section may be spent for state administration of school construction funding.

Common School Constr Fund		Reappropriation	Appropriation
			((134,337,000))
			<u>211,667,000</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			((134,337,000))
			<u>211,667,000</u>

Sec. 403. Section 409, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

A maximum of ((~~\$152,230,000~~)) \$200,650,000 of the appropriations and reappropriations in sections ((301 through 308 of this act)) 401 through 408 of chapter 6, Laws of 1987 1st ex. sess., as amended, may be disbursed during the 1987-89 biennium.

NEW SECTION. Sec. 404. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital planning and transition purposes: Nine mile falls school district.

St Bldg Constr Acct		Reappropriation	Appropriation
			126,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			126,000

NEW SECTION. Sec. 405. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Roof repairs: Irwin educational building (88-1-002)

St Bldg Constr Acct		Reappropriation	Appropriation
			140,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			140,000

PART 5

COLLEGES AND UNIVERSITIES

Sec. 501. Section 503, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Life safety: Code compliance (86-1-002)

St H Ed Constr Acct		Reappropriation	Appropriation
		500,000	
St Bldg Constr Acct			3,000,000
UW Bldg Acct			<u>1,000,000</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
500,000	3,000,000		((7,000,000))
			<u>8,000,000</u>

Sec. 502. Section 516, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Health science building expansion (H Wing) (86-1-021)

H Ed Reimb S/T Bonds Acct	Reappropriation	Appropriation
St Bldg Constr Acct	135,000	21,135,000
<u>UW Bldg Acct</u>		<u>3,500,000</u>
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
41,000		(21,311,000)
		<u>24,811,000</u>

NEW SECTION. Sec. 503. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Science and engineering facilities: Preplanning (88-2-044)

UW Bldg Acct	Reappropriation	Appropriation
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
		1,000,000

NEW SECTION. Sec. 504. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler coal retrofit (88-4-024)

UW Bldg Acct	Reappropriation	Appropriation
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
		2,300,000

NEW SECTION. Sec. 505. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Power plant stack replacement (88-1-023)

UW Bldg Acct	Reappropriation	Appropriation
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
		1,500,000

Sec. 506. Section 529, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Minor capital improvements (88-1-001)

WSU Bldg Acct	Reappropriation	Appropriation
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
	9,260,000	(4,800,000)
		<u>4,723,100</u>
		(14,660,000)
		<u>13,983,100</u>

Sec. 507. Section 530, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Minor capital renewal (88-1-002)

St Bldg Constr Acct	Reappropriation	Appropriation
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/87	7/1/89 and Thereafter	
		(6,344,000)
		<u>5,701,900</u>

10,000,000

~~((16,344,000))~~15,701,900

NEW SECTION, Sec. 508. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Fine arts building: Mechanical system improvements (88-1-012)

Reappropriation

Appropriation

WSU Bldg Acct

Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter

Estimated
Total
Costs

3,119,000

NEW SECTION, Sec. 509. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

PCB transformer removal and replacement (88-1-014)

Reappropriation

Appropriation

St Bldg Constr Acct

WSU Bldg Acct

Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter

Estimated
Total
Costs

719,000

NEW SECTION, Sec. 510. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Land acquisition: Spokane technical institute.

Reappropriation

Appropriation

St Bldg Constr Acct

Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter

Estimated
Total
Costs

800,000

NEW SECTION, Sec. 511. Section 536, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Todd Hall addition and renovation (88-1-011)

Reappropriation

Appropriation

~~((H Ed Constr Acct))~~

St Bldg Constr Acct

Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter

5,332,000
Estimated
Total
Costs

12,284,000

Sec. 512. Section 560, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Lab annex remodel (86-1-099)

Reappropriation

Appropriation

St Bldg Constr Acct

Project
Costs
Through
6/30/87
75,000

Estimated
Costs
7/1/89 and
Thereafter

Estimated
Total
Costs

~~((1,068,000))~~
1,222,000

Sec. 513. Section 566, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Minor works (88-2-008)

Reappropriation

Appropriation

St Bldg Constr Acct

~~((428,000))~~
214,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter 273,000	Estimated Total Costs (761,666) <u>487,000</u>
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Sec. 514. Section 577, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Minor works request: Small repairs and improvements: PROVIDED, That the \$900,000 state building construction account appropriation shall be used solely for asbestos removal (87-2-004)

	Reappropriation	Appropriation
St H Ed Constr Acct	175,000	
St Bldg Constr Acct		900,000
WWU Cap Proj Acct	910,000	4,697,000
St Fac Renew Acct	160,000	
Project Costs Through 6/30/87 7,292,000	Estimated Costs 7/1/89 and Thereafter 3,545,000	Estimated Total Costs (16,779,666) <u>17,679,000</u>

PART 6
COMMUNITY COLLEGES

NEW SECTION. Sec. 601. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Education Center: Clark College

	Reappropriation	Appropriation
St Bldg Constr Acct		1,800,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 1,800,000

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Multipurpose child care center: Everett

The appropriation in this section is subject to the following conditions and limitations: The funds in this section are provided solely for a model multipurpose child care center for one hundred forty children on or near the Everett community college campus, in accordance with the findings and recommendations of the department of general administration feasibility study for state employee child care dated October 1986. The center is intended to serve a broad base of parents, including students, college and state employees, and clients of state agencies, including but not limited to participants in the department of social and health services family independence program. Additionally, the center may be used as a training facility for students in early childhood education or other appropriate disciplines, and for child care providers. Planning and construction of this facility shall be coordinated with the department of social and health services and local private or government entities.

	Reappropriation	Appropriation
St Bldg Constr Acct		770,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 770,000

PART 7
NATURAL RESOURCES

Sec. 701. Section 702, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Waste disposal facilities: 1980 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$1,500,000 of the appropriation may be expended for planning assistance to any ground water management areas created pursuant to chapter 453, Laws of 1985. Such assistance shall be allocated in a manner consistent with chapter 3, Laws of 1986.

LIRA, Waste Fac 1980	Reappropriation 235,300,000	Appropriation (3,336,966)
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		<u>2,850,900</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((239,305,900))
		<u>238,825,900</u>

Sec. 702. Section 704, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Emergency water project revolving account (88-2-004)

State Emerg Water Proj Rev	Reappropriation 4,000,000	Appropriation ((225,000)) <u>188,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((4,225,000))
		<u>4,188,000</u>

The appropriations in this section are provided solely for the planning, acquisition, construction, and improvement of water supply facilities and other appropriate measures to alleviate emergency drought conditions which may arise in 1987 through 1989, as provided in Second Substitute Senate Bill No. 6513.

Sec. 703. Section 705, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water supply facilities (88-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$500,000 of this reappropriation may be expended to complete the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982. This amount is in addition to the \$3,000,000 previously appropriated for this purpose.

(2) Funds previously appropriated for the East Selah reregulating reservoir shall be reallocated for purposes of early implementation of the Yakima river basin water enhancement project in order to financially assist irrigators in making up 80,000 acre feet of water per year lost because of a 1980 court decision.

LIRA, Water Sup Fac	Reappropriation 30,500,000	Appropriation ((928,000)) <u>888,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((31,428,000))
		<u>31,388,000</u>

Sec. 704. Section 706, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

Water quality projects

State Water Quality Acct	Reappropriation	Appropriation ((1,940,000)) <u>1,862,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter 4,365,000	Estimated Total Costs
		((6,305,000))
		<u>6,227,000</u>

Sec. 705. Section 712, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide water supply facilities (86-1-002)

St Bldg Constr Acct	Reappropriation ((296,000)) <u>431,000</u>	Appropriation
ORA, State	3,000	
ORA, Federal	3,000	
Project	Estimated	Estimated

Costs Through 6/30/87 ((330,000)) 197,000	Costs 7/1/89 and Thereafter	Total Costs
		634,000

Sec. 706. Section 727, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Green River Gorge: Staged acquisition (87-3-010)

	Reappropriation	Appropriation
St Bldg Constr Acct	115,000	551,000
ORA, State	((39,000)) 100,000	
ORA, Federal	100,000	
Project Costs Through 6/30/87 ((245,000)) 185,000	Estimated Costs 7/1/89 and Thereafter 2,000,000	Estimated Total Costs 3,051,000

NEW SECTION. Sec. 707. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Yakima greenway: Acquisition (CI-81-3-098)

	Reappropriation	Appropriation
ORA, State	94,000	
Project Costs Through 6/30/87 56,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 150,000

NEW SECTION. Sec. 708. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
Washington state agricultural complex project at Yakima.

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal fifty percent of the total project cost consisting of design, construction, remodeling and rehabilitation of buildings on the property upon which the Washington state agricultural trade complex project is located, and shall not exceed \$2,000,000. The remaining fifty percent project cost shall be funded by local match consisting of cash, equipment, labor and the value of land and buildings upon which the Washington state agricultural trade complex is located.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,000,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 2,000,000

NEW SECTION. Sec. 709. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Larrabee: Acquisition of Clayton beach, health and safety improvements

	Reappropriation	Appropriation
St Bldg Constr Acct		1,600,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 1,600,000

PART 8

NATURAL RESOURCES—CONTINUED

Sec. 801. Section 875, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Area office space increase projects (88-2-030)

	Reappropriation	Appropriation
For Dev Acct		((151,000))
Res Mgmt Cost Acct		104,000 ((269,000))

			<u>316,000</u>
			<u>12,000</u>
<u>St Bldg Constr Acct</u>			Estimated
Project	Estimated		Total
Costs	Costs		Costs
Through	7/1/89 and		
6/30/87	Thereafter		
			((426,000))
			<u>432,000</u>
Sec. 802. Section 879, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:			
FOR THE DEPARTMENT OF NATURAL RESOURCES			
Seed orchard irrigation (89-2-006)			
	Reappropriation		Appropriation
For Dev Acct			((59,000))
			49,500
Res Mgmt Cost Acct			((106,000))
			<u>115,500</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			165,000
Sec. 803. Section 880, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:			
FOR THE DEPARTMENT OF NATURAL RESOURCES			
Management roads (89-2-008)			
	Reappropriation		Appropriation
((For Dev Acct))			((154,000))
Res Mgmt Cost Acct			((274,000))
			<u>428,000</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	1,700,000		2,433,000
Sec. 804. Section 882, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:			
FOR THE DEPARTMENT OF NATURAL RESOURCES			
Real estate improved property maintenance (89-2-010)			
	Reappropriation		Appropriation
For Dev Acct			((96,000))
			25,000
Res Mgmt Cost Acct			((166,000))
			<u>225,000</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
	200,000		450,000
Sec. 805. Section 893, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:			
FOR THE DEPARTMENT OF NATURAL RESOURCES			
Northeast shop remodeling and addition			
	Reappropriation		Appropriation
((For Dev Acct))			((32,000))
Res Mgmt Cost Acct			((57,000))
			<u>89,000</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			89,000
Sec. 806. Section 890, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:			
FOR THE DEPARTMENT OF NATURAL RESOURCES			
Acquisition of fifty-one miles of Milwaukee Railroad right of way in Jefferson and Clallam counties for recreation, transportation, and utility purposes			

The appropriation in this section is subject to the following conditions and limitations: Portions of the right of way not needed for recreational purposes may be re-sold for economic development purposes.

State Bldg Constr Acct	Reappropriation	Appropriation
		((800,000))
		<u>15,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		((800,000))
		<u>15,000</u>

Sec. 807. Section 895, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Northeast headquarters paving

(For Dev Acct) Res Mgmt Cost Acct	Reappropriation	Appropriation
		((20,000))
		((34,000))
		<u>54,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		54,000

NEW SECTION. Sec. 808. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Hawks Prairie sewer hookup (88-5-045)

Res Mgmt Cost Acct	Reappropriation	Appropriation
		200,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		200,000

NEW SECTION. Sec. 809. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE
Aberdeen lake fish hatchery expansion

Special Wildlife Acct	Reappropriation	Appropriation
		819,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		819,000

Part 9

MISCELLANEOUS

NEW SECTION. Sec. 901. The following acts or parts of acts are each repealed:

- (1) Section 317, chapter 6, Laws of 1987 1st ex. sess. (uncodified);
- (2) Section 410, chapter 6, Laws of 1987 1st ex. sess. (uncodified);
- (3) Section 716, chapter 6, Laws of 1987 1st ex. sess. (uncodified); and
- (4) Section 871, chapter 6, Laws of 1987 1st ex. sess. (uncodified).

NEW SECTION. Sec. 902. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Williams moved that the following amendment to the amendment be adopted:

On page 3, after line 18, insert the following:

NEW SECTION. Sec. 104. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
East capitol campus development

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$50,700,000 appropriation from the Cap Campus Dev Acct is provided solely for the construction of a natural resources building on the unimproved state-owned property east of Capitol Way and west of Jefferson Avenue and construction of a multilevel parking structure on the state-owned property near Jefferson Avenue and Wheeler Street. No funds authorized in this subsection may be expended until the functions of the department of natural resources currently occupying the John A. Cherberg Building are moved to the interim location of the former J.C. Penney's building.

(2) The \$12,000,000 appropriation from the St Bldg Constr Acct is provided solely for construction of a new state museum and visitor center. The state museum is to be constructed on the capitol campus between Capitol Way and Water Street. The new museum shall include an underground parking garage.

(3) The capitol campus design advisory committee is established as an advisory group to the capitol committee to review plans of design and landscaping of state capitol facilities and grounds, and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in the design and maintenance of the state capitol campus.

(a) The committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (i) Two architects;
- (ii) A landscape architect; and
- (iii) An urban planner

(b) The committee shall also consist of two members of the house, one from each caucus, who shall be appointed by the speaker of the house, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(c) The committee shall review plans affecting the state capitol campus as they are developed by or for the capitol committee. The committee's review shall include:

- (i) The design build concept of contracting for public works projects;
- (ii) The design, siting, and grouping of state facilities on the capitol campus relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns and other factors;
- (iii) The relationship of the overall state capitol plan to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey and Tumwater, and Thurston county; and
- (iv) The overall landscaping plans, including planting proposals, placement of outdoor sculpture, and access to the capitol campus and buildings.

(d) The members of the committee shall be reimbursed accordingly for travel expenses as provided in chapters 43.03 and 44.04 RCW.

	Reappropriation	Appropriation
Cap Campus Ofc Dev Acct		50,700,000
St Bldg Constr Acct		12,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		62,700,000*

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Williams, you have one piece of this amendment that I think is an excellent one and I hope that if this amendment is defeated that you will--and I would be glad to join you--in retaining the portion about the Capital Campus Design Advisory Committee. I think it's an essential thing that we have put off too long and have not done. I think, in fact, you were overly polite when you described the planning as haphazard. Could I ask you, if this measure is defeated, if you would be willing to submit that as an amendment, so that we can have a little more confidence in the kinds of things that are brought before us for funding?"

Senator Williams: "Yes, Senator Lee. In fact, it just got delivered to your desk. There's a separate amendment, which if this amendment fails, I would like to offer it, which sets up just the design committee."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment on page 3, line 18, by Senator Williams to the amendment by Senator McDonald.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Williams to the amendment by Senator McDonald and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Owen, Rinehart, Smitherman, Talmadge, Vogtild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccto, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 27.

MOTION

Senator Williams moved that the following amendment by Senators Williams and Lee to the amendment by Senator McDonald be adopted:

On page 3, after line 18, insert the following:

*NEW SECTION. Sec. 104. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

East Capitol Campus Development

(1) The capitol campus design advisory committee is established as an advisory group to the capitol committee to review plans of design and landscaping of state capitol facilities and grounds, and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in the design and maintenance of the state capitol campus.

(2) The committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

(a) Two architects;

(b) A landscape architect; and

(c) An urban planner.

(3) The committee shall also consist of two members of the house, one from each caucus, who shall be appointed by the speaker of the house, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) The committee shall review plans affecting the state capitol campus as they are developed by or for the capitol committee. The committee's review shall include:

(a) The design build concept of contracting for public works projects;

(b) The design, siting, and grouping of state facilities on the capitol campus relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns and other factors;

(c) The relationship of the overall state capitol plan to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey and Tumwater, and Thurston county; and

(d) The overall landscaping plans, including planting proposals, placement of outdoor sculpture, and access to the capitol campus and buildings.

(5) The members of the committee shall be reimbursed accordingly for travel expenses as provided in chapters 43.03 and 44.04 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 3, line 18, by Senators Williams and Lee to the amendment by Senator McDonald.

The motion by Senator Williams carried and the amendment to the amendment was adopted.

MOTION

Senator Bailey moved that the following amendment by Senators Bailey, McDonald and Vogtild to the amendment by Senator McDonald be adopted:

On page 9, beginning on line 16 of the amendment, strike everything through "211,667,000" on line 32 and insert the following:

"Sec. 402. Section 408, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1987 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) After the effective date of this 1988 section, authorization of projects to receive state matching assistance shall include only projects that meet requirements and timelines for authorization of projects to open bids established as of March 1, 1988, in state board of education rules, of which a maximum of \$77,000,000 may be for new construction due to enrollment growth or condemnation.

(2) A maximum of \$955,000 of the appropriation in this section may be spent for state administration of school construction funding.

Common School Constr Fund	Reappropriation	Appropriation
	Estimated Costs 7/1/89 and Thereafter	((134,337,666)) <u>208,262,000</u> Estimated Total Costs
Project Costs Through 6/30/87		((134,337,666)) <u>208,262,000</u>

NEW SECTION. Sec. 403. A new section is added to chapter 6, Laws of 1987 1st ex. sess. to read as follows:

FOR THE STATE BOARD OF EDUCATION

Darrington school district: New elementary-middle school

The appropriation in this section is subject to the following conditions and limitations:

(1) This project shall comply with all state board of education rules and procedures for receipt of state assistance for school construction, with the following exceptions:

(a) The local matching requirement shall be ten percent of the approved project cost as determined by state board of education rules; and

(b) The Darrington school district may be authorized to open bids on the project prior to the final prioritization and authorization of other eligible school district projects and as soon as all other applicable requirements for eligibility for state assistance are met.

(2) If the Darrington school district does not secure local matching funds for the project prior to March 1, 1989, the appropriation in this section shall lapse.

Common School Constr Fund	Reappropriation	Appropriation
	Estimated Costs 7/1/89 and Thereafter	3,405,000 Estimated Total Costs
Project Costs Through 6/30/87		3,405,000*

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 9, line 16, by Senators Bailey, McDonald and Vognild to the amendment by Senator McDonald.

The motion by Senator Bailey carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDonald on page 1, line 4, as amended, to Engrossed House Bill No. 2041.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McDonald, as amended, to Engrossed House Bill No. 2041.

ROLL CALL

The Secretary called the roll and the amendment by Senator McDonald, as amended, was adopted by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Anderson, Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Kreidler, Madsen, McMullen, Moore, Niemi, Rasmussen, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 22.

MOTIONS

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

On page 1, line 3 of the title, after "projects;" strike the remainder of the title and insert "amending section 106, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 107, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 151, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 151, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 155, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 157, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 6, Laws of

1987 1st ex. sess. (uncodified); amending section 202, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 216, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 236, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 316, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 322, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 407, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 408, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 409, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 529, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 530, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 560, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 566, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 577, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 702, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 704, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 705, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 706, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 712, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 727, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 875, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 879, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 880, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 882, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 893, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 890, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 895, chapter 6, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 6, Laws of 1987 1st ex. sess. (uncodified); creating new sections; repealing section 317, chapter 6, Laws of 1987 1st ex. sess. (uncodified); repealing section 410, chapter 6, Laws of 1987 1st ex. sess. (uncodified); repealing section 716, chapter 6, Laws of 1987 1st ex. sess. (uncodified); repealing section 871, chapter 6, Laws of 1987 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 2041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "The question I have, Senator McDonald, deals with funding for the Convention Center. Could you tell me which of these bills provides funding for the Convention Center; is it the one before us or is it a bill that will be coming subsequently?"

Senator McDonald: "It would be one that would be coming subsequently. The House Bill did not have the twenty-nine million dollars in it. Neither one of these did, and it will be a subsequent bill coming."

Senator Pullen: "Do you know the number of that bill?"

Senator McDonald: "2049, I'm told."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2041, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2041, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Madsen, McDonald, McMullen, Nelson, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Smitherman, Stratton, Talmadge, von Reichbauer, West, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Anderson, Craswell, Fleming, Garrett, Kreidler, Lee, McCaslin, Metcalf, Moore, Newhouse, Niemi, Sellar, Vognild, Warnke - 14.

ENGROSSED HOUSE BILL NO. 2041, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, Engrossed House Bill No. 2041, as amended by the Senate, was ordered immediately transmitted to the House of Representatives.

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

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 608 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House adheres to its position regarding its amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6221 and again asks the Senate to concur in the remaining amendment, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

Senator Deccio moved that the Senate do concur in the remaining amendment to subsection (1) of Section 902 on page 18, lines 17 through 21, to Engrossed Second Substitute Senate Bill No. 6221.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Deccio to concur in the remaining House amendment to subsection (1) of Section 902 to Engrossed Second Substitute Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio to concur in the remaining House amendment failed by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Moore, Niemi, Rinehart, Smitherman, Talmadge, Vognild, Warnke, Williams, Wojahn - 23.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Halsan, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, Stratton, von Reichbauer, West, Zimmerman - 26.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Deccio moved that the Senate reconsider the vote by which the Senate did not concur in the remaining House amendment and that this be made a special order of business at 11:59 p.m.

Debate ensued.

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. Senator Deccio made two motions. The move to reconsider and he also moved to make it a special order of business. I would submit that he could not make two motions simultaneously. The two motions are completely independent and not related."

REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator Pullen."

Senator Deccio moved that the Senate immediately reconsider the vote by which the motion to concur in the remaining House amendment failed.

POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. Senator Deccio moved to immediately reconsider the vote. That was his motion and that question should be put at this time then. Rules provide that he has to immediately reconsider; he can't put it off to another time."

The President declared the question before the Senate to be the motion by Senator Deccio to immediately reconsider the vote by which the motion to concur

in the remaining House amendment to Engrossed Second Substitute Senate Bill No. 6221 failed to pass the Senate.

MOTION

Senator Talmadge moved that the motion to immediately reconsider the vote by which the motion to concur failed be deferred and it be made a special order of business at 11:59 p.m.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Was that a proper motion, Mr. President?"

REPLY BY THE PRESIDENT

President Cherberg: "That depends on the body, Senator."

Senator Newhouse: "We have a motion before us to immediately reconsider."

President Cherberg: "And Senator Talmadge made his motion and the President put it."

Senator Newhouse: "What happens to Senator Deccio's motion?"

President Cherberg: "Senator Talmadge has moved that it be made a special order of business."

Senator Rasmussen demanded a roll call.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. The motion by Senator Deccio is of equal rank and should be placed first."

At 11:43 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 11:57 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 6221 and the motion by Senator Deccio to immediately reconsider the vote by which the Senate failed to concur in the remaining House amendment, and the motion by Senator Talmadge to make the reconsideration motion a special order of business at 11:59 p.m.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on Senator Newhouse's point of order, the President believes that Senator Deccio made the motion to immediately reconsider the vote by which the Senate did not concur in the House amendment to Engrossed Second Substitute Senate Bill No. 6221. Senator Talmadge then moved to make the reconsideration a special order of business at 11:59 p.m. The motion to reconsider by Senator Deccio is a privileged motion.

"Therefore, the President believes that the point of order raised by Senator Newhouse is well taken. The question before the body is the motion to reconsider by Senator Deccio."

The President then declared the question before the Senate to be sustaining the demand for a roll call which was made by Senator Rasmussen on the motion by Senator Deccio for reconsideration.

The demand for the roll call was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Deccio to reconsider the vote by which the motion to concur in the remaining House amendment to subsection (1) of Section 902 on page 18, lines 17 through 20, to Engrossed Second Substitute Senate Bill No. 6221 failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio to reconsider the vote by which the motion to concur failed carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Moore, Niemi, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Halsan, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 24.

The President declared the question before the Senate to be the roll call on the motion by Senator Deccio to concur in the remaining House amendment to subsection (1) of Section 902 to Engrossed Second Substitute Senate Bill No. 6221, on reconsideration.

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a parliamentary inquiry. I don't recall anyone requesting a roll call. Someone may request a roll call, but if I remember correctly, I don't think anyone did."

REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken."

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

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, a point of parliamentary inquiry. Mr. President, it appears to be past midnight and under the constitutional sixty-day session, I would contend that any actions that were passed after midnight are not valid under the Constitution. I realize the President has quite correctly, in the past, allowed the Legislature--the Senate--to go past a self-imposed deadline.

"For example, our most recent deadline was the five o'clock cutoff on Friday and you have, I believe, quite correctly allowed us to go past that deadline if we were acting on a bill at that time, but it would appear to me, there's quite a difference between a self-imposed deadline and a constitutional deadline and I would submit that approximately twenty years ago the Legislature used to stop the clocks at a minute before midnight and run hours or days past that point. The courts ruled that that was not a valid procedure when a bill was passed subsequent to that deadline and my point of parliamentary inquiry is whether the session is now over, since it does appear that the time is past midnight?"

REPLY BY THE PRESIDENT

President Cherberg: "The President is aware that we're past midnight, Senator Pullen, but precedent has indicated that we have always finished if a bill was in progress. We've always worked until a solution was arrived."

Senator Pullen: "Thank you, Mr. President. I appreciate the ruling. I would remind the President that an esteemed Senator by the name of George Clark refused to vote past midnight in a prior situation. I believe it was in 1982, because he contended that the session was over at midnight, so he ceased voting. I would like that particular incident to be subjected as a reminder for members of the Senate."

Further debated ensued.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. I think that Senator Hansen is wrong. You have to vote. You're under a Call of the Senate and if you don't vote, they'll wring it out of you. They'll put the Sergeants on your back."

REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator Rasmussen."

DISPENSE WITH CALL OF THE SENATE

On motion of Senator Vognild, the Senate dispensed with the Call of the Senate.

The President declared the question before the Senate to be the roll call on the motion by Senator Deccio to concur in the remaining House amendment to subsection (1) of Section 902 to Engrossed Second Substitute Senate Bill No. 6221, on reconsideration.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio to concur in the remaining House amendment, on reconsideration, carried by the following vote: Yeas, 25; nays, 23; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Hansen, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Moore, Niemi, Rinehart, Smitherman, Stratton, Talmadge, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Anderson, Barr, Benitz, Bluechel, Cantu, Craswell, Halsan, Hayner, Johnson, McCaslin, McDonald, Nelson, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Smith, von Reichbauer, West, Zimmerman - 23.

Absent: Senator Metcalf - 1.

PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry. For the record, could you tell me what time it is and what day it is?"

REPLY BY THE PRESIDENT

President Cherberg: "Seven and a half minutes, by my watch, after twelve."

Senator Pullen: "And so it is Friday, March 11?"

President Cherberg: "All day, if it doesn't rain."

Senator Pullen: "Thank you, Mr. President. I would simply like the record to indicate, that in my own personal opinion, the session has ended, so I'm going to cease to vote on any further action tonight or this morning."

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Would Senator Newhouse yield to a question?"

Senator Newhouse did not yield.

Senator McCaslin: "Would Senator Nelson yield to a question?"

Senator Nelson did not yield.

Senator McCaslin: "Would anybody yield to a question? Mr. President, are we under the three minute rule?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes."

Senator McCaslin: "Even though we are in an unconstitutional meeting, we still have rules?"

President Cherberg: "Yes sir."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6221, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6221, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McMullen, Moore, Nelson, Newhouse, Niemi, Owen, Rinehart, Saling, Smitherman, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, West, Williams, Wojahn - 34.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Patterson, Rasmussen, Sellar, Smith, Zimmerman - 11.

Absent: Senators McCaslin, McDonald, Metcalf, Pullen - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6221, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Deccio: "Mr. President, a point of personal privilege. It's been a long day and this has been a tough session and this has been a very difficult bill. There's been some real conscientious feelings on both sides and in the middle—I think that's where I was. I think that this is a piece of legislation we're going to be very happy that we passed today. It's going to be revisited. We're going to do some things to it that probably need to be done, maybe address some of the problems that Senator Smith talked about and others. But we do have a bill, a statewide policy, on how to battle the AIDS disease. This is the first one in the state and I want to

thank everybody in the audience and those who voted for and against and particularly the people in the gallery who worked so hard to get this bill passed. I wish to express my appreciation. Thank you."

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 6235.

MESSAGES FROM THE HOUSE

March 10, 1988

Mr. President:

The House concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 318 and passed the bill as amended by the Senate.

SHARON CASE, Assistant Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1835 and has passed the bill as amended by the Free Conference Committee.

SHARON CASE, Assistant Chief Clerk

March 10, 1988

Mr. President:

The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1312 and has passed the bill as amended by the Free Conference Committee.

SHARON CASE, Assistant Chief Clerk

March 10, 1988

Mr. President:

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5595,
SUBSTITUTE SENATE BILL NO. 6124,
SUBSTITUTE SENATE BILL NO. 6157,
SUBSTITUTE SENATE BILL NO. 6219,
SUBSTITUTE SENATE BILL NO. 6238,
SENATE BILL NO. 6297,
SUBSTITUTE SENATE BILL NO. 6344,
SENATE BILL NO. 6668, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

At 12:23 a.m., the President declared the Senate to be at ease.
The Senate was called to order at 12:58 a.m. by President Cherberg.

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4453, and the same is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4453 by Representatives Ebersole and Ballard

Adjourning the Legislature.

MOTIONS

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4453 was advanced to second reading and read the second time.

On motion of Senator Nelson, the rules were suspended. House Concurrent Resolution No. 4453 was advanced to third reading, the second reading considered the third and the resolution was adopted.

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

MESSAGES FROM THE HOUSE

March 10, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 318,
 SUBSTITUTE HOUSE BILL NO. 608,
 SUBSTITUTE HOUSE BILL NO. 657,
 SUBSTITUTE HOUSE BILL NO. 1312,
 HOUSE BILL NO. 1515,
 SUBSTITUTE HOUSE BILL NO. 1594,
 SECOND SUBSTITUTE HOUSE BILL NO. 1640,
 SECOND SUBSTITUTE HOUSE BILL NO. 1835,
 SUBSTITUTE HOUSE BILL NO. 2038, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

March 10, 1988

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1271,
 SUBSTITUTE HOUSE BILL NO. 1302,
 SUBSTITUTE HOUSE BILL NO. 1368,
 SUBSTITUTE HOUSE BILL NO. 1420,
 SUBSTITUTE HOUSE BILL NO. 1445,
 SUBSTITUTE HOUSE BILL NO. 1568,
 HOUSE BILL NO. 1585,
 SUBSTITUTE HOUSE BILL NO. 1729,
 SUBSTITUTE HOUSE BILL NO. 1817,
 SUBSTITUTE HOUSE BILL NO. 1849, and the same are herewith transmitted.

SHARON CASE, Assistant Chief Clerk

COMMITTEE FROM THE HOUSE NOTIFYING
 THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Cole, Sprengle, Barnes and Chandler. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

The report was received and the committee returned to the House of Representatives.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 318,
 SUBSTITUTE HOUSE BILL NO. 608,
 SUBSTITUTE HOUSE BILL NO. 657,
 SUBSTITUTE HOUSE BILL NO. 1312,
 HOUSE BILL NO. 1515,
 SUBSTITUTE HOUSE BILL NO. 1594,
 SECOND SUBSTITUTE HOUSE BILL NO. 1640,
 SECOND SUBSTITUTE HOUSE BILL NO. 1835,
 SUBSTITUTE HOUSE BILL NO. 2038.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1271,
 SUBSTITUTE HOUSE BILL NO. 1302,
 SUBSTITUTE HOUSE BILL NO. 1368.

SUBSTITUTE HOUSE BILL NO. 1420,
 SUBSTITUTE HOUSE BILL NO. 1445,
 SUBSTITUTE HOUSE BILL NO. 1568,
 HOUSE BILL NO. 1585,
 SUBSTITUTE HOUSE BILL NO. 1729,
 SUBSTITUTE HOUSE BILL NO. 1817,
 SUBSTITUTE HOUSE BILL NO. 1849.

SIGNED BY THE PRESIDENT

The President signed:
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6221.

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

INTRODUCTION AND FIRST READING

SCR 8441 by Senators Hayner, Sellar, Vognild and Fleming

Notifying the Governor that the Legislature is about to adjourn SINE DIE.

MOTIONS

On motion of Senator Nelson, the rules were suspended, Senate Concurrent Resolution No. 8441 was advanced to second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Senate Concurrent Resolution No. 8441 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
 THE GOVERNOR OF ADJOURNMENT SINE DIE

Under provisions of Senate Concurrent Resolution No. 8441, the President appointed Senators Newhouse, Smitherman and Anderson from the Senate to join a like committee from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Nelson, the committee appointments were confirmed.

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

MESSAGES FROM THE HOUSE

March 10, 1988

Mr. President:

The Speaker has signed SECOND SUBSTITUTE SENATE BILL NO. 6221, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 10, 1988

Mr. President:

The Speaker has signed SECOND SUBSTITUTE SENATE BILL NO. 6235, and the same is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

March 10, 1988

Mr. President:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4453, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE CONCURRENT RESOLUTION NO. 4453.

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

MOTION

On motion of Senator Nelson, the following resolution was adopted:

SENATE RESOLUTION 1988-8784

by Senators Hayner, Sellar, Vognild and Fleming

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

MOTION

Under the provisions of Senate Resolution 1988-8784, the President appointed Senators Zimmerman, Kreidler and Barr to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Nelson, the committee appointments were confirmed.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Newhouse, Smitherman and Anderson who were appointed under the provisions of Senate Concurrent Resolution No. 8441. The committee reported they joined with a like committee from the House and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

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

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8441, and the same is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8441.

REPORT OF SPECIAL COMMITTEE APPOINTED NOTIFYING
HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Zimmerman, Kreidler and Barr who were appointed under the provisions of Senate Resolution 1988-8784. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGE FROM THE HOUSE

March 10, 1988

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8441, and the same is herewith transmitted.

SHARON CASE, Assistant Chief Clerk

MOTION

On motion of Senator Nelson, the Senate Journal of the sixtieth day of the 1988 Regular Session of the Fiftieth Legislature was approved.

MOTION

At 1:29 a.m. on motion of Senator Nelson, the 1988 Regular Session of the Fifth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SENATE JOURNAL

—1988—

FIRST SPECIAL SESSION

FIFTIETH LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

1988 First Special Session Convened March 11, 1988
Adjourned Sine Die March 12, 1988

Compiled, Edited and Indexed by
GORDON A. GOLOB, *Secretary of the Senate*



MARY WILEY
Minute and Journal Clerk

JOHN A. CHERBERG, *President of the Senate*
ALAN BLUECHEL, *President Pro Tempore*
ELLEN CRASWELL, *Vice President Pro Tempore*

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REPUBLICAN CAUCUS

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Caucus ChairGEORGE L. SELLAR
Majority Floor LeaderIRV NEWHOUSE
Majority WhipHAL ZIMMERMAN
Majority Deputy LeaderEMILIO CANTU
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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1988 FIRST SPECIAL SESSION
FIFTIETH LEGISLATURE**

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 11, 1988

The Senate was called to order at 11:00 a.m. by Lieutenant Governor John A. Cherberg, President of the Senate. The Secretary called the roll and announced that all Senators were present except Senator DeJarnatt.

The Sergeant at Arms Color Guard consisting of Ian Henderson and Erik Ladenburg, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

**MESSAGE FROM THE GOVERNOR
PROCLAMATION BY THE GOVERNOR**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1988 Regular Session adjourned March 10, 1988, the 60th day of the session without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purposes of addressing matters related to the Capital Budget, Convention Center and Minimum Wage.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Friday, the 11th day of March, 1988, at 11:00 a.m. in Special Session in the Capitol at Olympia for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington, to be affixed at Olympia this 11th day of March, A.D., Nineteen Hundred and Eighty-Eight.

BOOTH GARDNER,
Governor of Washington

(Seal)

By the Governor:
RALPH MUNRO, Secretary of State

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

MOTION

On motion of Senator Newhouse, the following resolution was adopted:

SENATE RESOLUTION 1988-8785

by Senators Hayner, Sellar, Vognild and Fleming

BE IT RESOLVED, That a committee of four be appointed to notify the House that the Senate is now organized and ready to transact business.

APPOINTMENT OF SPECIAL COMMITTEE

Under provisions of Senate Resolution 1988-8785, the President appointed Senators Stratton, Metcalf, Johnson and Garrett to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

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

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

INTRODUCTION AND FIRST READING

SCR 8442 by Senators Hayner, Sellar, Vognild and Fleming

Notifying the Governor that the legislature is organized.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8442 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8442 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8442, the President appointed Senators Smith, Warnke, von Reichbauer and Conner to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Baugher, Spanel and May appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

The report was received and the committee returned to the House of Representatives.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Smith, Warnke, von Reichbauer and Conner appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8442, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Stratton, Metcalf, Garrett and Johnson appeared before the bar of the Senate. Under the provisions of Senate Resolution 1988-8785, the House of Representatives was notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

At 11:24 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:21 p.m. by President Cherberg.

At 12:21 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 1:45 p.m.

At 1:45 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 2:56 by President Cherberg.

INTRODUCTION AND FIRST READING

SB 6762 by Senator Hayner

AN ACT Relating to establishment of the state minimum wage at three dollars and thirty-five cents per hour; and amending RCW 49.46.020.

Referred to Committee on Economic Development and Labor.

SB 6763 by Senators Hayner and McDonald

AN ACT Relating to public school building construction, and capital renovation and additional projects at Washington State University.

Referred to Committee on Ways and Means.

SB 6764 by Senators Hayner and McDonald

AN ACT Relating to common school construction capital building and higher education capital renovation projects.

Referred to Committee on Ways and Means.

SB 6765 by Senators Hayner and McDonald

AN ACT Relating to convention and trade centers in King and Spokane counties.

Referred to Committee on Ways and Means.

SB 6766 by Senators Hayner and McDonald

AN ACT Relating to convention and trade centers.

Referred to Committee on Ways and Means.

SB 6767 by Senators Hayner and McDonald

AN ACT Relating to public facilities.

Referred to Committee on Ways and Means.

SB 6768 by Senators Hayner and McDonald

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 6769 by Senators Hayner and McDonald

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 6770 by Senator McDonald

AN ACT Relating to capital projects for education and fish hatcheries.

Referred to Committee on Ways and Means.

MOTION

At 2:57 p.m., on motion of Senator Newhouse, the Senate recessed until 5:30 p.m.

The Senate was called to order at 5:36 p.m. by President Cherberg.

MOTION

At 5:36 p.m., on motion of Senator Newhouse, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:33 p.m. by President Cherberg.

MOTION

At 6:33 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:06 p.m. by President Cherberg.

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

REPORTS OF STANDING COMMITTEES

March 11, 1988

SB 6762 Prime Sponsor, Senator Hayner: Raising the state minimum wage. Reported by Committee on Economic Development and Labor

MAJORITY recommendation: Do pass. Signed by Senators Lee, Chairman; Anderson, Vice Chairman; Cantu, Deccio, Saling, West.

HOLD.

March 11, 1988

SB 6763 Prime Sponsor, Senator Hayner: Relating to public school building construction, and capital renovation and additional projects at Washington State University. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6763 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Hayner, Johnson, Lee, Newhouse, Saling, Smith, Zimmerman.

HOLD.

March 11, 1988

SB 6767 Prime Sponsor, Senator Hayner: Relating to public facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 6767 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Fleming, Hayner, Johnson, Lee, Newhouse, Saling, Zimmerman.

HOLD.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6762, Senate Bill No. 6763 and Senate Bill 6767 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Nelson, the Senate commenced consideration of Senate Bill No. 6763.

SECOND READING

SENATE BILL NO. 6763, by Senators Hayner and McDonald

Relating to public school building construction, and capital renovation and additional projects at Washington State University.

MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 6763 was substituted for Senate Bill No. 6763 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Owen, the following amendment was adopted: On page 3, after line 26, insert the following:

*PART 8

NATURAL RESOURCES—CONTINUED

NEW SECTION. Sec. 801. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE
Aberdeen lake fish hatchery expansion

	Reappropriation	Appropriation
Special Wildlife Acct		819,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87

Thereafter

819,000

PERSONAL PRIVILEGE

Senator Stratton: "A point of personal privilege, Mr. President. I have had a lot of conversation directed toward the bouquet on my desk today. When you're sixty-one years old and you receive a balloon which says, 'You were great last night,' it creates, I am sure, some problems in people's minds. I thought at first I might run a contest to see who could come up with the best person who might have sent me this, but I want to clarify that in the minds of anyone who is concerned, before I have it taken from my desk. It was from the Democrat Caucus staff and that will relieve anyone's mind. Thank you."

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 1, after the enacting clause, insert:

"Sec. 201. Section 236, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Referendum 27 and Referendum 38

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to sixteen full time equivalent staff per year (~~(in this act)~~) may be funded (~~(through)~~) from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.

(2) The appropriation is provided solely for drought related municipal and industrial water supply projects.

	Reappropriation	Appropriation
LIRA, Water Supp Fac	41,934,000	<u>3,200,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		(41,161,000)
		<u>44,361,000</u>

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would raise the question of scope and object on this amendment. Substitute Senate Bill No. 6763 is an act relating to public school building construction, capital renovation, and additional projects at Washington State University. There was an amendment adopted to it, that is a no cost—I mean a no general fund cost—amendment by Senator Owen that has to do with the Wynoochee Fish Hatchery. The amendment by Senator Gaspard is an appropriation provided solely for drought related municipal and industrial water supply projects which is certainly outside of the scope of this bill, which is a very narrowly drawn bill."

Further debate ensued.

MOTION

On motion of Senator Nelson, further consideration of the amendment by Senator Gaspard was deferred.

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 2, after line 21, insert the following:

"NEW SECTION. Sec. 402. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Roof repairs: Irwin educational building (88-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		140,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		140,000

POINT OF ORDER

Senator McDonald: "Mr. President, I would indeed raise the question of scope and object on this amendment. Once again, this is an amendment dealing with the Irwin Educational Building at the State School for the Blind. It has to do with roof repair, whereas this is an addition of state money and it does not fit, I believe, within the scope and object of the present bill for the same reasons I cited in the previous argument."

Debate ensued.

MOTION

On motion of Senator Nelson, further consideration of the second amendment by Senator Gaspard was deferred.

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 3, after line 2, insert the following:

"Sec. 501. Section 503, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Life safety: Code compliance (86-1-002)

	Reappropriation 500,000	Appropriation
St H Ed Constr Acct		
St Bldg Constr Acct		3,000,000
<u>UW Bldg Acct</u>		<u>1,000,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
500,000	3,000,000	((7,000,000))
		<u>8,000,000</u>

Sec. 502. Section 516, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Health science building expansion (H Wing) (86-1-021)

	Reappropriation 135,000	Appropriation
H Ed Reimb S/T Bonds Acct		
St Bldg Constr Acct		21,135,000
<u>UW Bldg Acct</u>		<u>3,500,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
41,000		((21,311,000))
		<u>24,811,000</u>

NEW SECTION, Sec. 503. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Science and engineering facilities: Preplanning (88-2-044)

	Reappropriation	Appropriation
UW Bldg Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,000,000

NEW SECTION, Sec. 504. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Power plant boiler coal retrofit (88-4-024)

	Reappropriation	Appropriation
UW Bldg Acct		2,300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,300,000

NEW SECTION, Sec. 505. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
 Power plant stack replacement (88-1-023)

	Reappropriation	Appropriation
UW Bldg Acct		1,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,500,000*

Renumber the remaining sections consecutively.

POINT OF ORDER

Senator McDonald: "Mr. President and fellow members of the Senate. I would raise the question of scope and object on this amendment. The bill is called 'An Act Relating to Public School Building Construction and Capital Renovation and Additional Projects at Washington State University.' That's exactly what it deals with. This is a project dealing with the University of Washington. Meritorious as that may be, Senator Gaspard, I guess I would just say that had it not been for higher timber prices and a higher volume of timber sold, we would not be even dealing with these at this point. That has nothing to do with the scope and object ruling, Mr. President. I guess I would just say that this is outside of the scope and object of the bill, as I read it."

Further debate ensued.

MOTION

Senator Talmadge moved that further consideration of Substitute Senate Bill No. 6763 be deferred.

Debate ensued.

MOTION

Senator Nelson moved that the President rule on scope and object on the following remaining amendments on the desk to Substitute Senate Bill No. 6763:

Amendment to Substitute Senate Bill No. 6763 by Senators Gaspard and McMullen:

On page 3, after line 25, insert the following:

*Sec. 503. Section 577, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Minor works request: Small repairs and improvements; PROVIDED, That the \$900,000 state building construction account appropriation shall be used solely for asbestos removal (87-2-004)

	Reappropriation	Appropriation
St H Ed Constr Acct	175,000	
St Bldg Constr Acct		900,000
WWU Cap Proj Acct	910,000	4,697,000
St Fac Renew Acct	160,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
7,292,000	3,545,000	((16,779,000))
		17,679,000*

Amendment to Substitute Senate Bill No. 6763 by Senators Gaspard and Bauer: On page 3, after line 26, insert the following:

***PART 6**

COMMUNITY COLLEGES

***NEW SECTION, Sec. 601.** A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
 Education Center: Clark College

	Reappropriation	Appropriation
St Bldg Constr Acct		1,800,000

Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,800,000*

Amendment to Substitute Senate Bill No. 6763 by Senator Gaspard:

On page 3, after line 26, insert the following:

*PART 6

COMMUNITY COLLEGES

NEW SECTION. Sec. 602. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Multipurpose child care center: Everett

The appropriation in this section is subject to the following conditions and limitations: The funds in this section are provided solely for a model multipurpose child care center for one hundred forty children on or near the Everett community college campus, in accordance with the findings and recommendations of the department of general administration feasibility study for state employee child care dated October 1986. The center is intended to serve a broad base of parents, including students, college and state employees, and clients of state agencies, including but not limited to participants in the department of social and health services family independence program. Additionally, the center may be used as a training facility for students in early childhood education or other appropriate disciplines, and for child care providers. Planning and construction of this facility shall be coordinated with the department of social and health services and local private or government entities.

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 600,000 Estimated Total Costs
		770,000*

Amendment to Substitute Senate Bill No. 6763 by Senator McMullen:

On page 3, after line 26, insert the following:

*PART 7

NATURAL RESOURCES

NEW SECTION. Sec. 701. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Larrabee: Acquisition of Clayton beach, health and safety improvements

St Bldg Constr Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 1,600,000 Estimated Total Costs
		1,600,000*

Amendment to Substitute Senate Bill No. 6763 by Senator Gaspard:

On page 3, after line 25, insert the following:

*NEW SECTION. Sec. 503. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

PCB transformer removal and replacement (88-1-014)

St Bldg Constr Acct WSU Bldg Acct Project Costs Through 6/30/87	Reappropriation Estimated Costs 7/1/89 and Thereafter	Appropriation 642,100 76,900 Estimated Total Costs
		719,000*

MOTION

Senator Vognild moved that the sponsor of each of the amendments be permitted to speak to the amendments.

Debate ensued.

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. I would raise the point of order that all of the indicated amendments violate Rule 25. Rule 25, Mr. President, states, 'No bill shall embrace more than one subject and that shall be expressed in the title.' Both Senator Talmadge and Senator Halsan have virtually admitted in the comments that they made, that these amendments do violate Rule 25 and, therefore, in addition to the scope and object ruling, I would request a ruling on Rule 25."

Further debate ensued.

MOTION TO LIMIT DEBATE

On motion of Senator Newhouse, the following motion to limit debate was adopted:

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time.

"This motion shall remain in effect through the First Special Session."

There being no objection, Senators Gaspard, Bauer and McMullen spoke to the amendments remaining on the desk, in response to the request of scope and object by Senator Nelson on those amendments.

The President declared the question before the Senate to be the motion by Senator Talmadge that further consideration of Substitute Senate Bill No. 6763 be deferred.

The motion by Senator Talmadge carried and further consideration of Substitute Senate Bill No. 6763 was deferred.

At 8:57 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 10:19 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6763, and the amendments to the bill, deferred earlier today.

MOTION

On motion of Senator Gaspard, and there being no objection, the amendments proposed earlier and those on the desk were withdrawn.

MOTION

Senator Gaspard moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

(1) As used in this act, the following phrases have the following meanings:

"Common School Constr Fund" means Common School Construction Fund;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"ORA" means Outdoor Recreation Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"For Dev Acct" means Forest Development Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"Fire Trng Constr Acct" means Fire Training Construction Account;

"WSU Bldg Acct" means Washington State University Building Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"Com Col Cap Impvmt Acct" means Community College Capital Improvement Account;

"Com Col Cap Proj Acct" means Community College Capital Projects Account;

"Com Col Cap Constr Acct" means 1975 Community College Capital Construction Account;
 "CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
 "UW Bldg Acct" means University of Washington Building Account;
 "St Bldg Auth Constr Acct" means State Building Authority Construction Account;
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account;
 "Cap Purch & Dev Acct" means Capitol Purchase and Development Account;
 "Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;
 "LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account—Waste

Disposal Facilities;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account—State;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account—Water Supply Facilities;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account—Public

Recreation Facilities;

"PNW Fest Fac Constr Acct" means Pacific Northwest Festival Facility Construction Account;

"Cultural Fac Constr Acct" means Cultural Facilities Construction Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb S/T Bonds Acct" means Higher Education Reimbursable Short-Term Bonds

Account;

"St Patrol Hiwy Acct" means State Patrol Highway Account;

"WSP Services Acct" means State Patrol Services Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account.

"Cap Campus Ofc Dev Acct" means Capitol Campus Office Development Account.

The words "capital improvements" or "capital projects" used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets. For purposes of this act, "provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert.

"Revert" or "lapse" means the amount shall return to an unappropriated status.

(2) Letters and numbers in parenthesis following each project description are the unique project identifiers used throughout a project's duration to identify it.

PART 1

GENERAL GOVERNMENT

Sec. 101. Section 106, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Tacoma Union Station building stabilization and planning

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of this appropriation is provided solely to prevent further deterioration of the Tacoma Union Station building. This may include, but is not limited to, providing a fire detection system, removing safety hazards, and programming necessary to implement these works.

(2) A maximum of \$500,000 may be used for planning regarding future use of the Tacoma Union Station property to promote state economic development.

(3) The money in subsections (1) and (2) of this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that (a) requires state approval of future uses and disposition of the Tacoma Union Station property and (b) gives the state the right of first refusal to assume the city of Tacoma's option to purchase the Tacoma Union Station property currently owned by the Burlington Northern company.

(4) \$500,000 of this appropriation is provided solely for architectural plans and construction specifications for a state museum on the Union Station property.

(5) \$400,000 of this appropriation is provided solely for purchase of the Union Station property. The appropriation in this subsection is contingent on a like amount being provided for this purpose from nonstate sources.

(6) \$2,000,000 of this appropriation is provided solely for restoration of the rotunda of the Union Station building. The appropriation in this subsection is contingent on the city's agreement to exercise its option to purchase Union Station and the city's agreement to grant to the state the right of first refusal to assume the city's option to purchase the property should the city decide to withdraw from the project.

(7) The money in subsections (4), (5), and (6) of this section is provided contingent upon a written legal agreement between the city of Tacoma and the state that:

- (a) The city obtain the state's approval for all decisions with respect to:
 - (i) Determining final ownership of Union Station itself;
 - (ii) Identifying appropriate uses for the site; and
 - (iii) Selecting consultants retained by the city under its contract with the state;
- (b) The city consult with the state and, unless prohibited from doing so by terms of the United States general services administration lease, follow the state's recommendations in other significant decisions concerning the development of the Union Station properties, including but not limited to:
 - (i) Planning the development and redevelopment of the site to accommodate appropriate uses;
 - (ii) Obtaining financing for acquisition, development, or redevelopment of the property; and
 - (iii) Acquiring, leasing, subleasing, and/or reselling the property;
- (c) If the city finds that it is not possible to follow the state's recommendations, the city will advise the state and allow the state a reasonable opportunity to comment; and
- (d) The city shall obtain a public access easement from the United States general services administration or any other owner or lessee that will allow public access through the rotunda to any future state facility.

	Reappropriation	Appropriation
St Bldg Constr Acct		((1,500,000))
		<u>4,400,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((1,500,000))
		<u>4,400,000</u>

Sec. 102. Section 107, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Capitalize development loan fund (88-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the appropriation in this section is provided solely for entitlement communities, which shall not require the commitment of additional federal funds by the entitlement community.

(2) Up to one million five hundred thousand dollars may be used for grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants, which shall not require the commitment of additional federal funds by the entitlement community.

(3) Additional grants may be provided to entitlement communities subject to the matching requirement in RCW 43.168.100.

(4) To the extent permitted under federal law, the development loan committee shall require local entitlement communities to transfer repayments of principal and interest to the Washington state development loan fund.

	Reappropriation	Appropriation
St Bldg Constr Acct		((3,070,000))
		<u>4,070,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((3,070,000))
		<u>4,070,000</u>

NEW SECTION. Sec. 103. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia county courthouse

The appropriation in this section is subject to the following conditions and limitations:

(1) \$400,000 is appropriated to repair and restore the Columbia county courthouse.

(2) The appropriation in this section shall be matched by \$700,000 in private donations and local funds from Columbia county.

	Reappropriation	Appropriation
St Bldg Constr Acct		400,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	400,000	400,000

NEW SECTION. Sec. 104. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East capitol campus development

(1) The capitol campus design advisory committee is established as an advisory group to the capitol committee to review plans of design and landscaping of state capitol facilities and grounds, and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in the design and maintenance of the state capitol campus.

(2) The committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (a) Two architects;
- (b) A landscape architect; and
- (c) An urban planner.

(3) The committee shall also consist of two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) The committee shall review plans affecting the state capitol campus as they are developed by or for the capitol committee. The committee's review shall include:

- (a) The design build concept of contracting for public works projects;
- (b) The design, siting, and grouping of state facilities on the capitol campus relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns and other factors;

(c) The relationship of the overall state capitol plan to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey, and Tumwater, and Thurston county; and

(d) The overall landscaping plans, including planting proposals, placement of outdoor sculpture, and access to the capitol campus and buildings.

(5) The members of the committee shall be reimbursed accordingly for travel expenses as provided in chapters 43.03 and 44.04 RCW.

Sec. 105. Section 151, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building painting and renovation

The appropriation in this section is subject to the following conditions and limitations: The project shall include renovation and expansion of the ladies' restroom facility on the third floor of the Senate wing of the Legislative Building.

Cap Bldg Constr Acct	Reappropriation	Appropriation
		((1,365,000))
		<u>2,465,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((1,365,000))
		<u>2,465,000</u>

Sec. 106. Section 155, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Tacoma Army rehabilitation (86-1-001)

General Fund, Federal St Bldg Constr Acct	Reappropriation	Appropriation
		300,000
	((1,500,000))	207,000
	<u>1,524,254</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
((620,000))	4,536,000	7,163,000
<u>595,746</u>		

Sec. 107. Section 157, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor works (86-1-005)

St Bldg Constr Acct St Fac Renew Acct	Reappropriation	Appropriation
		500,000
	<u>34,747</u>	

Project Costs Through 6/30/87 ((1,764,000)) 1,729,253	Estimated Costs 7/1/89 and Thereafter 1,000,000	Estimated Total Costs 3,264,000
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NEW SECTION, Sec. 108. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT
Facility contingency (CR-86-2-006)

	Reappropriation 64,812	Appropriation
St Fac Renew Acct		
Project Costs Through 6/30/87 1,010,188	Estimated Costs 7/1/89 and Thereafter 1,210,000	Estimated Total Costs 2,285,000

PART 2
HUMAN RESOURCES

Sec. 201. Section 201, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 37 projects (79-3-R01)

Approve, construct, renovate, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps, involving ~~((eight))~~ ten projects as recommended by the department, totaling ~~((950,267))~~ \$465,547. Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1987, and approved by March 31, 1988, with the exception of \$112,280 for two Thurston county projects, which require final application submittal by December 31, 1988, and approval by March 31, 1989.

	Reappropriation 2,389,000	Appropriation
Hndcp Fac Constr Acct LIRA, DSHS Fac		47,000
Project Costs Through 6/30/87 22,580,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs 25,016,000

Sec. 202. Section 202, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 29 projects (79-3-R02)

Provides expenditure authority for projects already in progress and provides new funds from interest earnings to complete a community multipurpose center for the handicapped in Ferry county. A maximum of \$40,000 of the funds provided in this section may be spent for renovation or other costs necessary to establish a self-supporting day care center for children of state employees at Eastern State Hospital. A maximum of \$170,000 of the funds provided in this section is provided solely for participation by the department of social and health services in a project to construct a multipurpose child care center at the Everett community college.

	Reappropriation 874,000	Appropriation ((120,000)) 330,000
LIRA, DSHS Fac		
Project Costs Through 6/30/87 426,000	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs ((1,420,000)) 1,630,000

Sec. 203. Section 216, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency, unanticipated, and small works contingency (86-1-010)

	Reappropriation 525,000	Appropriation
St Fac Renew Acct <u>St Bldg Constr Acct</u>		<u>294,000</u>
Project Costs Through	Estimated Costs 7/1/89 and	Estimated Total Costs

6/30/87
452,000

Thereafter

~~((977,000))~~
1,271,000

Sec. 204. Section 236, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 27 and Referendum 38

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to sixteen full time equivalent staff per year (~~(in this act)~~) may be funded (~~(through)~~) from the reappropriation of Referendum 38 for the purpose of reviewing local water improvement accounts.

(2) The appropriation is provided solely for drought related municipal and industrial water supply projects.

	Reappropriation	Appropriation
LIRA, Water Supp Fac	41,934,000	<u>3,200,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((41,161,000))
		<u>44,361,000</u>

NEW SECTION. Sec. 205. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Utilities and facilities (88-1-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,058,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	8,668,000	9,726,000

NEW SECTION. Sec. 206. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital repair minor works: Hazardous materials abatement (88-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		977,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
	800,000	1,777,000

PART 3
HUMAN SERVICES—OTHER

Sec. 301. Section 316, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Transformers (PCB) code compliance (86-1-012)

	Reappropriation	Appropriation
((St Fac Renew Acct))	((100,000))	
CEP & RI Acct	<u>100,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
100,000		200,000

Sec. 302. Section 322, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Emergency repair projects (86-1-010)

	Reappropriation	Appropriation
((St Bldg Constr Acct))	((70,000))	
St Fac Renew Acct	<u>70,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs

6/30/87
330,000

Thereafter

400,000

NEW SECTION. Sec. 303. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Tacoma work training release center: Construction of a Tacoma work release facility (88-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,462,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		4,462,000

NEW SECTION. Sec. 304. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Eastern Washington prerelease: Site preparation costs for Eastern Washington prerelease facility (88-2-005)

	Reappropriation	Appropriation
St. Bldg Constr Acct		1,011,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,011,000

NEW SECTION. Sec. 305. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Purdy corrections center for women: Wastewater treatment, life safety projects, and master plan preparation (88-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		615,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		615,000

NEW SECTION. Sec. 306. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island corrections center: Site master plan and environmental impact statement (88-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		621,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		621,000

K-12 EDUCATION

Sec. 401. Section 407, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Artwork grants: 1985-87 (86-4-008)

	Reappropriation	Appropriation
Common School Constr Fund	((215,000))	
	294,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
((230,000))		445,000
151,000		

Sec. 402. Section 408, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1987 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) After the effective date of this 1988 section, authorization of projects to receive state matching assistance shall include only projects that meet requirements and timelines for authorization of projects to open bids established as of March 1, 1988, in state board of education rules, of which a maximum of \$77,000,000 may be for new construction due to enrollment growth or condemnation.

(2) A maximum of \$955,000 of the appropriation in this section may be spent for state administration of school construction funding.

		Reappropriation	Appropriation
Common School Constr Fund			((134,337,000))
			<u>208,262,000</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			((134,337,000))
			<u>208,262,000</u>

NEW SECTION. Sec. 403. A new section is added to chapter 6, Laws of 1987 1st ex. sess. to read as follows:

FOR THE STATE BOARD OF EDUCATION

Darrington school district: New elementary-middle school

The appropriation in this section is subject to the following conditions and limitations:

(1) This project shall comply with all state board of education rules and procedures for receipt of state assistance for school construction, with the following exceptions:

(a) The local matching requirement shall be ten percent of the approved project cost as determined by state board of education rules; and

(b) The Darrington school district may be authorized to open bids on the project prior to the final prioritization and authorization of other eligible school district projects and as soon as all other applicable requirements for eligibility for state assistance are met.

(2) If the Darrington school district does not secure local matching funds for the project prior to March 1, 1989, the appropriation in this section shall lapse.

		Reappropriation	Appropriation
Common School Constr Fund			3,405,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			3,405,000

Sec. 404. Section 409, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

A maximum of ~~((5152,230,000))~~ \$200,650,000 of the appropriations and reappropriations in sections ~~((301 through 308 of this act))~~ 401 through 408 of chapter 6, Laws of 1987 1st ex. sess., as amended, and section 403 of this 1988 act, may be disbursed during the 1987-89 biennium.

NEW SECTION. Sec. 405. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Roof repairs: Irwin educational building (88-1-002)

		Reappropriation	Appropriation
St Bldg Constr Acct			140,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			140,000

NEW SECTION. Sec. 406. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital planning and transition purposes: Nine mile falls school district.

		Reappropriation	Appropriation
St Bldg Constr Acct			126,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/89 and		Costs
6/30/87	Thereafter		
			126,000

PART 5
COLLEGES AND UNIVERSITIES

Sec. 501. Section 503, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Life safety: Code compliance (86-1-002)

	Reappropriation	Appropriation
St H Ed Constr Acct	500,000	
St Bldg Constr Acct		3,000,000
<u>UW Bldg Acct</u>		<u>1,000,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
500,000	3,000,000	((7,000,000))
		<u>8,000,000</u>

Sec. 502. Section 516, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Health science building expansion (H Wing) (86-1-021)

	Reappropriation	Appropriation
H Ed Reimb S/T Bonds Acct	135,000	
St Bldg Constr Acct		21,135,000
<u>UW Bldg Acct</u>		<u>3,500,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
41,000		((21,311,000))
		<u>24,811,000</u>

NEW SECTION. Sec. 503. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Science and engineering facilities: Preplanning (88-2-044)

	Reappropriation	Appropriation
UW Bldg Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,000,000

NEW SECTION. Sec. 504. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Power plant boiler coal retrofit (88-4-024)

	Reappropriation	Appropriation
UW Bldg Acct		2,300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		2,300,000

NEW SECTION. Sec. 505. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Power plant stack replacement (88-1-023)

	Reappropriation	Appropriation
UW Bldg Acct		1,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,500,000

Sec. 506. Section 529, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Minor capital improvements (88-1-001)

	Reappropriation	Appropriation

WSU Bldg Acct			((4,000,000))
			<u>4,723,100</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter		Estimated Total Costs
	9,260,000		((14,000,000))
			<u>13,983,100</u>

Sec. 507. Section 530, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Minor capital renewal (88-1-002)

St Bldg Constr Acct		Reappropriation	Appropriation
			((6,344,000))
			<u>5,701,900</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter		Estimated Total Costs
	10,000,000		((16,344,000))
			<u>15,701,900</u>

NEW SECTION. Sec. 508. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Fine arts building: Mechanical system improvements (88-1-012)

WSU Bldg Acct		Reappropriation	Appropriation
			3,119,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter		Estimated Total Costs
			3,119,000

NEW SECTION. Sec. 509. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
PCB transformer removal and replacement (88-1-014)

St Bldg Constr Acct		Reappropriation	Appropriation
WSU Bldg Acct			642,100
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter		Estimated Total Costs
			76,900
			719,000

NEW SECTION. Sec. 510. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Land acquisition: Spokane technical institute

St Bldg Constr Acct		Reappropriation	Appropriation
WSU Bldg Acct			800,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter		Estimated Total Costs
			800,000

Sec. 511. Section 536, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Todd Hall addition and renovation (88-1-011)

((H Ed Constr Acct))		Reappropriation	Appropriation
St Bldg Constr Acct			5,332,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter		Estimated Total Costs
	6,952,000		12,284,000

Sec. 512. Section 560, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Lab annex remodel (86-1-099)

	Reappropriation	Appropriation
St Bldg Constr Acct		((1,000,000))
		<u>1,222,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
75,000		((1,000,000))
		<u>1,297,000</u>

Sec. 513. Section 566, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Minor works (88-2-008)

	Reappropriation	Appropriation
St Bldg Constr Acct		((420,000))
		<u>214,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	273,000	((701,000))
		<u>487,000</u>

Sec. 514. Section 577, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Minor works request: Small repairs and improvements: PROVIDED, That the \$900,000 state building construction account appropriation shall be used solely for asbestos removal (87-2-004)

	Reappropriation	Appropriation
St H Ed Constr Acct	175,000	
St Bldg Constr Acct		<u>900,000</u>
WWU Cap Proj Acct	910,000	4,697,000
St Fac Renew Acct	160,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
7,292,000	3,545,000	((16,779,000))
		<u>17,679,000</u>

PART 6
COMMUNITY COLLEGES

NEW SECTION. Sec. 601. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Washington State University education center: Clark College

The appropriation in this section is subject to the following conditions and limitations: Clark College shall not charge Washington State University facility rental fees for the use of the education center.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,800,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		1,800,000

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Multipurpose child care center: Everett

The appropriation in this section is subject to the following conditions and limitations: The funds in this section are provided solely for a model multipurpose child care center for one hundred forty children on or near the Everett community college campus, in accordance with the findings and recommendations of the department of general administration feasibility study for state employee child care dated October 1986. The center is intended to serve a broad base of parents, including students, college and state employees, and clients of state agencies, including but not limited to participants in the department of social and health services family

independence program. Additionally, the center may be used as a training facility for students in early childhood education or other appropriate disciplines, and for child care providers. Planning and construction of this facility shall be coordinated with the department of social and health services and local private or government entities.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		770,000

PART 7
NATURAL RESOURCES

Sec. 701. Section 702, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Waste disposal facilities: 1980 (88-2-001)

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$1,500,000 of the appropriation may be expended for planning assistance to any ground water management areas created pursuant to chapter 453, Laws of 1985. Such assistance shall be allocated in a manner consistent with chapter 3, Laws of 1986.

	Reappropriation	Appropriation
LIRA, Waste Fac 1980	235,300,000	((3,336,966))
		2,850,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((239,365,966))
		238,825,900

Sec. 702. Section 704, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Emergency water project revolving account (88-2-004)

	Reappropriation	Appropriation
State Emerg Water Proj Rev	4,000,000	((225,666))
		188,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((4,225,666))
		4,188,000

The appropriations in this section are provided solely for the planning, acquisition, construction, and improvement of water supply facilities and other appropriate measures to alleviate emergency drought conditions which may arise in 1987 through 1989, as provided in Second Substitute Senate Bill No. 6513.

Sec. 703. Section 705, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water supply facilities (88-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$500,000 of this reappropriation may be expended to complete the Lake Osoyoos international water control structure authorized by chapter 76, Laws of 1982. This amount is in addition to the \$3,000,000 previously appropriated for this purpose.

(2) Funds previously appropriated for the East Selah reregulating reservoir shall be reallocated for purposes of early implementation of the Yakima river basin water enhancement project in order to financially assist irrigators in making up 80,000 acre feet of water per year lost because of a 1980 court decision.

	Reappropriation	Appropriation
LIRA, Water Sup Fac	30,500,000	((928,666))
		888,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		((31,428,666))
		31,388,000

Sec. 704. Section 706, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION
Water quality projects

	Reappropriation	Appropriation
State Water Quality Acct		((1,940,000))
		<u>1,862,000</u>
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
	4,365,000	((6,365,000))
		<u>6,227,000</u>

Sec. 705. Section 712, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
State-wide water supply facilities (86-1-002)

	Reappropriation	Appropriation
St Bldg Constr Acct	((298,000))	
	<u>431,000</u>	
ORA, State	3,000	
ORA, Federal	3,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
((336,000))		634,000
<u>197,000</u>		

Sec. 706. Section 727, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Green River Gorge: Staged acquisition (87-3-010)

	Reappropriation	Appropriation
St Bldg Constr Acct	115,000	551,000
ORA, State	((39,000))	
	<u>100,000</u>	
ORA, Federal	100,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
((246,000))	2,000,000	3,051,000
<u>185,000</u>		

NEW SECTION. Sec. 707. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Yakima greenway: Acquisition (CI-81-3-098)

	Reappropriation	Appropriation
ORA, State	94,000	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
56,000		150,000

NEW SECTION. Sec. 708. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden: Acquisition of adjacent property, health and safety improvements

	Reappropriation	Appropriation
St Bldg Constr Acct		750,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs
		750,000

NEW SECTION. Sec. 709. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Larrabee: Acquisition of Clayton beach, health and safety improvements

	Reappropriation	Appropriation
St Bldg Constr Acct		1,600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		1,600,000

NEW SECTION, Sec. 710. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Casey: Acquisition of Keystone split properties

	Reappropriation	Appropriation
St Bldg Constr Acct		415,000
ORA, State		85,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		500,000

NEW SECTION, Sec. 711. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Hood Canal property acquisition for boat ramp and parking

	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		50,000

NEW SECTION, Sec. 712. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Belair: Acquisition of adjacent property

	Reappropriation	Appropriation
St Bldg Constr Acct		50,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		50,000

NEW SECTION, Sec. 713. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Aberdeen lake fish hatchery expansion

	Reappropriation	Appropriation
Special Wildlife Acct		819,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/89 and	Costs
6/30/87	Thereafter	
		819,000

NEW SECTION, Sec. 714. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Washington state agricultural complex project at Yakima.

The appropriation in this section is subject to the following conditions and limitations: Expenditures made under this appropriation shall equal fifty percent of the total project cost consisting of design, construction, remodeling, and rehabilitation of buildings on the property upon which the Washington state agricultural trade complex project is located, and shall not exceed \$2,000,000. The remaining fifty percent project cost shall be funded by local match consisting of cash, equipment, labor and the value of land and buildings upon which the Washington state agricultural trade complex is located.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,000,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/87	7/1/89 and Thereafter	Costs
		2,000,000

PART 8
NATURAL RESOURCES—CONTINUED

Sec. 801. Section 875, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Area office space increase projects (88-2-030)

	Reappropriation	Appropriation
For Dev Acct		((151,000))
		<u>104,000</u>
Res Mgmt Cost Acct		((269,000))
		<u>316,000</u>
<u>St Bldg Constr Acct</u>		<u>12,000</u>
Project Costs	Estimated Costs	Estimated Total
Through 6/30/87	7/1/89 and Thereafter	Costs
		((420,000))
		<u>432,000</u>

Sec. 802. Section 879, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Seed orchard irrigation (89-2-006)

	Reappropriation	Appropriation
For Dev Acct		((59,000))
		49,500
Res Mgmt Cost Acct		((106,000))
		<u>115,500</u>
Project Costs	Estimated Costs	Estimated Total
Through 6/30/87	7/1/89 and Thereafter	Costs
		165,000

Sec. 803. Section 880, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Management roads (89-2-008)

	Reappropriation	Appropriation
(For Dev Acct)		((154,000))
Res Mgmt Cost Acct		((274,000))
		<u>428,000</u>
Project Costs	Estimated Costs	Estimated Total
Through 6/30/87	7/1/89 and Thereafter	Costs
	1,700,000	2,433,000

Sec. 804. Section 882, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Real estate improved property maintenance (89-2-010)

	Reappropriation	Appropriation
For Dev Acct		((90,000))
		25,000
Res Mgmt Cost Acct		((160,000))
		<u>225,000</u>
Project Costs	Estimated Costs	Estimated Total
Through 6/30/87	7/1/89 and Thereafter	Costs
	200,000	450,000

Sec. 805. Section 893, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Northeast shop remodeling and addition

	Reappropriation	Appropriation
(For Dev Acct)		((32,000))

Res Mgmt Cost Acct			((57,000)) 89,000
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs	89,000

Sec. 806. Section 890, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Acquisition of fifty-one miles of Milwaukee Railroad right of way in Jefferson and Clallam counties for recreation, transportation, and utility purposes

The appropriation in this section is subject to the following conditions and limitations: Portions of the right of way not needed for recreational purposes may be re-sold for economic development purposes.

State Bldg Constr Acct	Reappropriation	Appropriation	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs	((800,000)) 15,000
			((800,000)) 15,000

Sec. 807. Section 895, chapter 6, Laws of 1987 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Northeast headquarters paving

(For Dev Acct) Res Mgmt Cost Acct	Reappropriation	Appropriation	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs	((20,000)) ((34,000)) 54,000
			54,000

NEW SECTION. Sec. 808. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Hawks Prairie sewer hookup (88-5-045)

Res Mgmt Cost Acct	Reappropriation	Appropriation	
Project Costs Through 6/30/87	Estimated Costs 7/1/89 and Thereafter	Estimated Total Costs	200,000
			200,000

Part 9
MISCELLANEOUS

Sec. 901. Section 1, chapter 158, Laws of 1963 as last amended by section 59, chapter 57, Laws of 1985 and RCW 46.08.172 are each amended to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account". The director of the department of general administration shall establish an equitable and consistent employee parking rental fee for state owned or leased property, effective July 1, 1988. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account". All earnings of investments of balances in the state capitol vehicle parking account shall be credited to the general fund.

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities at the state capitol.

NEW SECTION. Sec. 902. The following acts or parts of acts are each repealed:

- (1) Section 317, chapter 6, Laws of 1987 1st ex. sess. (uncodified);
- (2) Section 410, chapter 6, Laws of 1987 1st ex. sess. (uncodified);
- (3) Section 716, chapter 6, Laws of 1987 1st ex. sess. (uncodified); and

(4) Section 871, chapter 6, Laws of 1987 1st ex. sess. (uncodified).

NEW SECTION. Sec. 903. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Stratton moved that the following amendment by Senators Stratton and Saling to the amendment be adopted:

On page 18, after line 15 of the striking amendment, insert the following:

***NEW SECTION.** Sec. 510. A new section is added to chapter 6, Laws of 1987 1st ex. sess. (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Land acquisition: Spokane technical institute

	Reappropriation	Appropriation
		800,000
	Estimated	Estimated
	Costs	Total
	7/1/89 and	Costs
	Thereafter	
		800,000*

St Bldg Constr Acct

Project
Costs
Through
6/30/87

Estimated
Costs
7/1/89 and
Thereafter

Estimated
Total
Costs

800,000*

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stratton and Saling to the amendment by Senator Gaspard.

The motion by Senator Stratton carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Gaspard, as amended.

Debate ensued.

The motion by Senator Gaspard carried and the amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 1, after "to" strike the remainder of the title and insert:

*capital projects; authorizing certain projects; amending RCW 46.08.172; amending section 2, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 106, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 107, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 151, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 155, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 157, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 201, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 202, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 216, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 236, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 316, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 322, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 407, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 408, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 409, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 516, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 529, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 530, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 560, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 566, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 577, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 702, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 704, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 705, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 706, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 712, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 727, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 875, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 879, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 880, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 882, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 893, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 890, chapter 6, Laws of 1987 1st ex. sess. (uncodified); amending section 895, chapter 6, Laws of 1987 1st ex. sess. (uncodified); adding new sections to chapter 6, Laws of 1987 1st ex. sess. (uncodified); creating new sections; repealing section 317, chapter 6, Laws of 1987 1st ex. sess. (uncodified); repealing section 410, chapter 6, Laws of 1987

1st ex. sess. (uncodified); repealing section 716, chapter 6, Laws of 1987 1st ex. sess. (uncodified); repealing section 871, chapter 6, Laws of 1987 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6763 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6763.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6763, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent, 4.

Voting yeas: Senators Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, Fleming, Garrett, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, Lee, Madsen, McDonald, McMullen, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Smith, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn, Zimmerman - 34.

Voting nays: Senators Anderson, Barr, Craswell, Hansen, Kreidler, Metcalf, Moore, Nelson, Niemi, Sellar, Warnke - 11.

Absent: Senators Benitz, DeJarnatt, McCaslin, Smitherman - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

March 11, 1988

Mr. President:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8442, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8442.

At 10:40 p.m., the President declared the Senate to be at ease.

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

MESSAGES FROM THE HOUSE

March 11, 1988

Mr. President:

The House has passed HOUSE BILL NO. 2056, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 11, 1988

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2057, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 11, 1988

Mr. President:

The House has passed ENGROSSED HOUSE BILL NO. 2058, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2056 by Representatives Belcher, Miller, Wang, Ebersole, Brekke, Hine, Unsoeld and Locke

Revising the state minimum wage.

HOLD.

EHB 2057 by Representatives Locke, Grimm, Bristow, and Hine

Providing for public facilities.

HOLD.

EHB 2058 by Representatives Bristow, McLean, Grimm and Holland

Adopting the supplemental capital budget.

HOLD.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 2057 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2057, by Representatives Locke, Grimm, Bristow, and Hine

Providing for public facilities.

The bill was read the second time.

MOTION

Senator Smith moved that the following amendments by Senators Smith and von Reichbauer be considered simultaneously and be adopted:

On page 18, line 19, following "same" insert:

": PROVIDED, That no such legislative body shall impose such a special excise tax without submitting a proposition authorizing such a tax to the voters and obtaining the approval of a majority of persons voting thereon."

On page 18, line 34, following "property" insert:

": PROVIDED, That no such legislative body shall impose such a special excise tax without submitting a proposition authorizing such a tax to the voters and obtaining the approval of a majority of persons voting thereon."

On page 19, line 31, following "same" insert:

": PROVIDED, That no such legislative body shall impose such a special excise tax without submitting a proposition authorizing such a tax to the voters and obtaining the approval of a majority of persons voting thereon."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, as I read this, it would indicate July 1, 1988, through December 31, 1992, inclusive, the rate shall be six percent. I don't think we leave anything to the local control. We're saying in this bill that a tax will be imposed and then we'll drop--and then it goes up to seven percent in the city of Seattle and two and eight-tenths in King County. We're imposing, on the local people, a tax from the state level and it's true it's going to go on the tourists. You were talking about local control. I don't think they have any option, they've got this tax that is going to be imposed by the state--collected by the state--as I read it. Maybe I'm reading it wrong."

Senator Deccio: "Senator Rasmussen, I'm only concerned in the bill that Senator Newhouse and I sponsored in order to take care of a situation in Yakima, which is New Section 21. I guess maybe the moving of all these amendments at one time is out of order, if they do deal with what you're saying is true. I've only looked at the section I'm interested in, which is a local special excise tax of two percent upon the furnishing of lodging by a hotel, rooming house, tourist court, etc., so maybe the motion made by Senator Smith is out of order and these should be taken one by one, if what you're saying is correct."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Smith and von Reichbauer to Engrossed House Bill No. 2057.

The motion by Senator Smith failed and the amendments were not adopted.

MOTION

Senator von Reichbauer moved that the following amendment by Senators von Reichbauer and Gaspard be adopted:

On page 20, after line 10 insert:

"(5) Taxes levied and collected under this act shall not be used for a zero grade beach or other components of a wave pool or water slide constructed or acquired as a part of an indoor aquatic swimming facility in Pierce County."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators von Reichbauer and Gaspard to Engrossed House Bill No. 2057.

The motion by Senator von Reichbauer carried and the amendment was adopted on a rising vote.

MOTION

Senator Nelson moved that the rules be suspended, Engrossed House Bill No. 2057, as amended by the Senate, be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, before the bill is advanced, there's a rather peculiar section in here. It's a New Section--'a public facilities district may be created in any county with three hundred thousand or more population'--and it provides that 'a public facilities district is a municipal corporation, an independent taxing authority within the meaning of Article VII.'"

Senator McDonald: "Senator Rasmussen, what page are you on?"

Senator Rasmussen: "On page 13 now, page 12 is where the start of it is, line 28, New Section 11. It goes on and would indicate a public facilities district, and this is that independent taxing district that's created with this New Section, will have a board of directors consisting of five members as follows: '(1) Two members appointed by the county legislative authority to serve for four-year staggered terms; (2) two members appointed by the city council to serve four-year staggered terms; and (3) one person to serve a four-year term who is selected by the other directors.' There's a little bit of inbreeding there.

"My concern, Senator McDonald, this would appear that we're creating in this bill, something that has never been in there before, this is a New Section. An independent taxing district, which is true, will go to the vote of the people. After that, after the people vote, there is no limit to what they can tax and I'm wondering what the reason is for having that in this bill? It's a little bit like that tax increment financing that the people turned down--a constitutional amendment--several times."

Senator McDonald: "Senator Rasmussen, my understanding is that they are limited in their taxation to the two percent hotel/motel tax and fifty cent--"

Senator Rasmussen: "No, this does not relate to that. The hotel/ motel tax is set by state law that's in this bill and the rate goes from the present three percent up to six and then up to seven percent. This is an entirely new taxing body that's being created with this New Section and I find it hard to understand what the reason for it is. Starting on page 11, and I may want to amend that out unless there's a satisfactory explanation."

Senator McDonald: "Senator Rasmussen, if you turn to page 14, New Section 14, it says--"(Time expires - three minute debate)

Senator Rasmussen: "Are his three minutes up or are mine? I'll sit down, Mr. President, and wait for the explanation. Thank you, that was a fast three minutes. I didn't know if you were combining it or not."

Senator McDonald: "Senator Rasmussen, I believe that if you look at New Section 14, you're going to see the taxing authority of that public facilities district is

limited and I would not have voted for this if it were not limited to the two percent hotel/motel tax and the fifty cent tax for entertainment. I'll wander over there and we'll talk about this a little bit more in detail."

The President declared the question before the Senate to be the motion by Senator Nelson to suspend the rules and advance Engrossed House Bill No. 2057, as amended by the Senate, to third reading and final passage.

The motion by Senator Nelson carried and Engrossed House Bill No. 2057, as amended by the Senate, was advanced to third reading and final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2057, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2057, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 2.

Voting yea: Senators Anderson, Bailey, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, Fleming, Gaspard, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, Madsen, McDonald, McMullen, Nelson, Owen, Rinehart, Saling, Smitherman, Stratton, Vogtild, von Reichbauer, West, Williams, Zimmerman - 30.

Voting nay: Senators Barr, Bauer, Craswell, Garrett, Hayner, Metcalf, Moore, Newhouse, Niemi, Patterson, Pullen, Rasmussen, Sellar, Smith, Talmadge, Warnke, Wojahn - 17.

Absent: Senators DeJarnatt, McCaslin - 2.

ENGROSSED HOUSE BILL NO. 2057, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Nelson, Engrossed Substitute Senate Bill No. 6763 and Engrossed House Bill No. 2057, as amended by the Senate, were ordered immediately transmitted to the House of Representatives.

MOTION

At 11:45 p.m. on motion of Senator Newhouse, the Senate was declared to be at ease.

MOTION

At 12:11 a.m., on motion of Senator Newhouse, the Senate adjourned until 9:30 a.m., Saturday, March 12, 1988.

JOHN A. CHERBERG, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 12, 1988

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators DeJarnatt and Pullen.

The Sergeant at Arms Color Guard, consisting of Pages Dana Washburn and Travis Vessey, presented the Colors. Mr. Kelly Miles, a Senate employee, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 11, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 11, 1988, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5147

Relating to public utility and transportation corridors.

Senate Bill No. 5451

Relating to passenger charter carriers.

Substitute Senate Bill No. 5844

Relating to motor carrier freight brokers.

Senate Bill No. 5953

Relating to reduced work load options for certain tenured community college faculty members.

Substitute Senate Bill No. 6096

Relating to real estate loans made by financial institutions.

Senate Bill No. 6113

Relating to quasi-community property.

Substitute Senate Bill No. 6252

Relating to failure to comply with traffic infraction laws.

Senate Bill No. 6262

Relating to permits for State Route 90 construction on or adjacent to Lake Washington.

Substitute Senate Bill No. 6290

Relating to the Washington ambassador program.

Senate Bill No. 6293

Relating to registered nurses regarding determination of death.

Senate Bill No. 6295

Relating to Model Traffic Ordinance.

Senate Bill No. 6296

Relating to the state patrol.

Senate Bill No. 6338

Relating to case planning and consultation for protective service for children and developmentally disabled persons.

Senate Bill No. 6339

Relating to jurisdiction over voluntary Indian child welfare proceedings.

Senate Bill No. 6362

Relating to vehicles over forty years old.

Senate Bill No. 6371

Relating to correcting a double amendment to the motor vehicle excise tax distribution section.

Senate Bill No. 6373

Relating to obsolete statutory references.

Senate Bill No. 6374

Relating to the state boxing commission.

Senate Bill No. 6375

Relating to obsolete statutory references.

Senate Bill No. 6494

Relating to motor vehicle license fees.

Senate Bill No. 6516

Relating to replacement of bridges on rural arterials.

Substitute Senate Bill No. 6536

Relating to experience rating for unemployment insurance purposes.

Senate Bill No. 6537

Relating to actions of the employment security department.

Senate Bill No. 6556

Relating to specifying the uses of fees paid for birth certificates suitable for display.

Senate Bill No. 6667

Relating to special fuel tax reporting.

Sincerely,

TERRY SEBRING, Counsel to the Governor

MOTION

At 9:36 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:42 p.m. by President Cherberg.

MOTION

On motion of Senator Vognild, Senator Avery Garrett was appointed to the Legislative Transportation Committee replacing Senator Larry Vognild.

MOTION

At 5:43 p.m. on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 6:45 p.m. by President Cherberg.

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

MESSAGES FROM THE HOUSE

March 12, 1988

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6763, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1988

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2057 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

March 12, 1988

Mr. President:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8442, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

COMMITTEE FROM THE HOUSE NOTIFYING
SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives composed of Representatives Anderson, Spanel, McLean and Barnes. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

The report was received and the committee returned to the House of Representatives.

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

MOTION

On motion of Senator Nelson, the following resolution was adopted:

SENATE RESOLUTION 1988-8786

by Senators Hayner, Sellar, Vognild and Fleming

BE IT RESOLVED, By the Senate, That a committee consisting of four members of the Senate be appointed to notify the House that the legislature is about to adjourn sine die.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1988-8786, President Cherberg appointed Senators Barr, Anderson, Saling and Hansen as a committee of four from the Senate to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Nelson, the committee appointments were confirmed.

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

MESSAGE FROM THE HOUSE

March 12, 1988

Mr. President:

The Speaker has signed HOUSE BILL NO. 2057, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1988

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4459, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4459 by Representatives Ebersole and Ballard

Appointing a committee to notify the Governor that the legislature is about to adjourn sine die.

MOTIONS

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4459 was advanced to second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4459 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 4459, President Cherberg appointed Senators Bluechel, Vognild, Hayner and Williams as a committee of four from the Senate to join a like number from the House to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Nelson, the committee appointments were confirmed.

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

MESSAGE FROM THE HOUSE

March 12, 1988

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4458, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4458 by Representatives Ebersole and Ballard

Providing that the legislature adjourn sine die.

MOTIONS

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4458 was advanced to second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4458 was advanced to third reading, the second reading considered the third and the resolution was adopted.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Barr, Anderson, Saling and Hansen who were appointed under the provisions of Senate Resolution 1988-8786. The committee reported they had notified the House that the Senate is ready to adjourn SINE DIE.

The report was received and the committee was discharged.

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

MESSAGE FROM THE HOUSE

March 12, 1988

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4460, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4460 by Representative Grimm

Establishing a joint select committee on school construction.

MOTIONS

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4460 was advanced to second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, House Concurrent Resolution No. 4460 was advanced to third reading, the second reading considered the third and the resolution was adopted.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2057.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6763.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee composed of Senators Bluechel, Vognild, Hayner and Williams who were appointed under the provisions of House Concurrent Resolution No. 4458. The committee reported they joined with a like committee from the House and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGES FROM THE HOUSE

March 12, 1988

Mr. President:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 6763, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1988

Mr. President:

The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 4458,
HOUSE CONCURRENT RESOLUTION NO. 4459, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1988

Mr. President:

The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 4460, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4458.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4459.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4460.

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. Before we Sine Die, I wanted to once again thank the President for the way you conduct this Senate, the way you hold the dignity of the Senate together and for your absolutely fair and impartial operations as Lieutenant Governor. Once again, thank you."

REMARKS BY SENATOR BLUECHEL

Senator Bluechel: "Mr. President, at this time I must say that I have been very impressed in watching you make your rulings. I've seen you struggle with what you consider to be the proper ruling and the fair ruling and my admiration for you has gone up tremendously since I've come to know you a little bit better. We all thank you for the wonderful job you've done for thirty-two years as Lieutenant Governor."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President, you have conducted this body with great compassion, with a sense of humor and with dignity and I think the people of the state know you for what a great job you have done over the years and they have great admiration for you. Thank you."

REMARKS BY SENATOR HANSEN

Senator Hansen: "Thank you, Governor. I want to say that your friendship is something I will never forget, but I think there is one beautiful lady that has brought you along for the thirty-three years you have been here. Betty, it's sure been a privilege to know you, and you're beautiful inside as well as out."

MOTION

On motion of Senator Nelson, the Senate Journal for the second day of the 1988 First Special Session of the Fiftieth Legislature was approved.

MOTION

At 7:09 p.m. on motion of Senator Newhouse, the 1988 First Special Session of the Fiftieth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

**SENATE ROSTER
AND
COMMITTEE ASSIGNMENTS**

**1988 — SENATE ROSTER
FIFTIETH LEGISLATURE**

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Anderson, Ann	42	R	Whatcom, part	2718 McLeod Road Bellingham 98225 Note: The above address is the district office.
Bailey, Cliff	39	R	Snohomish, part	13019 99th Avenue S.E. Snohomish 98290 <u>District Office:</u> 902-1/2 1st St., Suite 8 Snohomish 98290
Barr, Scott	7	R	Lincoln Pend Oreille Stevens Ferry Okanogan, part Spokane, part	Route 1, Box 130 Edwall 99008
Bauer, Albert	49	D	Clark, part	13611 N.E. 20th Avenue Vancouver 98686
Bender, Rick S.	44	D	King, part Snohomish, part	<u>Mail:</u> 402A John Cherberg Bldg Olympia 98504 <u>Home Address:</u> 16029 Simonds Rd. NE Bothell 98011
Benitz, Max E.	8	R	Benton, part	Route 2, Box 2521 Prosser 99350
Bluechel, Alan	45	R	King, part	9901 N.E. 124th #505 Kirkland 98034
Cantu, Emilio	41	R	King, part	4416 138th Ave. S.E. Bellevue 98006
Conner, Paul H.	24	D	Clallam Jefferson Grays Harbor, part	195 Pinnell Road Sequim 98382
Craswell, Ellen	23	R	Kitsap, part	8066 Chico Way N.W. Bremerton 98312
Deccio, Alex A.	14	R	Yakima, part	P.O. Box 1343 Yakima 98907
DeJarnatt, Arlie U.	19	D	Cowlitz, part Grays Harbor, part Pacific Wahkiakum	7401 Willow Grove Road Longview 98632 <u>District Office:</u> P.O. Box 552 South Bend 98586-0552
Fleming, George	37	D	King, part	<u>Mail:</u> 303 Legislative Bldg. Olympia 98504 <u>Home Address:</u> 1100 Lake Wash. Blvd. S. Seattle 98144

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
36	Washington	Accountant	1987	.....
61	Washington	Farmer	1985-1987	.....
71	Washington	Grain, Cattle and Timber Producer, Semi-Retired	1983-1987	1977-1982
59	Montana	Retired Teacher - Farmer	1981-1987	1971-1980
38	Alaska	Gen. Contractor/ Home Builder	1983-1987	1973-1982
71	Kansas	Agri-business	1975-1987	1969-1974
63	Alberta, Canada	President, Loctwall Corp.	1975-1987	1967-1974
61	Texas	Professional Engineer	1985-1987	1981-1984
62	Washington	Longshoreman	Appt. July 1957 1957-1959 Elected Nov. 1977-1987	1959-1977
55	Washington	Housewife	1981-1987	1977-1980
	Washington	Insurance Broker	1981-1987	1975-1980
64	Indiana	Retired Educator	1985-1987	1961-1970
49	Texas	Community Affairs Mgr., PNB	1971-1987	1969-1970

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Garrett, Avery	11	D	King, part	602 S.W. Langston Road Renton 98055
Gaspard, Marcus S.	25	D	Pierce, part	8220 191st Ave. E. Sumner 98390
Halsan, Stuart A. "Stu"	20	D	Lewis Thurston, part	407-B Legislative Bldg. Olympia 98504
Hansen, Frank "Tub"	13	D	Adams, part Kittitas, part Grant, part Yakima, part	Star Route, Box 73 Moses Lake 98837
Hayner, Jeannette	16	R	Franklin, part Walla Walla Benton, part	Box 454 Walla Walla 99362
Johnson, Stanley C.	28	R	Pierce, part	7302 66th Ave. W. Tacoma 98467
Kiskaddon, Bill	1	R	King, part Snohomish, part	4404 242nd Pl. S.W. Mountlake Terrace 98043
Kreidler, Mike	22	D	Thurston, part	425 John Cherberg Bldg. Olympia 98504
Lee, Eleanor	33	R	King, part	P.O. Box 390 Seahurst 98062
Madsen, Ken	2	D	Pierce, part Thurston, part	P.O. Box 370 Roy 98580
McCaslin, Bob	4	R	Spokane, part	So. 1003 Pines Road Spokane 99206
McDonald, Dan	48	R	King, part	4650 92nd N.E. Bellevue 98004
McMullen, Patrick R.	40	D	San Juan Skagit, part Whatcom, part	P.O. Box 152 Sedro Woolley 98284
Metcalf, Jack	10	R	Island Snohomish, part Skagit, part	3273 Saratoga Road Langley 98260
Moore, Ray	36	D	King, part	1722 Bigelow No. Seattle 98109
Nelson, Gary A.	21	R	Snohomish, part	9710 Wharf Street Edmonds 98020
Newhouse, Irv	15	R	Benton, part Yakima, part	Route 1, Box 130 Mabton 98935

1988 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
71	Georgia	Retired	1985-1987	1959-1969 Appt. 12/9/77-1984
39	Washington	Real Estate & Property Mgmt.	1977-1987	1973-1976
35	Washington	Attorney	1985-1987	1983-1984
74	Washington	Retired Cattle Rancher & Farmer	1979-1987	1973-1978
68	Oregon	Lawyer	1977-1987	1973-1977
57	Minnesota	Owner/Pres. Gerrish Brg. & Indust. Supplies, Inc.	1985-1987	Elected 11/4/80 Sworn in 11/21/80 1980-1984
58	California	Counselor and Therapist	1981-1987	1967-1972
44	Washington	Optometrist	1985-1987	1977-1984
56	Illinois	Business Mgr. & Director, Mfg. Rep. Firm	Elected Nov. 1977-1987	1975-1977
48	Idaho	Consultant	Appt. 12/14/87	1985-1987
61	Ohio	Real Estate Broker	1981-1987	.....
44	Washington	Mech. Engineer/ Economist	Appt. Sept. 1983 1983-1987	1979-1983
43	Washington	Attorney	.....	1983-1987
60	Washington	Retired Teacher	1967-1974 1981-1987	1961-1964
76	Washington	Securities Broker	1979-1987	.....
51	Washington	Staff Manager Private Utility	1987	1973-1986
67	Washington	Farmer	Appt. 1980, 1981-1987	1965-1979

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Niemi, Janice	43	D	King, part	226 Summit Avenue E. Seattle 98102
Owen, Brad	35	D	Mason Kitsap, part Thurston, part Grays Harbor, part	402B John Cherberg Bldg. Olympia 98504
Patterson, E. G. "Pat"	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	N.E. 400 Campus Pullman 99163
Pullen, Kent	47	R	King, part	22844 172nd Avenue S.E. Kent 98042
Rasmussen, A. L. "Slim"	29	D	Pierce, part	5415 "A" Street Tacoma 98408
Rinehart, Nita	46	D	King, part	4515 51st Avenue N.E. Seattle 98105
Saling, Gerald L. (Jerry)	5	R	Spokane, part	12515 No. Fairwood Dr. Spokane 99218
Sellar, George L.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1324 Terrace Drive East Wenatchee 98801
Smith, Linda A.	18	R	Clark, part Cowlitz, part	10009 NW Ridgecrest Ave. Vancouver 98685
Smitherman, Bill	26	D	Kitsap, part Pierce, part	405 John Cherberg Bldg. Olympia 98504
Stratton, Lois J.	3	D	Spokane, part	1724 West Mansfield Spokane 99205
Talmadge, Phil	34	D	King, part	1725 S.W. Roxbury, #5 Seattle 98106 Note: The above address is the district office.
Vognild, Larry L.	38	D	Snohomish, part	1710 32nd Street Everett 98201
von Reichbauer, Peter	30	R	King, part Pierce, part	P. O. Box 3737 Federal Way 98063-3737

1988 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
59	Michigan	Attorney	Appt. 9/19/87, Elected 11/3/87	1983-1987
37	Washington	Small Businessman	1983-1987	Elected 11/2/76-1982
68	Washington	Retired WSU Administrator	1981-1987	1973-1980
45	Texas	Research Engineer	1975-1987	1973-1974
78	Washington	Retired	1961-1967 Appt. Oct. 1971 1971-1987	1945-1960
47	Texas	Legislator	1983-1987	Appt. 11/6/79 Elected 11/80 1981-1982
59	Washington	Retired Educator	1985-1987	1965-1971
59	Illinois	Port of Chelan County, Director of Water Resources	Appt. 1/7/72 1972-1987	.....
37	Colorado	Tax Consultant	Elected 11/3/87	Appt. 11/8/83-1986
44	Oklahoma	Mgmt-Planning Consultant	Elected 11/4/86 Sworn in 12/22/86	1983-1986
61	Washington	Retired	1985-1987	Appt. 1979 Elected 1980- 1984
35	Washington	Attorney	1979-1987	.....
56	Washington	Ret.-Everett Fire Dept., Small Business Owner (Ret.)	1979-1987
42	Washington	Investment Management	1974-1987

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Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Warnke, Frank J.	31	D	King, part Pierce, part	29457 51st Avenue South Auburn 98002
West, James E.	6	R	Spokane, part	P.O. Box 2792 Spokane 99220-0792
Williams, Al	32	D	King, part	4801 Fremont Ave. No. Seattle 98103
Wojahn, R. Lorraine	27	D	Pierce, part	3592 East "K" St. Tacoma 98404
Zimmerman, Hal	17	R	Klickitat Skamania Clark, part	1432 N.E. 6th Avenue Camas 98607
Cherberg, Lt. Gov. John A.		D	President of the Senate	304 Legislative Building Olympia 98504
Golob, Gordon, Sec. of Sen.		R	Secretary of the Senate	6813 82nd Ave. NW Gig Harbor 98335
Snyder, Sid, Deputy Sec.		D	Deputy Secretary of the Senate	P.O. Box 531 Long Beach 98631
Naismith, Nate, Asst. Sec.		R	Assistant Secretary of the Senate	5306 Aspainwall Ct. N.W. Olympia 98502
LaPold, George W.		R	Sergeant at Arms	3226 Locust Avenue Bellingham 98225

1988 — SENATE ROSTER—continued

Age	Birthplace	Occupation	Previous Legislative Sessions Served	
			Senate	House
54	Montana	Labor Relations Director	1983-1987	1965-1967 1973-1982
37	Oregon	President/Manager JWAV, Ltd.	1987	1983-1986
57	North Dakota	Architect	Appt. 1/27/78 1979-1987	1970-1977
67	Washington	.....	1977-1987	1969-1976
64	North Dakota	Newspaper Columnist	1981-1987	1967-1980
77	Florida	Lieutenant Governor	Elected 1957 1957-1987	.....
49	Idaho	Attorney	Elected 1/11/87	.....
61	Washington	Supermarket Owner and Operator	Sec. of Senate: Elected 5/12/69 1969-1987 Deputy Sec. of Senate: Appt. 1/11/88	Asst. Chief Clerk or Acting Chief Clerk 1957 to May, 1969
36	Washington	Professional	Appt. 12/1/87	.....
59	California	Retired Law Enforcement Officer	Elected 1/11/88	.....

**Membership of
Senate Standing Committees
1988**

AGRICULTURE (6) — Barr, Chair; Anderson, Vice Chair; Bailey, Halsan, *Hansen, Rinehart.

CHILDREN AND FAMILY SERVICES (7) — Kiskaddon, Chair; Bailey, Vice Chair; Craswell, Fleming, Garrett, McDonald, *Stratton.

ECONOMIC DEVELOPMENT AND LABOR (11) — Lee, Chair; Anderson, Vice Chair; Cantu, Conner, Deccio, McMullen, Saling, Smitherman, *Warnke, West, Williams.

EDUCATION (9) — Bailey, Chair; Kiskaddon, Vice Chair; Bauer, Bender, Benitz, Craswell, Gaspard, Lee, *Rinehart.

ENERGY AND UTILITIES (9) — Benitz, Chair; Bluechel, Vice Chair; Madsen, Nelson, Newhouse, Owen, Pullen, Stratton, *Williams.

ENVIRONMENT AND NATURAL RESOURCES (9) — Metcalf, Chair; Smith, Vice Chair; Barr, Benitz, DeJarnatt, Kreidler, *Owen, Patterson, Rinehart.

FINANCIAL INSTITUTIONS AND INSURANCE (9) — von Reichbauer, Chair; West, Vice Chair; Johnson, Kreidler, McCaslin, *Moore, Rasmussen, Sellar, Smitherman.

GOVERNMENTAL OPERATIONS (7) — McCaslin, Chair; Zimmerman, Vice Chair; DeJarnatt, Garrett, *Halsan, Metcalf, Pullen.

HEALTH CARE AND CORRECTIONS (7) — Deccio, Chair; Johnson, Vice Chair; *Kreidler, Niemi, Smith, West, Wojahn.

HIGHER EDUCATION (7) — Saling, Chair; Patterson, Vice Chair; Anderson, Hansen, McMullen, *Smitherman, von Reichbauer.

LAW AND JUSTICE (9) — Pullen, Chair; McCaslin, Vice Chair; Halsan, Hayner, Madsen, Nelson, Newhouse, Niemi, *Talmadge.

RULES (16) — Cherberg, Chair; Bluechel, Vice Chair; Bauer, Bender, Cantu, Craswell, Fleming, Hayner, Nelson, Newhouse, Rasmussen, Sellar, *Vognild, West, Wojahn, Zimmerman.

TRANSPORTATION (14) — Patterson, Chair; Nelson, Vice Chair; von Reichbauer, Vice Chair; Barr, *Bender, Conner, DeJarnatt, Garrett, Hansen, Kiskaddon, McMullen, Metcalf, Owen, Sellar.

WAYS AND MEANS (21) — McDonald, Chair; Craswell, Vice Chair; Bauer, Bluechel, Cantu, Deccio, Fleming, *Gaspard, Hayner, Johnson, Lee, Moore, Newhouse, Saling, Smith, Talmadge, Vognild, Warnke, Williams, Wojahn, Zimmerman.

**Member Assignments to
Senate Standing Committees
1988**

- ANDERSON, Ann — Agriculture, Vice Chair; Economic Development and Labor, Vice Chair; Higher Education.
- BAILEY, Cliff — Education, Chair; Children and Family Services, Vice Chair; Agriculture.
- BARR, Scott — Agriculture, Chair; Environment and Natural Resources, Transportation.
- BAUER, Albert — Education, Rules, Ways and Means.
- BENDER, Rick S. — Education, Rules, *Transportation.
- BENITZ, Max E. — Energy and Utilities, Chair; Education, Environment and Natural Resources.
- BLUECHEL, Alan — Energy and Utilities, Vice Chair; Rules, Vice Chair; Ways and Means.
- CANTU, Emilio — Economic Development and Labor, Rules, Ways and Means.
- CONNER, Paul H. — Economic Development and Labor, Transportation.
- CRASWELL, Ellen — Ways and Means, Vice Chair; Children and Family Services, Education, Rules.
- DECCIO, Alex A. — Health Care and Corrections, Chair; Economic Development and Labor, Ways and Means.
- DeJARNATT, Arlie U. — Environment and Natural Resources, Governmental Operations, Transportation.
- FLEMING, George — Children and Family Services, Rules, Ways and Means.
- GARRETT, Avery — Children and Family Services, Governmental Operations, Transportation.
- GASPARD, Marcus S. — Education, *Ways and Means.
- HALSAN, Stuart A. "Stu" — Agriculture, *Governmental Operations, Law and Justice.
- HANSEN, Frank "Tub" — *Agriculture, Higher Education, Transportation.
- HAYNER, Jeannette — Law and Justice, Rules, Ways and Means.
- JOHNSON, Stanley C. — Health Care and Corrections, Vice Chair; Financial Institutions and Insurance, Ways and Means.
- KISKADDON, Bill — Children and Family Services, Chair; Education, Vice Chair; Transportation.
- KREIDLER, Mike — Environment and Natural Resources, Financial Institutions and Insurance, *Health Care and Corrections.
- LEE, Eleanor — Economic Development and Labor, Chair; Education, Ways and Means.
- MADSEN, Ken — Energy and Utilities, Law and Justice.
- McCASLIN, Bob — Governmental Operations, Chair; Law and Justice, Vice Chair; Financial Institutions and Insurance.
- McDONALD, Dan — Ways and Means, Chair; Children and Family Services.
- McMULLEN, Patrick R. — Economic Development and Labor, Higher Education, Transportation.
- METCALF, Jack — Environment and Natural Resources, Chair; Governmental Operations, Transportation.
- MOORE, Ray — *Financial Institutions and Insurance, Ways and Means.
- NELSON, Gary A. — Transportation, Vice Chair; Energy and Utilities, Law and Justice, Rules.
- NEWHOUSE, Irv — Energy and Utilities, Law and Justice, Rules, Ways and Means.
- NIEMI, Janice — Health Care and Corrections, Law and Justice.
- OWEN, Brad — Energy and Utilities, *Environment and Natural Resources, Transportation.
- PATTERSON, E. G. "Pat" — Transportation, Chair; Higher Education, Vice Chair; Environment and Natural Resources.
- PULLEN, Kent — Law and Justice, Chair; Energy and Utilities, Governmental Operations.
- RASMUSSEN, A. L. "Slim" — Financial Institutions and Insurance, Rules.
- RINEHART, Nita — Agriculture, *Education, Environment and Natural Resources.

- SALING, Gerald L. (Jerry) — Higher Education, Chair; Economic Development and Labor, Ways and Means.
- SELLAR, George L. — Financial Institutions and Insurance, Rules, Transportation.
- SMITH, Linda A. — Environment and Natural Resources, Vice Chair; Health Care and Corrections, Ways and Means.
- SMITHERMAN, Bill — Economic Development and Labor, Financial Institutions and Insurance, *Higher Education.
- STRATTON, Lois J. — *Children and Family Services, Energy and Utilities.
- TALMADGE, Phil — *Law and Justice, Ways and Means.
- VOGNILD, Larry L. — *Rules, Ways and Means.
- von REICHBAUER, Peter — Financial Institutions and Insurance, Chair; Transportation, Vice Chair; Higher Education.
- WARNKE, Frank J. — *Economic Development and Labor, Ways and Means.
- WEST, James E. — Financial Institutions and Insurance, Vice Chair; Economic Development and Labor, Health Care and Corrections, Rules.
- WILLIAMS, Al — Economic Development and Labor, *Energy and Utilities, Ways and Means.
- WOJAHN, R. Lorraine — Health Care and Corrections, Rules, Ways and Means.
- ZIMMERMAN, Hal — Governmental Operations, Vice Chair; Rules, Ways and Means.

GOVERNOR'S MESSAGES ON SENATE BILLS
SIGNED AFTER ADJOURNMENT

1988 REGULAR SESSION AND FIRST SPECIAL SESSION

March 15, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 15, 1988, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5229

Relating to the state advisory committee to the department of social and health services.

Senate Bill No. 6093

Relating to presentence reports.

Substitute Senate Bill No. 6200

Relating to reduced utility rates.

Senate Bill No. 6210

Relating to the state auditor.

Senate Bill No. 6211

Relating to the state auditor.

Senate Bill No. 6227

Relating to acknowledgments.

Senate Bill No. 6313

Relating to the retirement of interfund loans from the resource management cost account to the forest development account.

Substitute Senate Bill No. 6399

Relating to special fuel record-keeping requirements.

Substitute Senate Bill No. 6402

Relating to venue in district court civil actions.

Senate Bill No. 6412

Relating to the publication of interest rates on retail installment contracts for the purchase of motor vehicles.

Second Substitute Senate Bill No. 6513

Relating to emergency drought relief.

Substitute Senate Bill No. 6534

Relating to catheterization by school employees.

Senate Bill No. 6563

Relating to the recording of federal liens.

Senate Bill No. 6578

Relating to the sale of nonliquor food products as defined in RCW 82.08.0293 as it exists on July 1, 1987, by licensed wine wholesalers and beer wholesalers.

Senate Bill No. 6675

Relating to authorizing and modifying the evaluation plan of the family independence program with modifications to the family opportunity councils.

Second Substitute Senate Bill No. 6724

Relating to water resources.

Substitute Senate Bill No. 6742

Relating to superior court judges.

Sincerely,

Terry Sebring, Legal Counsel to the Governor

March 16, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 16, 1988, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5943

Relating to the small claims department of the district court.

Senate Bill No. 6101

Relating to state board for community college education members.

Substitute Senate Bill No. 6128

Relating to park and recreation service areas.

Senate Bill No. 6136

Relating to state park camping fees.

Senate Bill No. 6143

Relating to technical revisions to the real estate contract forfeiture act.

Senate Bill No. 6243

Relating to unemployment compensation during labor disputes.

Senate Bill No. 6245

Relating to investment of bond proceeds.

Senate Bill No. 6291

Relating to the expansion and improvement of the relocation assistance and real property acquisition policies.

Substitute Senate Bill No. 6350

Relating to guide and service dogs.

Substitute Senate Bill No. 6404

Relating to funding emergency public works projects from the public works assistance account.

Senate Bill No. 6418

Relating to leadership development.

Substitute Senate Bill No. 6548

Relating to assistance to employers receiving a federal tax credit.

Senate Bill No. 6600

Relating to abuse of children and adult dependent or developmentally disabled person.

Substitute Senate Bill No. 6603

Relating to air quality opacity limitations.

Substitute Senate Bill No. 6703

Relating to underground facilities.

Senate Bill No. 6745

Relating to alternate operator services.

Sincerely,

Terry Sebring, Legal Counsel to the Governor

March 18, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 18, 1988, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5036

Relating to surplus salmon eggs.

Substitute Senate Bill No. 5586

Relating to hours of labor.

Senate Bill No. 5667

Relating to unclaimed personal property.

Substitute Senate Bill No. 6217

Relating to the Prosser well at the Washington State University research center.

Substitute Senate Bill No. 6255

Relating to exemptions from interstate trip permits for commercial vehicles.

Senate Bill No. 6297

Relating to investment of funds of the department of labor and industries.

Substitute Senate Bill No. 6298

Relating to abandoned property with historical value.

Substitute Senate Bill No. 6357

Relating to contractors' bonds.

Senate Bill No. 6372

Relating to obsolete statutory references involving natural resource agencies.

Senate Bill No. 6396

Relating to apprentice industrial insurance.

Senate Bill No. 6440

Relating to the environment.

Senate Bill No. 6668

Relating to special fuel bonds.

Substitute Senate Bill No. 6736
 Relating to jurisdiction over tribal lands.

Sincerely,
 Terry Sebring, Legal Counsel to the Governor

March 21, 1988

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

I have the honor to advise you that on March 21, 1988, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 6147
 Relating to revising criminal code definitions.
Substitute Senate Bill No. 6212
 Relating to fire fighters and police.
Substitute Senate Bill No. 6264
 Relating to management and disposal of infectious wastes.
Substitute Senate Bill No. 6305
 Relating to the statute of limitations for sexual abuse or exploitation of a child.
Substitute Senate Bill No. 6462
 Relating to technical corrections in the procedures for sentencing adult felons.
Substitute Senate Bill No. 6498
 Relating to counsel for indigent person.

Sincerely,
 Terry Sebring, Legal Counsel to the Governor

March 22, 1988

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

I have the honor to advise you that on March 22, 1988, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 6181
 Relating to the early childhood education and assistance program.
Substitute Senate Bill No. 6207
 Relating to foster care.
Substitute Senate Bill No. 6218
 Relating to the practice of physical therapy.
Substitute Senate Bill No. 6219
 Relating to consent to adoption.
Senate Bill No. 6260
 Relating to registration of poisons.
Substitute Senate Bill No. 6376
 Relating to motor vehicle excise tax.
Senate Bill No. 6408
 Relating to the dates for submission of the recommendations required under RCW 19.27A.040(4) and for expiration of state supersession of local residential energy codes.

Substitute Senate Bill No. 6433
 Relating to insurance and health care services.
Substitute Senate Bill No. 6435
 Relating to disclosure by contractors.
Substitute Senate Bill No. 6446
 Relating to procurement of recovered materials.
Substitute Senate Bill No. 6452
 Relating to foreign language requirements.
Substitute Senate Bill No. 6474
 Relating to real estate brokers and salespersons.
Substitute Senate Bill No. 6530
 Relating to procedures for explosives licensing.
Substitute Senate Bill No. 6670
 Relating to public works.
Senate Bill No. 6705

Relating to dependent children.

Sincerely,
Terry Sebring, Legal Counsel to the Governor

March 23, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 23, 1988, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5558

Relating to the Washington scholars program.

Substitute Senate Bill No. 6118

Relating to child care development and services.

Senate Bill No. 6119

Relating to interim permits and examinations for persons applying to be licensed practical nurses.

Substitute Senate Bill No. 6124

Relating to rural health care.

Substitute Senate Bill No. 6148

Relating to concealed pistol licenses and restriction on dissemination of information applications.

Substitute Senate Bill No. 6195

Relating to hindering logging activities.

Second Substitute Senate Bill No. 6221

Relating to sexually transmitted diseases.

Substitute Senate Bill No. 6240

Relating to the harvesting of wild mushrooms.

Substitute Senate Bill No. 6308

Relating to juvenile court training.

Substitute Senate Bill No. 6332

Relating to unclaimed property in museums and historical societies.

Substitute Senate Bill No. 6342

Relating to light and power bills.

Substitute Senate Bill No. 6419

Relating to contracts by port districts.

Substitute Senate Bill No. 6437

Relating to the return on investment allowance for nursing homes.

Senate Bill No. 6519

Relating to nursing homes.

Senate Bill No. 6608

Relating to sentencing for theft of livestock.

Senate Bill No. 6647

Relating to salmon production.

Substitute Senate Bill No. 6741

Relating to storage tanks.

Sincerely,
Terry Sebring, Legal Counsel to the Governor

March 25, 1988

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 24, 1988, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5333

Relating to the state board of education.

Second Substitute Senate Bill No. 5378

Relating to prenatal testing for heritable and congenital disorders.

Substitute Senate Bill No. 5595

Relating to self-service storage facilities.

Substitute Senate Bill No. 5669

Relating to certification of dietitians and nutritionists.

Second Substitute Senate Bill No. 5720

Relating to cooperative programs and services between or among school districts.

Substitute Senate Bill No. 6115

Relating to programs for parents and children.

Substitute Senate Bill No. 6157

Relating to student learning objectives.

Substitute Senate Bill No. 6178

Relating to the vinifera grape growers' assessment.

Senate Bill No. 6182

Relating to contractors registration.

Substitute Senate Bill No. 6266

Relating to aquifer protection districts.

Senate Bill No. 6271

Relating to care provided in the home.

Substitute Senate Bill No. 6344

Relating to agriculture.

Substitute Senate Bill No. 6466

Relating to the retirement benefit to be granted to certain county public works department employees.

Substitute Senate Bill No. 6470

Relating to substance abuse by health care professionals.

Substitute Senate Bill No. 6486

Relating to the Washington state firearm range committee facility.

Substitute Senate Bill No. 6512

Relating to tax exemptions for participants in the federal conservation reserve program.

Senate Bill No. 6523

Relating to naturopathic mechanotherapy.

Substitute Senate Bill No. 6569

Relating to construction lien information.

Substitute Senate Bill No. 6631

Relating to employee dental care assistance plans.

Senate Bill No. 6638

Relating to educational assistance for nurses.

Senate Bill No. 6641

Relating to population adjustments for naval personnel.

Senate Bill No. 6671

Relating to housing trust fund administration.

Senate Bill No. 6720

Relating to the disposal of waste tires.

Sincerely,

Terry Sebring, Legal Counsel to the Governor

GOVERNOR'S MESSAGES ON SENATE BILLS
VETOED AND PARTIALLY VETOED1988 REGULAR SESSION AND FIRST SPECIAL SESSION

March 22, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 57 and 85, Senate Bill No. 5016, entitled:

"AN ACT Relating to modifications of terminology resulting from the Rules of Appellate Procedure."

Sections 57 and 85 make technical corrections to existing laws which are repealed by other legislation which I have signed. I am vetoing section 57 because it would amend a section of existing law (RCW 72.33.240) that is repealed by Engrossed Substitute House Bill No. 1618, section 1007(24). I am vetoing section 85 because it would amend a section of existing law (RCW 87.03.410) that is repealed by Substitute House Bill No. 1297, section 15(20).

With the exception of sections 57 and 85, the remainder of Senate Bill No. 5016 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 24, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6024 entitled:

"AN ACT Relating to rivers and streams in agricultural areas."

At this time, counties throughout the state are developing flood control management plans that will provide a comprehensive review of flood control issues. Section 4, however, includes a finding that the accumulation of sand and gravel in the state's river and stream beds substantially increases the risks of disastrous floods. Although sand and gravel removal are expected to be elements of these plans, other more environmentally sensitive methods should be encouraged and studied before the state begins implementing a response.

With the exception of section 4, Substitute Senate Bill No. 6024 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 24, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 9 and 10, Engrossed Second Substitute Senate Bill No. 6235, entitled:

"AN ACT Relating to allowing the State of Washington to receive capitalization grants from the federal government for the state revolving loan fund for financing water pollution control facilities and activities."

This bill would establish the water pollution control revolving fund to receive federal capitalization grants, state matching funds and other revenues. This fund would protect the state's surface and underground waters by providing loans to design, construct and improve water pollution control facilities and related activities.

Section 9 would create the water pollution control loan review committee to approve all loans prior to issuance. Technical and administrative criteria for evaluating loan applications are clearly spelled out in federal regulation. Creation of this committee places the Legislature in an administrative role and creates the possibility that loans will be evaluated on criteria other than technical merit. Finally, review of loan applications by the committee could result in slowing down

the process. This will reduce local governments' certainty that multi-year construction projects will continue to receive funds.

Section 10 requires the Department of Ecology to follow the water quality account fund distribution schedule as established in RCW 70.146.060 when making loans through the revolving fund. Again, since this fund is utilizing federal moneys, federal law takes precedence in determining eligible projects. This section causes confusion by implying that the state's distribution schedule will be followed.

The water pollution control revolving fund is an important revenue source for financing continued protection of the state's waters for the health, safety, use, enjoyment, and economic benefit of its people.

With the exception of sections 9 and 10, Engrossed Second Substitute Senate Bill No. 6235 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 24, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to the last paragraph of section 1, Substitute Senate Bill No. 6238, entitled:

"AN ACT Relating to the authority to administer selected federal safe drinking water act programs."

The first part of this Department of Ecology request bill authorizes the Departments of Ecology, Natural Resources, and Social and Health Services and the Gas Conservation Committee to carry out programs of the Federal Safe Drinking Water Act as amended in 1986.

The amendment added to the bill allows the State Board of Health to adopt drinking water regulations for systems not covered under federal law "if necessary" to protect the public health. Narrowly interpreted, this language could result in the state's inability to regulate certain drinking water supply practices. The difficulty in establishing a direct cause-and-effect relationship between each specific practice and larger public health concerns will make it difficult for the State Board of Health to prove that regulations are necessary to protect the public health. With over 5,000 small public water systems in our state not covered by the federal act, I am reluctant to significantly reduce the health regulatory authority and subject the department to legal challenges to prove the public health nexus for each system in court. I would hope motivation for this amendment could be resolved administratively or through legislative language which addresses the specific issue.

I believe the agency has the discretion to adopt appropriate regulations for systems not under federal jurisdiction and is not required to implement the federal regulations unless it independently determines the standards are appropriate for the small systems.

With the exception of the last paragraph of section 1, Substitute Senate Bill No. 6238 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 24, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2(a) through (e) and (g) through (j), Engrossed Substitute Senate Bill No. 6316 entitled:

"AN ACT Relating to the forfeiture of real property from the commercial sale or production of controlled substances and imitation controlled substances where a substantial nexus exists between the commercial production or sale of the substance and the real property and providing for the redistribution of proceeds from the sale of forfeited property."

The concept and consensus behind this bill was to provide law enforcement officials with an additional tool for seizing some of the financial booty invested in "real property" (land and buildings) which was acquired by illegal drug dealers

as a result of, or to further, their activities. Examples might be houses used to grow marijuana products in substantial amounts or amphetamine manufacturing operations. Currently, the immense profits which can be realized from these illegal drug activities are so substantial that they overshadow the risk of apprehension and a prison term. The intention was to attach and forfeit some of the "real property" fruits of this illegal activity in the hope of removing some of the financial benefit.

Law enforcement officials currently have the statutory authority to seize "personal property" which is connected and used in illegal drug trafficking. The goal was to extend this same concept to "real property".

The language which is presented to me in this bill has, after its passage and upon thorough review, received rejection from the law enforcement community. Their analysis is that the bill, because of shifting the burden of proof and a number of other changes which were incorporated both for the existing "personal property" provisions and for the new "real property" provisions, would provide a net loss, rather than a gain, in their efforts to seize property related to illegal drug transactions. Specifically, the law enforcement community has indicated that the new law would effectively hinder their ability to seize personal property under existing statutes as well as making it impossible to seize "real property" except in rare cases.

I would encourage the Legislature and the law enforcement community to work together in the next session to again review this issue and attempt to pass a law which allows law enforcement to continue under existing law for the "personal property" forfeitures while adding new separate provisions for "real property" forfeitures.

It is appropriate to consider different safeguards and procedures for "real property" interests than for "personal property" interests. I believe law enforcement should have the burden of showing that the individuals were engaged in illegal drug transactions and that the property was related to the transactions. However, the individuals involved should have the burden of showing that they are the lawful owners of the property used in any manner to facilitate the illegal drug transaction. Given the large amounts of cash money involved and criminal necessity of hiding the fruits of their illegal activity, it is an unrealistic burden on law enforcement to prove more than the fact that individuals were criminally involved and that the property was used or acquired by those illegal means.

I have not vetoed the sections related to changing the distribution of funds received for personal property which is forfeited. This part of the bill is contained in section 2(f).

With the exception of sections 1, 2(a) through (e) and (g) through (j), Engrossed Substitute Senate Bill No. 6316 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 21, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6354, entitled:
"AN ACT Relating to the definition of wages for industrial insurance purposes."

This bill requires that tips be included in the definition of wages for industrial insurance purposes. Similar language achieving the same result is included in section 12 of Engrossed House Bill No. 1396, which I am signing into law today. To avoid conflict between these two provisions and to minimize confusion in state statute, I have vetoed Senate Bill No. 6354.

Respectfully submitted,
Booth Gardner, Governor

March 18, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 80, Senate Bill 6370, entitled:

"AN ACT Relating to obsolete references involving state agencies."

Section 80 reenacts RCW 90.22.010, which was amended by both Chapter 109 and Chapter 506, Laws of 1987, without reference to each other. This same statute is amended and re-enacted by Section 6 of Engrossed Second Substitute Senate Bill 6724, which I have signed into law. In order to avoid further confusion, I am vetoing section 80.

With the exception of section 80, Senate Bill 6370 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 24, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Senate Bill No. 6397 entitled:

"AN ACT Relating to forest fires."

Section 1 of this bill establishes a priority for the Department of Natural Resources to extinguish forest fires before determining if individuals or structures are at risk in neighboring properties. This is similar to language vetoed by me after the 1987 regular legislative session.

At that time, I stated that the direction this language gives to the department is confusing and inconsistent with the normal value we place on human life. I continue to believe this.

The remainder of this measure allows the department to clarify its duties with respect to fighting fires in conjunction with the services provided by rural fire districts. Section 2 states, in part, that "the department's primary mission is to protect forest land and to suppress forest fires." This policy statement offers the department greater flexibility when fighting a fire while providing a general direction for action.

With the exception of section 1, Senate Bill No. 6397 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 21, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6438 entitled:

"AN ACT Relating to authorization for the utilities and transportation commission to approve tariffs for gas and electrical companies that include banded rates."

Substitute Senate Bill No. 6438, if signed, would result in an identical double amendment. This bill is identical to Engrossed House Bill No. 1581, which I am signing into law today. I have therefore vetoed Substitute Senate Bill No. 6438 to avoid duplication and confusion in statute.

Respectfully submitted,
Booth Gardner, Governor

March 25, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 6447, entitled:

"AN ACT Relating to custodial interference."

This legislation would amend criminal provisions relating to custodial interference to include interference with visitation rights. I believe non-custodial parents

deserve fair treatment when their visitation rights are abused or denied. I am sensitive, however, to those who believe that involving the police in settling non-violent visitation disputes is not the best approach. Police experience has shown that disputes over dates, times and conditions of child visitation are so common that any effort on behalf of the police to respond to calls of assistance in such disputes would very seriously reduce the ability of police and sheriff departments to respond to other calls. Police should intervene only when there are threats to the physical well-being of persons.

The four-hour grace period, allowed before police may intervene, is thought to account for the routine problems and delays that are common in family life. On the other hand, this grace period is likely to become a tool for harassment. Since non-custodial parents have less time with the children, the misuse of the four-hour period is likely to have a greater impact on them. More importantly, children are the ones who will be caught in the middle.

In January 1988, the Parenting Act was implemented (RCW 26.09.181 - 26.09-.280). This Act provides an alternative dispute resolution process to settle disagreements over visitation. The dispute resolution process has not had enough time to prove it can have a positive effect on reducing parental conflicts. In addition, the new Act does not use the terms "custodial parent" or parent with "visitation rights," rather it speaks in terms of parenting plans and residential parents. The use of the new terms and their concepts are at odds with this bill.

Nonetheless, a problem does exist. It results from human emotions and behavior, we all wish were easily dealt with. The courts do have the ability to deal with custodial/visitation conflicts through their civil contempt authority. A bill was introduced in the 1988 Legislative session which would have clarified and improved the ability of judges to cite people for contempt; unfortunately, it did not pass. It should be considered in next year's session as a step in addressing this issue.

This bill has other technical application problems in that many dissolution decrees do not specify exact hours and dates of visitation rights. The decree may say "reasonable visitation" or "every other weekend and every other holiday," but most do not specify when you start counting the holidays or weekends nor account for people who agree to skip days or readjust the schedule for conflicts. Even the few decrees which specify detailed terms, i.e. times of the day, week, place for exchange of the children, have difficulty in responding to the need for flexibility. The actual practice of the parties may be different from the written language. The Parenting Act attempts to set up means for resolving and adjusting to the changing circumstances of people's lives, along with specificity of time, date and places of the children's residence. These are all civil laws.

This bill is a criminal statute. We require different standards before the police and courts will arrest and charge crimes. The criminal law will be difficult to apply here. Law enforcement and the courts/juries will be unable to determine if an offense has occurred under the standards required of the criminal law, unless the decree is extremely inflexible. This approach is at odds with the philosophy of the Parenting Act which works to encourage cooperation and resolution, but with flexibility for changes, plus recourse to mediate when the parents are unable to agree. This bill, if signed, becomes criminal law. It commits the wrong resources and may hurt children more than help them.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 6447.

Respectfully submitted,
Booth Gardner, Governor

March 24, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Senate Bill No. 6480 entitled:

"AN ACT Relating to obstructing the taking of fish or wildlife."

This measure creates the crime of obstructing the taking of wildlife and provides penalties. In addition, section 4 includes this new crime under the current provisions of chapter 9A.46 RCW.

Chapter 9A.46 RCW is aimed at making unlawful the invasion of a person's privacy through repeated acts and threats intended to harass that individual. The statute also allows for enjoining such activities. Because section 2 of Senate Bill No. 6480 also allows for enjoining violations, reference to chapter 9A.46 RCW is redundant and clouds the purposes of that act.

With the exception of section 4, Senate Bill No. 6480 is approved.

Respectfully submitted,
Booth Gardner, Governor

March 26, 1988

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 406, Engrossed Substitute Senate Bill No. 6763, entitled:

"AN ACT Relating to capital projects."

Section 406, Page 15, Superintendent of Public Instruction

This section provides funds for capital planning and transition purposes for Nine Mile Falls School District. The citizens of the school district have already provided levy money to be used in combination with state matching funds to cover the capital costs for constructing a new school. I have previously indicated my position on this issue, see my partial veto of section 412, page 43 of ReEngrossed Substitute House Bill No. 327, Chapter 6 Laws of Washington, 1987, 1st Special Session. However, in light of this new legislation, I have had the issue reviewed again. The issue has been discussed with the local Education Services District, the Office of the Superintendent of Public Instruction, Nine Mile Falls School District and others. I cannot find sufficient additional justification to cause me to view this policy issue differently and provide this enhanced state funding.

With the exception of section 406, Engrossed Substitute Senate Bill No. 6763 is approved.

Respectfully submitted,
Booth Gardner, Governor

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fiftieth Legislature
1988 Regular Session
1988 First Special Session

Senate No.	Relating to:	Chapter No.	Effective Date
	5016 Appellate procedure terms	202 PV	6/9/88
S	5036 Surplus salmon eggs	115	6/9/88
S	5147 Public util transp corridors	16	6/9/88
	5229 DSHS advisory committee	49	6/9/88
S	5333 St bd of education/voting	255	6/9/88
2S	5378 Prenatal test labs	276	6/9/88
	Section 5		12/31/89
	5451 Passenger charter	30	6/9/88
S	5558 Private college grants	210	6/9/88
S	5586 Hours of labor	121	6/9/88
S	5595 Self-storage liens	240	6/9/88
	5667 Dispose personal property	132	6/9/88
S	5669 Dietitians/nutritionists	277	6/9/88
2S	5720 Sch dists/cooperative agree	268	6/9/88
S	5844 Motor freight brokers	31	6/9/88
S	5943 Small claims dept/dist ct	85	6/9/88
	5953 Community college faculty	32	6/9/88
S	6024 Agri hydraulic projects	272 PV	6/9/88
	6093 Presentence rpts/sex offend	60	3/15/88
S	6096 Equity skimming/prohibiting	33	6/9/88
	Section 5		7/1/88
	6101 St bd community colleges	76	3/16/88
	6113 Quasi-comm property laws	34	3/11/88
S	6115 Parenting skills programs	278	3/24/88
S	6118 State child care policy	213	3/23/88
	6119 LPN licensure	212	4/1/88
S	6124 Rural hospital assistance	207	6/9/88
	Sections 1 and 2		3/23/88
S	6128 Park/rec serv areas provis	82	6/9/88
	6136 St park surcharges	80	6/9/88
	6143 Real estate contract forfeit	86	6/9/88
S	6147 Substantial bodily harm	158	7/1/88
S	6148 Concealed pistols	219	6/9/88
S	6157 Student learning objectives	256	6/9/88
S	6178 Vinifera growers' assoc	257	6/9/88
S	6181 Early childhood educ asst	174	3/22/88
	6182 Contractor registration	285	6/9/88
S	6195 Logging interference	224	3/23/88
S	6200 Utility rates/low income	44	6/9/88
S	6207 Child abuse/vict placment	189	6/9/88
	6210 CPA/municipal audits	52	6/9/88
	6211 CPA/state audits	53	6/9/88
S	6212 LEOFF retirement boards	164	6/9/88
S	6217 Prosser well DOE/WSU	137	3/18/88
S	6218 Physical therapy	185	6/9/88
S	6219 Adoption consent	203	6/9/88
2S	6221 Sexually trans diseases	206	3/23/88
	Sections 916 and 917		7/1/88

SENATE BILLS PASSED BY BOTH HOUSES

1687

Senate No.	Relating to:	Chapter No.	Effective Date
	6227 Acknowledgments	69	6/9/88
2S	6235 Water pollution acct	284 PV	3/24/88
S	6238 Drinking water auth	279 PV	6/9/88
S	6240 Wild mushrooms	230	1/1/89
	6243 Labor dispute disqual	83	3/20/88
	6245 Bond proceeds investment	92	3/16/88
S	6252 Traffic infractions	38	6/9/88
S	6255 Interstate trip zone	138	3/18/88
	6260 Poisons	197	6/9/88
	6262 I-90 extension	22	3/11/88
S	6264 Infectious wastes	171	6/9/88
S	6266 Aquifer protection	258	6/9/88
	6271 Home for ill/disabled/infirm	245	7/1/89
S	6290 Ambassador program	35	6/9/88
	6291 Relocation asst	90	3/16/88
	6293 RN's	37	6/9/88
	6295 Model traffic ord	24	6/9/88
	6296 St Patrol/ports of entry	21	6/9/88
	6297 Invest L&I funds	130	6/9/88
S	6298 Submerged lands	124	3/18/88
S	6305 Sexual child abuse S/L	144	6/9/88
S	6308 Juven crt training	234	6/9/88
	6313 Resource management acct	70	6/9/88
S	6316 Drug cases assets	282 PV	6/9/88
S	6332 Unclaimed prop/museums	226	6/9/88
	6338 DSHS abuse reports	39	6/9/88
	6339 Adoption	14	6/9/88
S	6342 PUD/customer billings	228	1/1/89
S	6344 Agri revisions	254	6/9/88
S	6350 Guide dog killing	89	6/9/88
	6354 Wages/indust insur		Vetoed
S	6357 Contractor bonds/securities	139	6/9/88
	6362 Antique vehicles	15	6/9/88
	6370 Dept of conserv/obsolete	127 PV	6/9/88
	6371 MV excise tax/double amend	18	6/9/88
	6372 Nat res/obsolete references	128	6/9/88
	6373 Obsolete references	25	6/9/88
	6374 Boxing comm/references	19	6/9/88
	6375 Wildlife dept/references	36	6/9/88
S	6376 Ferry operations/MV tax	191	6/9/88
	6396 Apprentices assumed wages	140	6/9/88
	6397 Forest fires	273 PV	6/9/88
S	6399 Fuel report/farmers/loggers	51	6/9/88
S	6402 Venue/civil actions	71	6/9/88
S	6404 Emergency public works	93	6/9/88
	6408 Energy code	204	6/9/88
	6412 MV contracts/interest rate	72	3/15/88
	6418 Senior development program	105	6/9/88
S	6419 Port district contracts	235	6/9/88
S	6433 Phenylketonuria	173	3/22/88
S	6435 Contractor disclosure	182	6/9/88
S	6437 Nursing home/invest allow	208	6/9/88
S	6438 Banded tariffs		Vetoed
	6440 Hazardous waste cleanup	112	*3/1/89
	*Pending voter approval of Init. 97 or Init. 97A		
S	6446 Recovered mat/purchasing	175	7/1/88
	6447 Custodial interference		Vetoed

Senate No.	Relating to:	Chapter No.	Effective Date	
S	6452	Sign lang/sch/foreign lang	172	6/9/88
S	6462	Sentencing corrections	157	6/9/88
S	6466	Retire calculation co emply	269	6/9/88
S	6470	Health profess substan abuse	247	6/9/88
S	6474	Real estate continuing ed	205	6/9/88
	6480	Obstructing taking game	265 PV	7/1/88
S	6486	St firearm range committee	263	6/9/88
	6494	MV license fees	12	6/9/88
S	6498	Indigent/counsel for	156	6/9/88
S	6512	Fed conserv reserve program	253	6/9/88
2S	6513	Water supply emergencies	46	3/15/88
	6516	Rural bridge replacement	26	6/9/88
	6519	Nursing homes/depreciation	221	6/9/88
	6523	Naturopathic manipulation	246	6/9/88
S	6530	Explosives	198	6/9/88
S	6534	Catheterization/students	48	6/9/88
S	6536	Catastrophe benefits	27	6/9/88
	6537	Unemploy claims admin rule	28	6/9/88
S	6548	Targeted jobs/tx crdt approp	84	3/15/88
	6556	Birth cert fee/chld trst fnd	40	6/9/88
	6563	Uniform fed lien regls	73	7/1/88
S	6569	Construction liens	270	7/1/89
	6578	Nonliquor items wholesalers	50	3/15/88
	6600	Child abuse reports by govt	87	6/9/88
S	6603	Air quality opacity	106	6/9/88
	6608	Livestock theft	218	6/9/88
S	6631	Dental care plan alternative	259	6/9/88
	6638	Nursing studen scholarship	242	6/9/88
	6641	Armed force ship populations	260	6/9/88
	6647	Salmon production 100%	214	6/9/88
	6667	Special fuel filing	23	1/1/89
	6668	Special fuel bonding	122	6/9/88
S	6670	Trench excavations	180	6/9/88
	6671	Housing trust funds	286	3/24/88
	6675	Family independence program	43	3/15/88
S	6703	Underground facilities	99	6/9/88
	6705	Offender removed from home	190	6/9/88
	6720	Tires/management waste	250	6/9/88
2S	6724	Water resources	47	3/15/88
S	6736	Chehalis/Swinomish juris	108	6/9/88
S	6741	Underground storage tanks	215	3/23/88
S	6742	Yakima county judge	66	6/9/88
	6745	Alternate operator services	91	6/9/88
S	6763	Sch const/cap proj/WSU	2 E1 PV	3/26/88

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

Fiftieth Legislature

1988 Regular Session
1988 First Special Session

No. Subject:

SENATE JOINT MEMORIALS

	8026	Tuition waivers
S	8027	Plastics in Pacific Ocean
	8028	Columbia Gorge spoil sites
	8030	Grand Coulee Dam/lighting

SENATE CONCURRENT RESOLUTIONS

	8428	Julia Butler Hansen
S	8429	Higher ed master plan
S	8430	POW/MIA flag
	8434	Elmer Huntley
	8441	Sine Die/Gov notified
	8442	Senate org/Gov notified

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fiftieth Legislature
1988 Regular Session
1988 First Special Session

House No.	Relating to:	Chapter No.	Effective Date
S 46	Excise tax distrib/watrcraft	261	6/9/88
254	Driver license renewal	88	6/9/88
280	Drivers license/accident	8	6/9/88
2S 318	Insurance provisions	248	6/9/88
	Section 5		3/24/88
2S 537	Ferry advisory committees	100	6/9/88
S 608	Abuse-neglect reporting	142	6/9/88
S 657	Political ads/prhbt false	199	6/9/88
662	Product liability/firearms	94	6/9/88
668	Anesthesia use/dental board	217	6/9/88
S 692	Moral nuisance/definition	141	3/21/88
S 752	2nd degree assault/define	266 PV	7/1/88
S 791	Camping clubs/regs	159	3/21/88
	Section 7		6/20/88
S 932	Rental paymnts/public assist	264	7/1/88
S 1089	Employee benefits/B&O tax	67	3/15/88
S 1170	L&I physicians/requirements	114	3/18/88
1270	Work training release	3	3/8/88
S 1271	DOC/revising provisions	143 PV	3/21/88
1272	DOC/employee assault benefit	149	6/9/88
1278	Weed control jurisdiction	133	6/9/88
S 1279	Offenders/financial obligtns	155 PV	6/9/88
1280	Custodial assault crime	151	6/9/88
S 1285	Grain dealers/licensing	95	7/1/88
1288	Liquor sales hours	101	6/9/88
1292	Liquor licensees/minors	160	6/9/88
S 1295	Liquor licenses/fees	200	6/9/88
S 1297	Properties/foreclosure	134	6/9/88
1300	Charter boat licenses	9	6/9/88
S 1302	Sex offenses/develop disabld	146	7/1/88
	Section 4		3/21/88
1304	Marketing agreements/members	54	6/9/88
1306	School employees/authority	2	6/9/88
S 1312	Budget/supplemental operatng	289 PV	3/26/88
S 1317	Notice of actions/publishing	168	6/9/88
1318	21st century project/schools	1	3/8/88
S 1319	Leave standards/family care	236	9/1/88
S 1320	Insurance policies/renewals	249	9/1/88
1325	Water pollutn agncy/authority	220	6/9/88
S 1329	Homestead exmption/provision	192	6/9/88
1330	Public employees/classes of	110	6/9/88
1332	State bond certs/pub printer	102	6/9/88
S 1333	Sexual offenses/revising	145	7/1/88
S 1336	Horticultural products/taxes	68	6/9/88
S 1339	Food stamps/illegal transfer	62	6/9/88
S 1340	Waste reduction/office of	177	6/9/88
1341	Write-in voting/procedures	181	6/9/88
1346	Communicatn sites/state land	209	6/9/88

HOUSE BILLS PASSED BY BOTH HOUSES

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House No.	Relating to:	Chapter No.	Effective Date
	1354 Veteran affairs dept/sunset	216	3/23/88
	1361 Comm college district/24th Section 2	77	7/1/88 3/16/88
S	1362 Weights & measures/revisions	63	6/9/88
S	1366 Judges retirement	109	7/1/88
S	1368 Judgments/enforcement	231	3/23/88
S	1369 Escrow/regulating	178	6/9/88
S	1370 Taxes/head of family exmptn *Pending voter approval of HJR 4222	10	*1/1/89
	1371 Transfer tax provisions	64	3/15/88
S	1373 Property tax/exemption	131	6/9/88
S	1377 Precursor drugs/regs	147	3/21/88
S	1382 Sunset review/terminatn date Section 17	186	6/9/88 6/30/93
S	1383 Alcoholism treatment program	193	6/9/88
	1387 Housing deposits/homeless	237	6/9/88
S	1388 Lodging/excise tax	61	7/1/88
S	1389 Food & shelter program/acct	238	6/9/88
S	1392 Continuing care communities	20	6/9/88
	1396 Industrial insurance benefit Section 4 Sections 1-3 and 6	161	6/9/88 6/30/89 7/1/88
	1401 B&O tax/sheltered workshops	13	6/9/88
S	1404 Nurses licensure	211 PV	6/9/88
S	1416 Private ways of necessity	129	6/9/88
	1418 Motor freight hearings	58	6/9/88
S	1419 Criminal justice information	152	3/21/88
S	1420 Property taxes/provisions	274	6/9/88
S	1424 Community custody/provisions	153 PV	7/1/88
S	1429 Home detention	154 PV	6/9/88
S	1445 Drug activities/rentals	150	6/9/88
S	1450 Excise tax deferral program	41	6/9/88
S	1460 Jury selection & summoning Section 19	188	1/1/89 3/22/88
S	1465 Child support schedule Sections 4 and 8 Section 9	275 PV	7/1/88 3/24/88 6/9/88
S	1469 DOT property exchnge/authrty	135	6/9/88
	1470 Tandem-axle vehicles regs	6	6/9/88
	1471 Tonnage purchase laws	55	6/9/88
S	1472 Apiaries/provisions	4	6/9/88
S	1473 Food processors/provisions	5	6/9/88
	1482 MV license susp/drug-alcohol	148	6/9/88
	1492 Boards & commissns/revising	81	6/9/88
	1504 Trust & estate law/correctns	29	6/9/88
	1507 Sales & use tax/exemptions	103	6/1/88
S	1511 Water-sewer dists/prvsns	162	3/21/88
	1514 Water dists/fluoridate	11	6/9/88
	1515 State agncys/terminatn date Sections 18-706	288 PV	6/9/88 1/1/89
S	1525 Debenture companies Sections 1-16	244	6/9/88 7/1/88
S	1530 Nursing assts/certs & regs	267 PV	6/9/88
	1531 Sunset review criteria	17	6/9/88
	1543 EMTs exam/recertificatn	111	6/9/88
	1558 Teachers retirement options	116	6/30/88
	1559 Teachers retirmtnt/membr term	117	7/1/88

House No.	Relating to:	Chapter No.	Effective Date
	1560 Retirement benefit/age 70 1/2	59	1/1/89
S	1562 Public land/auction sales	136	6/9/88
2S	1565 Alcoholism & drug treatment	163	3/21/88
S	1568 Excellence in educatn progrm	251	6/9/88
	1581 Gas-electric servcs/tariffs	166	3/21/88
	1585 Juvenile dependency proceedng Sections 3 and 4	232 PV	6/9/88 3/23/88
S	1586 Dependency proceedings/rules	194	6/9/88
	1588 Dependency proceedings	201	6/9/88
S	1592 Workers comp/asbestos Sections 15 and 18 Sections 6-8, 10-13 and 16	271 PV	6/9/88 3/24/88 1/1/89
S	1594 Water use efficiency study	45	3/15/88
S	1612 Disabled parking signs/post	74	6/9/88
	1616 State trust lands/purchase	79	6/9/88
S	1617 Court actions/cost	169	6/9/88
S	1618 Developmntal disabil servcs	176	6/9/88
	1626 Emergency med service prvsns	104	3/16/88
	1629 Physicians assistant/define	113	6/9/88
S	1633 Improvemnt projs/bids-wages	233	6/9/88
2S	1640 G. Robert Ross service award	125	6/9/88
	1649 Pension portability provsns	195	7/1/88
S	1652 Public funds investment	281 PV	3/24/88
S	1660 Motorcycle skills program	227	3/23/88
S	1672 Trucks/identification	56 PV	6/9/88
S	1673 Mobile home affairs/office of	280 PV	6/9/88
S	1680 Sales tax exempt/nonresident	96	7/1/88
S	1683 Mobile home landlord-tenant	126	6/9/88
S	1684 Solid waste management	184	6/9/88
	1686 State seal use	120	6/9/88
S	1690 Manufacturd homes/need review	239	6/9/88
	1693 Educ service dists/contract	65	6/9/88
	1694 Teaching cert/personal qualif	97	3/16/88
	1695 SPI evaluation standards	241	6/9/88
S	1701 Budget/transp supplemental	283 PV	3/24/88
	1710 Public works board projects	165	3/21/88
2S	1713 Trauma care systm/study cmte	183	6/9/88
S	1729 Corporate takeovers/provsns	225	3/23/88
S	1740 Highway signs/fatality markr	98	6/9/88
S	1745 School dirctr/term of office	187	6/9/88
S	1754 Taxes/administrative provsions Sections 15, 17, 19-21, 28 and 30	222	6/9/88 1/1/89
	1760 Industrial loan companies	7	6/9/88
S	1783 Nursing pools/registration	243	6/9/88
	1796 Info-access phone services	123	6/9/88
	1813 Agric research facility/fund	57	6/9/88
S	1817 Transp improvements/funding	179	6/9/88
	1833 Mayor pro tem/provisions	196	6/9/88
2S	1835 Tri-cities econ diversifictn	42	3/15/88
	1836 Self-employment for families	170	6/9/88
S	1845 Pistol licenses/revoking	223	6/9/88
S	1849 Long-term care ombudsman	119	7/1/89
S	1857 Transp improvemnt brd/create	167	6/9/88
S	1862 Beaches/local use plans	75	1/1/89
S	1883 Vehicle dealers regulations	287 PV	6/9/88
	1884 Legal loads/border areas Sections 2-4	229	6/9/88 7/1/89

HOUSE BILLS PASSED BY BOTH HOUSES

1693

House No.	Relating to:	Chapter No.	Effective Date
S 1915	School district levy bases	252	3/24/88
1951	Hospitals rate review	262	6/9/88
S 1952	Conservatn corps/handicapped	78	6/9/88
S 2038	WA health care authority	107	10/1/88
	Sections 13, 31-33 and 36(1)		3/16/88
2046	Hospital reimbursement	118	3/18/88
2057	Public facilities/providing	1 E1 PV	3/23/88

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Fiftieth Legislature
1988 Regular Session
1988 First Special Session

No. Subject:

HOUSE JOINT RESOLUTIONS

4222	Taxes/head of family exemptn
4223	Utility loan/energy consrvtn
S 4231	Disability/revise references

HOUSE CONCURRENT RESOLUTIONS

4402	Pacific fisheries task force
S 4403	Gillnet fishing/daylight hrs
4425	Reintroduction of bills
4426	Cut-off dates established
4427	Jt session/Governor's message
4428	Notify Governor leg organized
4441	Jt Session/medal of merit
4446	Cut-off date for passage
4452	Cut-off/HB 2046
4453	Adjourn sine die
4458	Adjourn sine die
4459	Notify Governor/sine die
4460	School construction/jt cmte

HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5003.					75	
5004.					75	
5006.					58	
5011.					58	
5016.				224	1207 1340.1466	1680 PV C202
5017.					37	
5018.					58	
5020. (Sub)				133		
5025. (Sub)					56	
5026.					58	
5027.					77	
5028.					77	
5031. (Sub)					56	
5033.					56	
5036.		226			56	
5036. (Sub)			299	300	1233 1457.1494	1676 C115
5038.					72	
5039.					58	
5043.					73	
5044.					73	
5048.					77	
5050.					579	
5052.					56	
5053.					68	
5054.					56	
5055. (Sub)					56	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5056.					68	
5065.(Sub)					56	
5066.					58	
5068.					73	
5070.(Sub)					579	
5072.					56	
5073.					58	
5074.(2nd Sub)					42	
5075.(Sub)					56	
5076.		151			56	
5076.(Sub)			225	226		
5079.					58	
5083.(Sub)					56	
5084.					56	
5086.(2nd Sub)					56	
5087.					75	
5088.(Sub)					35	
5090.(Sub)					579	
5092.					68	
5095.		172				
5102.					75	
5103.				225		
5108.					75	
5112.		106				
5113.(Sub)					37	
5115.(Sub)					56	
5116.					56	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5117.		85	288	288	56	
5119.					73	
5121.					75	
5122.(Sub)					56	
5123.(Sub)					43	
5124.(Sub)					38	
5125.					75	
5126.					72	
5133.					68	
5135.					58	
5137.					72	
5140.					58	
5141.					75	
5143.(Sub)					41	
5145.		129				
5147.		129			58	
5147.(Sub)			248	248	714 768,872	1656 C16
5152.					56	
5153.					72	
5154.					58	
5156.(Sub)				560		
5157.(Sub)					56	
5158.(Sub)					56	
5162.					73	
5165.(Sub)					56	
5166.					68	
5168.(Sub)					56	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5171.		85	145	145	56,77	
5175.					122	
5176.					137	
5182.		78			58,579	
5186.		194			75	
5187.					75	
5192.					75	
5198.					76	
5206.(Sub)					38	
5207.					68	
5211.					137	
5213.(Sub)					56	
5216.					68	
5218.					73	
5224.					68	
5228.					58	
5229.		209	288	289	74,1234 1340,1466	1675 C49
5230.					58	
5231.					73	
5241.					56	
5246.					56	
5250.					75	
5255.					76	
5257.					58	
5258.					58	
5259.					59	
5260.					59	

NO.	Intro. & Committee 1st Rdg. Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5262.				76	
5263.	106			56,416	
5264.(Sub)				56	
5266.(Sub)				57	
5268.				76	
5269.				73,137	
5270.				73	
5271.				57	
5273.				59	
5275.				59	
5278.(Sub)				57	
5280.(Sub)				57	
5281.				68	
5282.	263			57	
5290.				59	
5292.(Sub)	78				
5294.				57	
5296.				68	
5299. (Sub)				43	
5303.				59	
5305.				76	
5307	123			57	
5307.(Sub)		146	146		
5311.(Sub)				57	
5313.(Sub)	254			57	
5317.				76	
5320.				57	
5321.				57	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5323.					72	
5325.					57	
5328.					68	
5332.					59	
5333.(Sub)			133		1235 1457,1494	1678 C255
5334.(Sub)			134			
5336.					77	
5339.					59	
5341.					74	
5342.					59	
5343.					57	
5345.(Sub)					57	
5346.					68	
5347.					59	
5350.					68	
5352.					68	
5353.					59	
5355.					57	
5356.					76	
5358.					68	
5362.					76	
5363.					69	
5364.(Sub)		78,151	356	379	289,356	
5367.					59	
5369.					59	
5370.					59	
5372.(Sub)					57	

NO.	Intro. & Committee 1st Rdg. Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5373.				75	
5374.				69	
5376.(Sub)				57	
5378.(Sub)	159 209,263		57		
5378.(2nd Sub)		492	492	1310 1457,1495	1678 C276
5379.				57	
5382.				57	
5383.(2nd Sub)	292			57	
5384.				72	
5386.				74	
5387.(Sub)				57	
5388.				76	
5391.(Sub)				57	
5394.				59	
5395.				57	
5397.				69	
5398.(2nd Sub)				57	
5399.	254			59	
5401.(Sub)				57	
5404.(Sub)				57	
5407.				69	
5409.				69	
5419.				59	
5421.				59	
5422.				57	
5427.				34	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5429.		209			57,579	
5430.					77	
5432					76	
5434.					59	
5435.					73	
5436.(Sub)		255	520	520	57	
5437.					57	
5438.					72	
5440.					69	
5442.					51	
5443.					57	
5445.					77	
5446.					75	
5447.					59	
5448.					76	
5449.					76	
5450.					57	
5451.			289	289	768 796,1202	1656 C30
5452.(2nd Sub)					57	
5457.					59	
5460.(Sub)					57	
5461.					77	
5467.					57	
5470.					76	
5471.					74	
5472.					72	
5473.					59	

NO.	Intro. & Committee 1st Rdg. Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5475.	209	290	290	57	
5476.				59	
5479.(Sub)				47	
5480.	232			57	
5480.(Sub)		290	290		
5484.				69	
5485.				69	
5486.				59	
5487.				69	
5489.				74	
5490.				76	
5491.				76	
5492.(Sub)				57	
5494.				76	
5496.				74	
5499.				59	
5500.	159			57	
5500.(Sub)		291	291		
5504.(Sub)				57	
5505.				76	
5506.(Sub)				579	
5507.				59	
5516.	255				
5516.(Sub)		355	355		
5518.				74	
5521.				57	
5526.				74	
5527.				69	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5528.					69	
5531.					57	
5537.					75	
5538.(2nd Sub)				463		
5539.					75	
5543.					72	
5544.(Sub)					57	
5547.					75	
5551.					74	
5553.(2nd Sub)					57	
5554.					75	
5555.(2nd Sub)					45	
5556.					46	
5558.		255			57	
5558.(Sub)			553	553	1357 1359,1371 1474,1495	1678 C210
5560.					59	
5562.					75	
5563.					72	
5568.					74	
5570.(Sub)					48	
5572.(Sub)					57	
5574.					73	
5575.					73	
5576.					77	
5577.					76	
5579.					57	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5583.					69	
5585.					69	
5586.		172			69	
5586.(Sub)			291	291	1236 1340,1466	1676 C121
5587.					73	
5588.					69	
5589.					69	
5590.					73	
5591.					73	
5592.					57	
5595.		194			69	
5595.(Sub)			317	317	1177 1365,1458 1460,1585 1595,1620	1678 C240
5596.(Sub)					57	
5599.(Sub)					57	
5600.					69	
5601.					69	
5602.					59	
5603.					59	
5606.					45	
5607.					74	
5608.(Sub)					38	
5611.					69	
5612.					69	
5613.					69	
5614.					74	
5616.					69	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5617.					69	
5618.					69	
5619.					69	
5624.					416	
5625.(Sub)					57	
5626.(Sub)					57	
5631.		78			57	
5634.(Sub)					57	
5635.					69	
5636.					69	
5637.					69	
5638.					59	
5640.					69	
5641.(Sub)					57	
5644.					59	
5645.					70	
5647.					59	
5652.					70	
5653.		151			72	
5653.(Sub)			282	282		
5654.(2nd Sub)					57	
5655.					59	
5656.					73	
5659.(2nd Sub)					47	
5660.					77	
5661.					76	
5663.					70	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5665.(2nd Sub)					57	
5667.				134	1236 1340.1466	1676 C132
5669.		263			74	
5669.(Sub)			560	561	911 1090.1202	1678 C277
5676.					74	
5677.					76	
5680.					59	
5681.					76	
5682.(Sub)					57	
5683.					70	
5686.		181			122	
5687.					72	
5689.					70	
5690.					70	
5691.					59	
5695.					76	
5696.					74	
5697.					70	
5700.					76	
5701.					76	
5704.(Sub)		130			57	
5705.					75	
5707.					75	
5708.		226	318		70	
5710.(Sub)					59	
5711.					74	
5714.					74	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5718.		181				
5718.(Sub)			357	357		
5719.					59	
5720.(Sub)		194			57	
5720.(2nd Sub)			319	319	768 796,1202	1678 C268
5723.(Sub)					58	
5724.					73	
5726.		255				
5726.(Sub)			373	373		
5729.					59	
5730.					59	
5731.					58	
5736.					59	
5737.		263			75	
5739.					44	
5742.					77	
5743.					70	
5744.					58	
5746.					70	
5748.					77	
5751.					76	
5752.					74	
5754.					59	
5755.					59	
5756.					75	
5757.					58	
5765.					59	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5768.					59	
5769.					59	
5770.(Sub)					58	
5771.					59	
5773.					75	
5775.		255			76	
5775.(Sub)			419	419		
5777.					75	
5778.					76	
5783.					58	
5784.					73	
5787.(Sub)					58	
5788.		263			58	
5789.					59	
5790.					70	
5791.					70	
5792.					70	
5793.					70	
5794.					70	
5795.					70	
5796.					70	
5797.					70	
5798.					70	
5799.					70	
5800.					70	
5801.(Sub)					46	
5802.					70	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5803.					70	
5804.					70	
5805.					70	
5806.					70	
5807.					70	
5808.					70	
5809.					70	
5810.					70	
5811.					71	
5812.					71	
5813.					71	
5815.					71	
5816.					71	
5817.					71	
5818.					71	
5820.					72	
5821.					58	
5823.					75	
5826.					76	
5827.					76	
5828.					72	
5829.					75	
5831.					58	
5832.					58	
5833.					59	
5836.					71	
5837.					71	
5839.					59	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
		106				
5840.	130,255				
5840.(2nd Sub)		367	367		
5841.				76	
5844.	255				
5844.(Sub)		319	320	675 715,873	1656 C31
5846.(Sub)				42	
5848.(Sub)				59	
5850.(Sub)				40	
5851.				71	
5852.				71	
5853.				59	
5854.(Sub)				58	
5855.				75	
5857. (Sub)				42	
5859.				71	
5860.				74	
5862.				59	
5864.				59	
5865.				75	
5866.				71	
5867.				76	
5868.(Sub)				58	
5869.				58	
5870.				71	
5872.				77	
5873.				77	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5874.					77	
5875.					75	
5878.					59	
5881.					71	
5884.					76	
5885.(Sub)					58	
5886.(Sub)				190		
5887.(Sub)					58	
5889.					75	
5891.					76	
5893.					75	
5895.					59	
5901.(Sub)					48	
5911.(Sub)					44	
5912.		872				
5929.					76	
5931.					71	
5934.					59	
5935.					74	
5937.					58	
5938.					58	
5939.					58	
5940.					74	
5941.(Sub)					58	
5942.					73	
5943.		209			58	
5943.(Sub)			320	320	1203 1204.1495	1675 C85

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5944.					51	
5945.					59	
5947.					71	
5950.					71	
5953.		181	320	320	58,676 715,873	1656 C32
5956.					35	
5957.					59	
5958.					58	
5959.					71	
5963.					76	
5964.					71	
5965.					71	
5966.					76	
5967.					74	
5971.					74	
5973.(Sub)					58	
5985.					59	
5999.					72	
6000.					76	
6001.					58	
6002.(Sub)					58	
6004.					71	
6005.					75	
6006.					75	
6007.					74	
6008.(Sub)		130				
6009.					73	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6010.(Sub)						36
6011.						74
6014.						71
6015.						76
6016.(Sub)						50
6020.(Sub)		58				
6022.						71
6024.		191				
6024.(Sub)			423	423	1237 1457,1494	1680 PV C272
6028.						59
6029.						74
6030.						76
6031.						59
6032.						60
6034.						75
6036.(Sub)						58
6037.						60
6041.						60
6042.						60
6043.		263				72
6044.						71
6045.						71
6046.						60
6047.						60
6048.(Sub)						39
6049.						71
6050.						71

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6052.					60	
6053.					46	
6054.					71	
6055.(Sub)					58	
6057.					73	
6058.(Sub)					58	
6060.					73	
6062.(Sub)					58	
6063.					60	
6067.					73	
6068.					76	
6069.					74	
6071.					60	
6073.					58	
6075.					76	
6076.(Sub)					50	
6077.					60	
6088.					76	
6090.					72	
6091.	21					
6092.	21					
6093.	21	130,210	321	321	911 1090,1202	1675 C60
6094.	21	159				
6094.(Sub)			322	322		
6095.	21	256				
6096.	21	85				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6096.(Sub)			147	147	714 768,872	1656 C33
6097.	22					
6098.	22	241				
6099.	22					
6100.	22	218	388	388		
6101.	22	94	354	354	1238 1457,1494	1675 C76
6102.	22	218	389	389		
6103.	22	104				
6103.(Sub)			147,148	148		
6104.	22					
6105.	22					
6106.	22	149	432	432		
6107.	22	207				
6108.	23	79	167	168		
6109.	23	79				
6109.(Sub)			282	283		
6110.	23					
6111.	23	264				
6112.	23					
6113.	23	105	168	168	676 715,873	1656 C34
6114.	23					
6115.	23	159				
6115.(Sub)			328	328	1311 1457,1495	1679 C278
6116.	23					
6117.	23	130,264	487	487		
6118.	23	241,292				

NO.	Intro. & Committee 1st Rdg. Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6118.(Sub)		389	389	1238 1457,1494	1678 C213
6119.	24	160	357	911 1090,1203	1678 C212
6120.	24				
6121.	24				
6122.	24				
6123.	24				
6124.	24	194			
6124.(Sub)		358	358	1181 1366,1475 1576,1595	1678 C207
6125.	24				
6126.	24				
6127.	24				
6128.	24	232			
6128.(Sub)		341	341	1311 1457,1495	1675 C82
6129.	24	264			
6130.	25				
6131.	26	138			
6132.	26				
6133.	26				
6134.	26				
6135.	26				
6136.	26	94	168	911 1090,1203	1676 C80
6137.	26				
6138.	26				
6139.	27	138			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6139.(Sub)			249	249		
6140.	27					
6141.	27					
6142.	27	171				
6143.	27	105	433	433	716 768,873	1676 C86
6144.	27					
6145.	27	106				
6145.(Sub)			283	283		
6146.	52	232				
6147.	52	160				
6147.(Sub)			446	446	1203 1204,1495	1677 C158
6148.	52	79				
6148.(Sub)			280	280	1240 1457,1494	1678 C219
6149.	52					
6150.	53					
6151.	53	218	455	455		
6152.	53					
6153.	53	181			579	
6154.	53	105				
6155.	53	181				
6156.	53	106	250	250		
6157.	53	107				
6157.(Sub)			169	169	1184 1368,1458 1463,1577 1595,1620	1679 C256
6158.	53					
6159.	53	256				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6160.	53	256				
6160.(Sub)			368	369	1184,1368 1458,1464	
6161.	53	256				
6162.	54	172				
6162.(Sub)			342	342		
6163.	54					
6164.	54					
6165.	54					
6166.	54	105,256	375	375		
6167.	54	232				
6167.(Sub)			390	390		
6168.	54					
6169.	54					
6170.	54					
6171.	54	210	451	451		
6172.	54	210				
6172.(Sub)			329	329		
6173.	55	264				
6173.(Sub)			536	536		
6174.	55	172				
6174.(Sub)			333	333		
6175.	55					
6176.	55	138				
6176.(Sub)			283	284		
6177.	55					
6178.	58	138				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6178.(Sub)			284	284	1241 1457,1494	1679 C257
6179.	55	241				
6179.(Sub)			328	328		
6180.	62					
6181.	63	182				
6181.(Sub)			424	424	911 1090,1203	1677 C174
6182.	63	241	542,545	545	1241 1457,1494	1679 C285
6183.	63					
6184.	63	123	187	187		
6185.	63					
6186.	63	182				
6187.	63					
6188.	63	242	358,385	385	358	
6189.	63	123				
6190.	63	123				
6190.(Sub)			188	189		
6191.	63	138,292				
6191.(2nd Sub)			539	540		
6192.	64	123 130,293	398	398		
6193.	64	123,131				
6194.	64	182				
6194.(Sub)			349		350,579	
6195.	64	173				
6195.(Sub)			308	308	1242 1457,1494	1678 C224
6196.	64					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6197.	64	151	251	252		
6198.	64					
6199.	64					
6200.	64	151				
6200.(Sub)			252	252	768 796.1202	1675 C44
6201.	64	173	521	521		
6202.	64					
6203.	65	264				
6203.(Sub)			477	477		
6204.	65					
6205.	65	139				
6206.	65	173				
6206.(Sub)			342	342		
6207.	65	264				
6207.(Sub)			334	336	1243 1457.1494	1677 C189
6208.	65					
6209.	65	107				
6209.(Sub)			253	253		
6210.	65	152	284	285	716 768.873	1675 C52
6211.	65	152	285	285	716 768.873	1675 C53
6212.	65	182				
6212.(Sub)			343	343	1243 1457.1494	1677 C164
6213.	65	264			579	
6214.	66					
6215.	66	173.210				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6216.	66	232				
6216.(Sub)			473	473		
6217.	66	195				
6217.(Sub)			402	402	1313 1457,1495	1676 C137
6218.	66	173				
6218.(Sub)			380	380	1244 1457,1494	1677 C185
6219.	66	242				
6219.(Sub)			453	453	1314,1316 1339,1491 1595,1620	1677 C203
6220.	66	94,233				
6220.(2nd Sub)			385	386	1185	
6221.	66	233,293				
6221.(2nd Sub)			479,486	486	485,1476 1558,1591 1616,1622	1678 C206
6222.	66	131				
6222.(Sub)			204	204		
6223.	66	123,276				
6224.	67					
6225.	67	226			579	
6226.	67	182			191	
6227.	67	160	462	462	911 1090,1203	1675 C69
6228.	67	233				
6229.	67	173				
6230.	79					
6231.	79					
6232.	79	182				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6232.(Sub)			431	431		
6233.	79	256			579	
6234.	79	183	359	359		
6235.	80	152,233				
6235.(2nd Sub)			312,313	314	313 1194,1367 1496,1595 1620,1622	1680 PV C284
6236.	80	124			285	
6237.	80					
6238.	80	149				
6238.(Sub)			528	528	1197,1371 1472,1578 1595,1620	1681 PV C279
6239.	80	183				
6239.(Sub)			300	300		
6240.	80	210				
6240.(Sub)			556	556	1245 1457,1494	1678 C230
6241.	80					
6242.	80					
6243.	80	139	202	202	1247 1340,1466	1676 C83
6244.	80	173				
6244.(Sub)			374	374		
6245.	80	131	344	344	1203 1204,1495	1676 C92
6246.	81	139				
6246.(Sub)			345	345		
6247.	81	226				
6247.(Sub)			301,359	301 359,360	302	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6248.	81					
6249.	81					
6250.	81					
6251.	81					
6252.	81	174				
6252.(Sub)			554	554	716 768,873	1656 C38
6253.	81					
6254.	81					
6255.	81	257				
6255.(Sub)			381	381	1248 1457,1494	1676 C138
6256.	81					
6257.	82					
6258.	82					
6259.	82	124	354	354	356,357	
6260.	82	191	468	468	1248 1457,1494	1677 C197
6261.	82					
6262.	82	124	251	251	676 715,873	1656 C22
6263.	82	227				
6263.(Sub)			539	539		
6264.	82	149				
6264.(Sub)			313	313	716 768,863	1677 C171
6265.	82	149	529	529		
6266.	82	265				
6266.(Sub)			314,315	314,315	314,1250 1457,1494	1679 C258
6267.	83					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6268.	83	233				
6269.	83	257	407	408		
6270.	83					
6271.	83	124	189	189	1250 1457,1494	1679 C245
6272.	83	94	202	203		
6273.	83					
6274.	83	207			579	
6275.	83	207,293				
6275.(2nd Sub)			501,502	502	501	
6276.	83	105				
6276.(Sub)			222	223		
6277.	83	208,293				
6277.(2nd Sub)			503,548	548	513	
6278.	84					
6279.	86					
6280.	86					
6281.	86					
6282.	86	265			579	
6283.	86					
6284.	86	124,293				
6284.(Sub)			497	497		
6285.	86					
6286.	86					
6287.	86	234				
6288.	86	265			580	
6289.	86					
6290.	87	131				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6290.(Sub)			223	223	999 1090,1203	1656 C35
6291.	87	124	398	399	1340 1474,1495	1676 C90
6292.	87	152	253	253		
6293.	87	124	202	202	714 768,872	1656 C37
6294.	87	195,276				
6294.(Sub)			425	426	1592	
6295.	87	174	400	400	676 715,873	1656 C24
6296.	87	191	345	345	676 715,873	1656 C21
6297.	87	183	529	529	116 1197,1365 1472,1550 1595,1620	1676 C130
6298.	87	257				
6298.(Sub)			419	419	1316 1457,1495	1676 C124
6299.	88	125	287	288		
6300.	88					
6301.	88					
6302.	88					
6303.	88					
6304.	88	265				
6305.	88	107				
6305.(Sub)			200	201	1271 1457,1494	1677 C144
6306.	88					
6307.	88					
6308.	88	234				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6308.(Sub)			350	350	1320 1457,1495	1678 C234
6309.	89	183				
6309.(Sub)			353	353		
6310.	89	242	355	355		
6310.(Sub)			353	353	353,355	
6311.	89					
6312.	89					
6313.	89	183	469	469	911 1090,1203	1675 C70
6314.	89					
6315.	89					
6316.	89	174				
6316.(Sub)			450	450	1198 1202,1352 1457,1495	1681 PV C282
6317.	89					
6318.	89	174				
6318.(Sub)			532	532		
6319.	89	174				
6319.(Sub)			532	532		
6320.	90	160	532	534		
6321.	95	218	520,547	547	520	
6322.	95	265				
6322.(Sub)			351	351		
6323.	95					
6324.	95					
6325.	95					
6326.	95					
6327.	95					

NO.	Intro. & Committee 1st Rdg. Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6328.	95				
6329.	95				
6330.	96				
6331.	96				
6332.	96	210			
6332.(Sub)		343	343	1258 1457,1494	1678 C226
6333.	96				
6334.	96				
6335.	96				
6336.	96			116	
6337.	96				
6338.	97	160	332	676 715,873	1656 C39
6339.	97	160	549	911 1090,1203	1656 C14
6340.	97	152	538	538	
6341.	97				
6342.	97	160			
6342.(Sub)		444	445	1259 1457,1494	1678 C228
6343.	97				
6344.	97	139			
6344.(Sub)		408	411	1321,1441 1595,1620	1679 C254
6345.	97	174		137,580	
6346.	97	161			
6346.(Sub)		346	346		
6347.	97				
6348.	98	183			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6349.	98	175	302	302		
6350.	98	211				
6350.(Sub)			549	549	768 796,1202	1676 C89
6351.	98					
6352.	98					
6353.	98					
6354.	98	265	513	513	911 1090,1203	1682 Veto
6355.	98					
6356.	98					
6357.	98	266				
6357.(Sub)			518	518	1259 1457,1494	1676 C139
6358.	99					
6359.	99					
6360.	99					
6361.	99					
6362.	99	227	346	346	714 768,872	1656 C15
6363.	99	161			116	
6363.(Sub)			453	453		
6364.	99	234				
6364.(Sub)			454		455,580	
6365.	99	218,266				
6366.	99	107	225	225		
6367.	99					
6368.	100	294			580	
6369.	100	211	340	340		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6370.	100	161	247	247	1260 1457,1494	1683 PV C127
6371.	100	161	247	248	911 1090,1203	1656 C18
6372.	100	161	248	248	1260 1457,1494	1676 C128
6373.	100	161	278	279	714 768,872	1657 C25
6374.	101	161	279	279	911 1090,1203	1657 C19
6375.	101	162	279	280	911 1090,1203	1657 C36
6376.	101	266				
6376.(Sub)			396	396	398 1201,1373 1474,1495	1677 C191
6377.	101					
6378.	101					
6379.	101	192,276				
6379.(Sub)			478,497	497	478	
6380.	101	257,294				
6380.(2nd Sub)			412	413		
6381.	101					
6382.	102					
6383.	102					
6384.	102	234,294			116	
6385.	102					
6386.	102					
6387.	102					
6388.	102	227	386	386		
6389.	102					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6390.	103					
6391.	103	192				
6391.(Sub)			341	341		
6392.	103	171			580	
6393.	103	266				
6394.	103	219				
6394.(Sub)			562	562		
6395.	103	211				
6396.	108	266	420	420	1305 1457,1494	1676 C140
6397.	108	211	308	309	1262 1457,1494	1683 PV C273
6398.	108	266				
6399.	108	234				
6399.(Sub)			401	401	676 715,873	1675 C51
6400.	108					
6401.	108					
6402.	108	211				
6402.(Sub)			451	451	768 796,1202	1675 C71
6403.	108					
6404.	108	211				
6404.(Sub)			432	432	1203 1204,1495	1676 C93
6405.	108	211	469	469		
6406.	109	183				
6407.	109					
6408.	109	242	445	445	1264 1457,1494	1677 C204

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Fincl Passage	Other Action	Action by Gov.
6409.	109					
6410.	109	234				
6410.(Sub)			388,567	569	388	
6411.	109	152				
6411.(Sub)			286	286		
6412.	109	234	534	534	999 1090.1203	1675 C72
6413.	109					
6414.	109	266				
6415.	109					
6416.	110				191,208	
6417.	110					
6418.	110	219	477	477	1203 1204.1495	1676 C105
6419.	110	235				
6419.(Sub)			426	426	1265 1456.1494	1678 C235
6420.	110					
6421.	110					
6422.	110	257				
6423.	110	212				
6424.	110					
6425.	110	212				
6426.	110					
6427.	111					
6428.	111					
6429.	111					
6430.	111	212				
6430.(Sub)			536	536		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6431.	111					
6432.	111	171				
6432.(Sub)			563	563		
6433.	111	235				
6433.(Sub)			470	470	999 1090,1203	1677 C173
6434.	111					
6435.	111	242				
6435.(Sub)			518	518	1266 1456,1494	1677 C182
6436.	111	242				
6437.	111	242,294				
6437.(Sub)			541	541	1271 1456,1494	1678 C208
6438.	112	175				
6438.(Sub)			442	442	714 768,872	1683 Veto
6439.	112	212				
6439.(Sub)			470	471	1204 1369,1492	
6440.	112	175	337	338	1273 1456,1494	1676 C112
6441.	112	219,276				
6441.(Sub)			488	489		
6442.	112	267			580	
6443.	112					
6444.	112					
6445.	112	257			180	
6446.	112	149				
6446.(Sub)			286	286	1274 1456,1494	1677 C175

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6447.	118	235	519	519	1274 1456,1494	1683 Veto
6448.	118	243				
6449.	118	184	417	417		
6450.	118					
6451.	118	267				
6451.(Sub)			456	456		
6452.	118	175				
6452.(Sub)			555	555	1275 1456,1494	1677 C172
6453.	119	267				
6454.	119					
6455.	119	192				
6456.	119					
6457.	119					
6458.	119					
6459.	119	184,267				
6460.	119	184	557	559		
6461.	119	257	459		462,580	
6462.	119	267				
6462.(Sub)			563	563	768 796,1202	1677 C157
6463.	120					
6464.	120	258				
6465.	120					
6466.	120	294				
6466.(Sub)			556	556	1275 1494,1456	1679 C269
6467.	120	235			580	
6468.	120					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6469.	120					
6470.	120	175				
6470.(Sub)			489	489	1276 1456,1494	1679 C247
6471.	120					
6472.	120					
6473.	121					
6474.	121	267				
6474.(Sub)			552	553	1276 1456,1494	1677 C205
6475.	121	212			580	
6476.	121	258	562	562		
6477.	121	212				
6478.	121				208	
6479.	121					
6480.	121	175	309	309	1329 1457,1495	1684 PV C265
6481.	121					
6482.	121					
6483.	122					
6484.	126	294				
6485.	126	219				
6486.	126	184				
6486.(Sub)			428	428	1280 1456,1494	1679 C263
6487.	126					
6488.	126					
6489.	126					
6490.	126					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6491.	126	295			170	
6491.(Sub)			472	472		
6492.	127	268	429	429		
6493.	127	235				
6493.(Sub)			471	471		
6494.	127	235	401	401	714 768,872	1657 C12
6495.	127	227				
6495.(Sub)			565,566	567		
6496.	127					
6497.	127	195				
6498.	127	268				
6498.(Sub)			462	463	1203 1204,1495	1677 C156
6499.	127					
6500.	127					
6501.	127	235	375	375		
6502.	128	227				
6503.	128	227				
6503.(Sub)			337	337		
6504.	128					
6505.	128	258				
6505.(Sub)			418	418		
6506.	128	268				
6506.(Sub)			351	352		
6507.	128					
6508.	128	219				
6508.(Sub)			387	387		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6509.	128					
6510.	128					
6511.	128	268	314	315		
6512.	128	219				
6512.(Sub)			421	421	1203 1204,1495	1679 C253
6513.	129	258,295				
6513.(2nd Sub)			413	413	1283 1456,1495	1675 C46
6514.	129	258				
6515.	129	243	443	443		
6516.	129	236	347	347	676 715,873	1657 C26
6517.	140					
6518.	140	268				
6518.(Sub)			490	490		
6519.	140	276	542	543	1285 1457,1495	1678 C221
6520.	140	236				
6520.(Sub)			421	421		
6521.	140	243			580	
6522.	140	268				
6523.	140	236	491	491,499	492,1286 1457,1495	1679 C246
6524.	140					
6525.	140					
6526.	140	220				
6526.(Sub)			414	414		
6527.	140					
6528.	141	208				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6529.	141				522	
6530.	141	195				
6530.(Sub)			472	472	1287 1457,1495	1677 C198
6531.	141	213,295	557	557		
6532.	141	195			580	
6533.	141					
6534.	141	258				
6534.(Sub)			559	559	911 1090,1203	1675 C48
6535.	141					
6536.	141	162				
6536.(Sub)			382	382	911 1091,1203	1657 C27
6537.	142	175	382	382	911 1091,1203	1657 C28
6538.	142	153				
6538.(Sub)			254 498,500	500	254,498	
6539.	142					
6540.	142					
6541.	142	268			217,580	
6542.	142					
6543.	142					
6544.	142					
6545.	142	171,213				
6546.	142	195				
6546.(Sub)			440	441		
6547.	143				158	
6548.	143	162				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6548.(Sub)			498	498	1203 1204,1495	1676 C84
6549.	143	192				
6550.	143					
6551.	143	213				
6551.(Sub)			383	383		
6552.	143	258				
6553.	143	213				
6554.	143					
6555.	143	269			580	
6556.	143	213	388	388	714 768,872	1657 C40
6557.	144					
6558.	144					
6559.	144	259				
6560.	144					
6561.	153	220,277				
6561.(Sub)			375,377	377	375	
6562.	153	220	564	564		
6563.	153	269	456	457	714 768,872	1675 C73
6564.	153					
6565.	153	259				
6565.(Sub)			446	446		
6566.	153					
6567.	154					
6568.	154	269				
6568.(Sub)			514	514		
6569.	154	269			217	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6569.(Sub)			425	425	1295 1457.1495	1679 C270
6570.	154					
6571.	154	243	307.310	310	308	
6572.	154	243	305	305		
6573.	154					
6574.	154	259	546	546	1205	
6575.	154	259				
6575.(Sub)			547	547		
6576.	154					
6577.	154	269				
6578.	155	196	501	501	1093 1307.1466	1675 C50
6579.	155					
6580.	155					
6581.	155	227				
6582.	155					
6583.	155	236				
6584.	155					
6585.	155					
6586.	155					
6587.	155	228				
6588.	155					
6589.	156					
6590.	164					
6591.	164	213				
6591.(Sub)			376	376		
6592.	164					
6593.	164					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6594.	164	269				
6595.	165					
6596.	165					
6597.	165	236				
6598.	165					
6599.	165				170	
6600.	165	213	333	333	768 796,1202	1676 C87
6601.	165	192				
6601.(Sub)			449	449		
6602.	165	220,277				
6602.(Sub)			377	378		
6603.	165	269				
6603.(Sub)			429	429	1327 1457,1495	1676 C106
6604.	165					
6605.	166	295				
6605.(Sub)			474	476		
6606.	166	269			580	
6607.	166	270				
6608.	166	220	414	415	911 1091,1203	1678 C218
6609.	166	270				
6610.	166					
6611.	166					
6612.	166					
6613.	166	228	347	347		
6614.	166	270				
6614.(Sub)			430	430		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6615.	166	214				
6616.	167					
6617.	167					
6618.	167	208,277				
6619.	167					
6620.	167					
6621.	167					
6622.	176					
6623.	176	259,295				
6623.(2nd Sub)			549	549		
6624.	176	270				
6625.	176	243				
6625.(Sub)			384	384		
6626.	176	270				
6627.	176					
6628.	177	228 270,295				
6629.	177					
6630.	177					
6631.	177	271			208	
6631.(Sub)			426	426	999 1091,1203	1679 C259
6632.	177					
6633.	177	271			217	
6634.	177					
6635.	177					
6636.	177					
6637.	177	271			580	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6638.	177	243	493	493	1295 1457,1495	1679 C242
6639.	178					
6640.	178					
6641.	178	259	381	381	1297 1457,1495	1679 C260
6642.	178					
6643.	178	296				
6643.(Sub)			554	554		
6644.	178				416	
6645.	178					
6646.	178					
6647.	178	228	306	306	1298 1457,1495	1678 C214
6648.	178					
6649.	179					
6650.	179	228	347	348		
6651.	179				416	
6652.	179					
6653.	179	296				
6653.(Sub)			540,543	545	540	
6654.	185					
6655.	185					
6656.	185	236				
6656.(Sub)			457	459		
6657.	185					
6658.	185					
6659.	185					
6660.	186					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6661.	186	244			217	
6661.(Sub)			348	348		
6662.	186				191	
6663.	186					
6664.	186	271			217	
6665.	186					
6666.	186					
6667.	186	259	395	395	768 796,1202	1657 C23
6668.	186	271	395	395	1301,1491 1595,1620	1676 C122
6669.	186					
6670.	186	271				
6670.(Sub)			517	517	1347 1457,1495	1677 C180
6671.	186	272	472	473	1299,1372 1474,1495	1679 C286
6672.	187	244				
6672.(Sub)			493	494		
6673.	187	244			580	
6674.	187	272	514 521,530	530	517	
6675.	187	244	331	332	1301 1373,1377 1474,1495	1675 C43
6676.	196	220				
6676.(Sub)			444	444		
6677.	196					
6678.	197					
6679.	197					
6680.	197					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6681.	197					
6682.	197					
6683.	197					
6684.	197	244	378	378		
6685.	197					
6686.	197	228				
6687.	197	228				
6688.	197					
6689.	197					
6690.	198					
6691.	198					
6692.	198				217	
6693.	198	260			231	
6693.(Sub)			564	564		
6694.	198					
6695.	198	236	415 440,447	448	440	
6696.	198					
6697.	198	272				
6698.	198	244				
6699.	198					
6700.	198					
6701.	199					
6702.	199					
6703.	199	260				
6703.(Sub)			517,537	537	518,1348 1457,1495	1676 C99
6704.	199					

NO:	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6705.	199	260	330,348	349	217 330,1349 1457,1495	1677 C190
6706.	215					
6707.	215					
6708.	215					
6709.	215					
6710.	215					
6711.	215	272				
6711.(Sub)			330	330		
6712.	215	272	331	331		
6713.	215					
6714.	215					
6715.	215					
6716.	215					
6717.	216	272	540	541		
6718.	216					
6719.	216					
6720.	216	272	316	316	1359 1457,1495	1679 C250
6721.	216					
6722.	216					
6723.	221	260	399	399		
6724.	221	260,296			274	
6724.(2nd Sub)			422,438	439	1331 1457,1495	1675 C47
6725.	221					
6726.	221					
6727.	221					
6728.	221	273				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6729.	221					
6730.	221	273			580	
6731.	221					
6732.	237					
6733.	237					
6734.	237	260				
6735.	237	261			580	
6736.	238	273				
6736.(Sub)			521	521	768 796,1202	1677 C108
6737.	238					
6738.	238	273			296	
6739.	238					
6740.	238					
6741.	238	261,296				
6741.(Sub)			550	552	1335 1457,1495	1678 C215
6742.	238	273				
6742.(Sub)			427	428	911 1091,1203	1675 C66
6743.	238					
6744.	238					
6745.	238	245	445	445	1337 1457,1495	1676 C91
6746.	238					
6747.	239	261			580	
6748.	246					
6749.	246					
6750.	246					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6751.	297					
6752.	362					
6753.	524					
6754.	611					
6755.	611					
6756.	611					
6757.	623	796	796,1025	1029		
6758.	674					
6759.	Not Intro.					
6760.	Not Intro.					
6761.	Not Intro.					
6762.	1629	1630	1630			
6763.	1629	1630	1630			
6763.(Sub)			1630	1652	1635 1657,1660	1685 PV C2E1
6764.	1629					
6765.	1629					
6766.	1629					
6767.	1629	1630	1630			
6768.	1629					
6769.	1629					
6770.	1629					

HISTORY OF SENATE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8002.(Sub)					58
8003.					58
8007.				134	
8009.					58
8010.					60
8011.					58
8012.(Sub)					58
8013.(Sub)					58
8014.					77
8015.		245			58
8018.	67	176			
8019.	67	176			
8019.(Sub)			306	306	
8020.	113				
8021.	113				
8022.	113	150	310	311	
8023.	113	150			
8024.	122				
8025.	129				
8026.	179	261	378	379	714 768,873
8027.	179	192			
8027.(Sub)			317	317	1093 1307,1466
8028.	199	261	311	312	1360 1457,1495
8029.	239	261	262	262	
8030.	278		278,292	292	716 768,871

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8031.	524		528,531	531	
8032.	524				

HISTORY OF SENATE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8203.		237			60
8210.					58
8211.					60
8218.	27	171			
8219.	55				
8220.	55				
8221.	84				
8222.	90				
8223.	90				
8224.	122				
8225.	129	220			
8226.	144	261			
8227.	156				
8228.	156	273			
8228.(Sub)			452	452	
8229.	156	196			
8229.(Sub)			479	479	
8230.	179	274			
8230.(Sub)			535	535	
8231.	179	196			580
8232.	199				

HISTORY OF SENATE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8403.		229			71
8403.(Sub)			431	431	
8407.					72
8409.					60
8410.					58
8412.(Sub)					58
8417.					72
8424.	67	184			381
8425.	84		90,91	91	
8426.	113				
8427.	129	229			
8428.	156		158 190	190	716 768,873
8429.	167	214			
8429.(Sub)			369	371	1337 1457,1495
8430.	167	617	1245		1245
8430.(Sub)			1249	1249	1381 1474,1495
8431.	187	245	500	500	
8432.	187	245			
8432.(Sub)			495	495	
8433.	187				
8434.	222		222,612	612	580,607 911 1091,1203
8435.	239	582			
8436.	714				
8437.	714				
8441.	1622		1622	1622	1623

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8442.	..... 1628		1628	1628	1652,1657

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8696. Senators Hayner, Sellar, Vognild, Fleming: SENATE ORGANIZED/HOUSE NOTIFIED.		10	
8697. Senators Rasmussen, Johnson, Lee: U. S. SOCCER FEDERATION HONORED.		27	
8698. Senators Hayner, Sellar: SENATE RULE 41 AMENDED.		13	
8699. All Senators: BOY SCOUTS OF AMERICA HONORED.		275	
8700. Senators West, Williams, Johnson, Lee, Bailey, Stratton, Kiskaddon, Zimmerman: DR. MARTIN LUTHER KING HONORED.		92	
8701. Senators Fleming, Owen, Bender, Vognild, Conner, Warnke, Williams, Johnson, Sellar, Lee, Rasmussen, Gaspard, Talmadge, Bailey, Bauer, Stratton, Kiskaddon, Kreidler, Zimmerman, McMullen, Smitherman: DR. MARTIN LUTHER KING HONORED.		93	
8702. Senators Gaspard, von Reichbauer, Madsen, Johnson, Rasmussen: PUYALLUP VIKINGS FOOTBALL TEAM HONORED.		114	
8703. Senators Hayner, Sellar: SENATE RULES AMENDED.		91	
8704. Senator Talmadge: AMENDMENTS TO SENATE RULES.		206	Not Adopted
8705. Senators Hayner, Wojahn, Bluechel: LEGISLATIVE FITNESS DAY.		146	
8706. Senators Talmadge, Wojahn, Kreidler, Gaspard, Madsen: THANKS TO SCANDINAVIA, INC. HONORED.		1584	
8707. All Senators: Lieutenant Governor John A. Cherberg; Gordon A. Golob, Secretary of the Senate; W.D. "Nate" Naismith, Assistant Secretary of the Senate; George W. LaPold, Sergeant at Arms: JUDGE ROBERT CHARETTE HONORED.		135	
8708. Senators Lee, Rasmussen, Vognild, Garrett, Johnson, Hayner: SPIRIT OF SEATTLE MONTH.		136	
8712. Senators Rinehart, Stratton, Wojahn, Lee, Niemi, Hayner, Anderson, Smith, Kreidler, Halsan, McCaslin, Smitherman, Metcalf, Cantu, Moore, Bailey, McMullen, Gaspard, Bender, Madsen, Garrett, Talmadge, Pullen, Fleming, DeJarnatt, Newhouse, Zimmerman: SUSAN B. ANTHONY HONORED.		496	
8713. Senators Talmadge, Conner, Rasmussen, Zimmerman: POW/MIA FLAGS DISPLAYED.		600	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
8714. Senators Vognild, DeJarnatt, Conner, Rasmussen, Bauer, Zimmerman, Williams, Pullen, Gaspard, Warnke, Owen: KOREAN VETERAN'S MEMORIAL.		598	
8715. Senators Conner, Vognild, Rasmussen, Kreidler, Gaspard, Owen, McMullen, Talmadge, Garrett, Niemi, Williams: U.S. COAST GUARD/OIL SPILLS.		591	
8716. Senators Saling, Stratton, McCaslin, West, Rasmussen: MOMENTUM '88.		591	
8717. Senators Owen, Craswell, Smitherman, Rasmussen, Bailey, Bauer, Bender, Benitz, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, Madsen, McCaslin, McMullen, Metcalf, Moore, Patterson, Pullen, Saling, Smith, Stratton, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman, Fleming, Kreidler, Talmadge: U.S.S. MISSOURI/HOME PORT.		1449	
8718. Senators Hansen, DeJarnatt, Rasmussen, Bauer, Fleming, Talmadge, Williams, Vognild, Stratton, Garrett, Niemi, Owen, Warnke, Smitherman, Gaspard, Moore, Halsan, Barr: R.O.T.C. AT C.W.U. CLOSURE.		1450	
8719. Lieutenant Governor John A. Cherberg: Senators Rasmussen, Bauer: MARCH OF DIMES ANNIVERSARY.		631	
8720. Senators Anderson, McMullen, Conner, Rasmussen, Hayner, Zimmerman: ANWR COASTAL PLAIN/OIL EXPLORATION.		599	
8722. Senators Bailey, Rasmussen: CHINA/USA STUDENT EXCHANGE.		797	
8723. Senators Bailey, Barr, Anderson, Rinehart, Hansen, Halsan, Gaspard, Rasmussen, Bauer: F.F.A. WEEK OBSERVED.		631	
8724. Senators Owen, Gaspard, Rasmussen, Johnson: FRANCIS W. HILLIARD HONORED.		630	
8726. Senators DeJarnatt, Smith, Rasmussen, Zimmerman: FRANCIS A. BAKER HONORED.		720	
8727. Senators Conner, DeJarnatt: HOQUIAM HIGH WRESTLING TEAM HONORED.		1205	
8728. Senators Zimmerman, Bauer, Bailey, Vognild, Benitz, Nelson, Metcalf, Rasmussen: ARCH MacDONALD HONORED.		797	
8729. Senator Vognild: AMENDMENTS TO SENATE RULES.		805	Not Adopted
8731. Senators McDonald, Saling, Rinehart, Gaspard, Hayner, Patterson, Anderson,			

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
Cantu, Deccio, Zimmerman, Fleming, Smitherman, Conner, Rasmussen: DR. ROBERT WALDO HONORED.		1206	
8734. Senators Benitz, Hayner: MAHBUB MAJUMDAR HONORED.		1000	
8735. Senators Zimmerman, Smitherman: EARLY CHILDHOOD OUTREACH PILOT PROJECT.		1448	
8738. Senators Smith, Metcalf, Owen, Rasmussen: REC. FISHING LICENSE SYSTEM STUDY.		1446	
8739. Senators Smith, Kreidler, Wojahn, Deccio: ADULT FAMILY HOMES REGULATIONS STUDY.		1583	
8743. Senators McMullen, Rasmussen, Metcalf: SKAGIT VALLEY TULIP FESTIVAL.		1376	
8744. Senators Warnke, Smitherman, McMullen, Williams, Conner: INTERNATIONAL TRADE STUDY.		1582	
8745. All Senators: DR. C. CLEMENT FRENCH HONORED.		1580	
8746. Senators Kiskaddon, Stratton, Bailey, Garrett: PRIVATE FOSTER CARE SYSTEMS STUDY.		1581	
8749. Senators DeJarnatt, Metcalf, Bauer, Zimmerman, Owen, Smith: MITCHELL ACT/FISHERIES.		1447	
8751. Senators Halsan, Rasmussen: MORTON HIGH SCHOOL HUSKIES HONORED.		1422	
8750. Senators Metcalf, Cantu: PUBLIC AND PRIVATE MARINA STUDY.		1582	Not Adopted
8752. Senators Warnke, Smitherman, Owen, Gaspard, von Reichbauer: AUBURN HIGH SCHOOL BAND HONORED.		1579	
8753. Senators Bluechel, Gaspard, Rinehart: DR. ROY PROSTERMAN HONORED.		1445	
8754. All Senators: DR. FRANK BROUILLET HONORED.		1443	
8755. Senators West, Warnke, Smitherman, Smith, Kiskaddon, Anderson, Vognild: LABOR BARGAINING STUDY.		1446	
8757. Senators Sellar, Lee, Newhouse, Saling, Deccio, Smitherman, Williams, Anderson, McMullen, Warnke: COMM. FOR-PROFIT/NOT-FOR-PROFIT/STUDIES.		1573	
8759. Senators Kiskaddon, Metcalf, Bailey, Hansen, Smith, Craswell, Smitherman, Gaspard, Garrett, DeJarnatt, Barr, Newhouse, Benitz, McDonald, Saling, Zimmerman, Hayner, Anderson, Cantu, Deccio, McCaslin,			

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
McMullen, von Reichbauer, Johnson: INTRA-STATE MOTOR FREIGHT PROVISIONS STUDY.		1447	
8760. Senators von Reichbauer, Gaspard, Moore, Johnson: SEL. COMM. ON PROFESSIONAL WRESTLING.		1451	
8769. Senators Moore, Craswell, Kiskaddon: INSTITUTION OF MARRIAGE STUDY.		1586	
8770. Senators Wojahn, Warnke, Lee, Vognild: COSMETOLOGY, BARBERING, MANICURING STUDY.		1588	
8771. Senators Deccio, Niemi, Talmadge: MENTAL HEALTH SERVICES STUDY.		1596	
8772. Senators Wojahn, Rasmussen, Gaspard, Smitherman, Madsen, Warnke, von Reichbauer, Johnson: NORMAN FOURNIER HONORED.		1585	
8774. Senators McMullen, Conner, Metcalf, Nelson: OIL SPILLS STUDY.		1583	
8775. Senators von Reichbauer, Stratton: HISTORIC AUTO RECOGNITION WEEK.		1587	
8776. Senators von Reichbauer, Johnson, Gaspard, Madsen, Rasmussen, Smitherman, Warnke, Wojahn: TACOMA STARS SOCCER TEAM HONORED.		1590	
8777. Senators Vognild, Newhouse, Lee, Warnke: GROUP SELF INDUSTRIAL INSURANCE STUDY.		1584	
8778. Senators von Reichbauer, Vognild, Hayner, Talmadge: SELECT COMMITTEE ON GUBERNATORIAL APPOINTMENTS.		1588	
8781. Senators McMullen, Madsen: SENATOR LOWELL PETERSON HONORED.		1597	
8784. Senators Hayner, Sellar, Vognild, Fleming: SINE DIE/HOUSE NOTIFIED.		1623	
8785. Senators Hayner, Sellar, Vognild, Fleming: SENATE ORGANIZED/HOUSE NOTIFIED.		1627	
8786. Senators Hayner, Sellar, Vognild, Fleming: SINE DIE/HOUSE NOTIFIED.		1658	

HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
12.(Sub)	67	593			62	
13.(Sub)	103				85	
22.(Sub)	103				85	
23.(Sub)	103	582			85	
36.	435				434	
46.(Sub)	278	601	662,676	677	277,662 873,926	C261
53.(Sub)	68				62	
64.	144	609			139	
90.(Sub)	524	617			523	
115.(Sub)	104	625			85	
152.(Sub)	324				323,360	
178.	466	638			465,651	
240.(Sub)	199	617			196	
243.(Sub)	104				85	
254.	104	593	613,632	632	85,615 1093,1473	C88
264.(Sub)	104				85	
280.	68	593	663,670	671	62,665 873,926	C8
294.	68	593			62	
318.(2nd Sub)	278	587	633	635	277,704 1620,1621	C248
332.(Sub)	435	609			434	
439.(Sub)	68				62	
516.	104	617			85	
537.(2nd Sub)	324	594	615	615	323,1094 1473	C100
538.(Sub)	362				361	
567.(Sub)	104	639			85	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					277,1268 1381,1458 1491,1579	
608.(Sub)	278	625	678	681	1616,1621	C142
645.(Sub)	122	618			118	
655.(Sub)	435				434,1030	
657.(Sub)	113	639	786	790	107,1379 1597,1621	C199
662.	144	582	1007	1007	139,1473 1474	C94
668.	113	594	682	682	107,1094 1473	C217
692.(Sub)	113	625	742,1088	1090	107 745,1475 1593,1594	C141
709.(Sub)					1593,1595	
725.(Sub)	466	639			465	
752.(Sub)	466	639	790	791	465,1339 1459	PV C266
791.(Sub)	362	639	889	889	361 1340,1459	C159
802.	239	601			237	
832.(Sub)	113	639			107	
836.(Sub)	216				214	
854.	144				139	
873.(Sub)	113				107	
877.(Sub)	113				107	
929.(Sub)	114				108	
932.(Sub)	114	618	682	683	108,122 1094,1473	C264
974.	435	618			434	
1010.(Sub)	144	582			139	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1089.(Sub)	572	653	725	725	571 1202.1203	C67
1093.	156				153	
1109.	278				277	
1115.(Sub)	362				361	
1170.(Sub)	466	601	929	930	465.1339 1459	
1175.(Sub)	199	639			196	
1265.	466	609			465	
1267.(Sub)	524	640			523	
1269.(Sub)	199	640			196.217	
1270.	156	594	615	615	153 675.715	C3
1271.(Sub)	324	594	673.674	671 673.674	323.671 1269.1373 1383.1458 1551.1576 1621	PV C143
1272.	200	618	1049	1049	196 1473.1474	C149
1273.	435	640			434	
1278.	324	618	707	707	323.1094 1473	C133
1279.(Sub)	200	594	663	663	196.1094 1473	PV C155
1280.	156	618	1050	1050	153.1473 1474	C151
1284.(2nd Sub)	572	640	957	962	571.1269	
1285.(Sub)	362	594	791	792	361.1340 1459	C95

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1288.	156	601	690	690	155,1094 1473	C101
1290.	324	609			323	
1291.(Sub)	145	618			139	
1292.	145	601	1024	1025	139,1380 1593,1594	C160
1293.	145				139	
1294.	145				139	
1295.(Sub)	145	619	1041	1043	139,1475 1593,1594	C200
1296.(Sub)	145	640			139	
1297.(Sub)	200	594	635	636	196,1268 1459	C134
1300.	324	602	665	665	323 873,926	C9
1301.(2nd Sub)	572	640			571	
1302.(Sub)	435	640	1047	1048	434,1363 1381,1458 1552,1576 1621	C146
1303.(2nd Sub)	584				583	
1304.	200	595	792	792	196,1203 1207	C54
1306.	325	595	636	637	323 675,715	C2
1309.	435				434	
1312.(Sub)	623	767	767,805	870	623,1269 1497,1576 1591,1593 1620,1621	PV C289
1316.(Sub)	325	625			323	
1317.(Sub)	325	619	1050	1055	323,1474 1593,1594	C168
1318.	122	221	637	637	118,675 715	C1

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1319.(Sub)	362	641	1043,1149	1149	361,1045 1474,1593 1594	C236
1320.(Sub)	200	587	708	708	196,1094 1473	C249
1322.	200	587			196	
1323.(Sub)	362	619			361	
1324.(Sub)	200	619			196,579	
1325.	157	587	886	889	153,1459	C220
1327.	157	587			153	
1329.(Sub)	435	641	717	719	434,1202 1203	C192
1330.	157	602	665,677	677	153,666 873,926	C110
1331.(Sub)	325	626			323	
1332.	200	595	637	638	196,1094 1473	C102
1333.(Sub)	362	626	708,762 1378	765,1378	361,711 1268,1378 1475,1593 1594	C145
1334.(Sub)	362				361	
1335.	363				361	
1336.(Sub)	363	626	684	684	361,579 873,926	C68
1339.(Sub)	391	641	793	793	391,1203 1307	C62
1340.(Sub)	157	626	1098	1100	153,1381 1593,1594	C177
1341.	325	626	1142	1143	323,1475 1593,1594	C181
1342.(Sub)	363	619			361	
1346.	363	626	896	897	361,1340 1459	C209
1348.	325				323	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1351.	200				196	
1353.(2nd Sub)	435				434	
1354.	572	619	711	712	571,873 926	C216
1356.(2nd Sub)	436				434	
1361.	325	588	704	704	323,873 926	C77
1362.(Sub)	363	626	793	793	361,1203 1307	C63
1363.(Sub)	157	588			153	
1364.(Sub)	325	619			323	
1366.(Sub)	363	653	794	795	361,1423 1593,1594	C109
1367.(Sub)	325	602			324,616	
1368.(Sub)	216	641	941 1470	956 1470	214,1354 1470,1576 1621	C231
1369.(Sub)	363	641	1139	1139	361,1475 1593,1594	C178
1370.(Sub)	572	641	713	713	471 873,926	C10
1371.	573	641	725	725	571,1202 1203	C64
1373.(Sub)	363	653	884	885	361,1203 1307	C131
1375.(Sub)	325				324	
1377.(Sub)	363	642	794	794	361 1203,1307	C147
1378.(Sub)	466				465	
1382.(Sub)	216	602	798	802	214,1340 1459	C186
1383.(Sub)	584	620	721	724	583,1270 1459	C193
1384.(Sub)	436	642			434	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1387.	436	627	803	804	434,1354 1594	C237
1388.(Sub)	466	653	726	726	465,1202 1203	C61
1389.(Sub)	466	654	1085,1124	1124	465,1087 1424,1594	C238
1391.(Sub)	436	642			434	
1392.(Sub)	436	602	666	667	434 873,926	C20
1393.(Sub)	364				361	
1396.	524	642	1150	1166	523,1268 1459,1460	C161
1397.	326	620			324	
1401.	216	588	658	659	214 873,926	C13
1404.(Sub)	364	620	731	734	361,1268 1459,1460	PV C211
1412.(Sub)	524	642			523	
1416.(Sub)	584	627	734	734	583,1094 1459,1460	C129
1418.	573	620	1138	1138	571,1495 1574	C58
1419.(Sub)	573	642	1020	1020	571,1473 1474	C152
1420.(Sub)	573	654	726,895	896	571,730 1309,1387 1424,1459 1556,1575 1621,1622	C274
1421.	364				361	
1424.(Sub)	573	642	1130	1131	571,1423 1594	PV C153
1429.(Sub)	392	643	874	875	391,1340 1459,1460	PV C154
1430.	392				391	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1432.(Sub)	392	643			391	
1436.(Sub)	157	627			153,651	
1439.	573				571	
1440.(Sub)	573				571	
1442.(Sub)	466				465	
					434,1356 1391,1458 1554,1575	
1445.(Sub)	436	627	1061	1065	1621,1622	C150
1446.(Sub)	573	654			571	
1447.	217				214	
1448.	574				571	
					571,1340 1459,1460	
1450.(Sub)	574	602,654	885	886	1459,1460	C41
1451.(Sub)	574				571	
1454.	584				583	
1455.(Sub)	714	872	1105,1170	1174	714,1144	
1456.(Sub)	524				523	
1457.(Sub)	574	627			571	
1458.	574				571	
1459.(Sub)	524				523	
					361,1340 1459,1460	
1460.(Sub)	364	643	875	880	1459,1460	C188
1463.	217	643			214	
1464.	239	643			237	
					277,1380 1594	
1465.(Sub)	278	620	930	933	1594	PV C275
1468.	436				434	
					523,1422 1594	
1469.(Sub)	525	643	1069	1071	1594	C135
					237	
1470.	239	595	667	667	873,926	C6

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1471.	239	595	1071	1071	237,1473 1474	C55
1472.(Sub)	239	588	659	659	237 873,926	C4
1473.(Sub)	157	588	659	659	153 873,926	C5
1479.	157	184			153	
1482.	364	643	685,705	706	361,688 1094,1473	C148
1486.(Sub)	326	627			324	
1487.(Sub)	574	644			571	
1492.	364	620	689	689	361,1268 1459,1460	C81
1494.(Sub)	364	644			361	
1499.(Sub)	364				361	
1502.	364	628			361	
1504.	392	609	667	667	391 873,926	C29
1507.	574	654	754	754	571,1268 1459,1460	C103
1510.(Sub)	584	644			583	
1511.(Sub)	584	644	765	767	583,1094 1473,1474	C162
1513.(Sub)	392				391	
1514.	326	602	668	668	324 873,976	C11
1515.	574	644	962	997	571,1339 1392,1458 1552,1575 1621	PV C288
1516.(2nd Sub)	525				523	
1518.(Sub)	467	628	1005	1005	465	
1523.(Sub)	525	644	1071		523,1085	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1524.	365				361	
1525.(Sub)	525	628	1010	1010	523,1473 1474	C244
1530.(Sub)	525	620	1011	1016	523,1423 1594	PV C267
1531.	326	603	668	669	324 873,926	C17
1534.(Sub)	525	644			523	
1536.(Sub)	365	645			361	
1539.	365				361	
1543.	239	595	660	660	237,1095 1473,1474	C111
1544.	365				361	
1545.	575				571	
1546.	365	645			361,579	
1552.	584				583	
1553.	467	654	758	761	465	
1554.	584	655			583	
1558.	575	645	1130	1130	571,1496 1574	C116
1559.	575	645	1045	1045	571,1473 1474	C117
1560.	575	645	886	886	571,1203 1307	C59
1562.(Sub)	365	628	1096	1097	361,1473 1474	C136
1564.(2nd Sub)	467				465	
1565.(2nd Sub)	525	655	736	736	523,652 1355,1594	C163
1568.(Sub)	326	595	1135	1137	324,1456 1621,1622	C251
1572.(Sub)	326	645,655			324	
1578.	392				391	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1579.	575				571	
					324,670 675,873	
1581.	326	588	669	669	926	C166
					583,1361 1428,1475 1553,1575	PV C232
1585.	585	646	1091	1092	1621,1622	
1586.(Sub)	392	646	745,1055	1056	391,753 1422,1594	C194
1587.	392	646			391	
1588.	392	646	1092	1093	391,1423 1594	C201
1589.(2nd Sub)	393	646			391	
1590.(Sub)	575				571	
1592.(Sub)	326	646	890	895	324,1340 1459,1460	PV C271
1593.	575				571	
					571,1309 1429,1459 1557,1576	
1594.(Sub)	575	621,655	880	883	1621	C45
1601.(Sub)	467				465	
1612.(Sub)	585	646	690	691	583,1095 1473,1474	C74
1613.	525				523	
1616.	365	647,655	1006	1006	361,1473 1474	C79
1617.(Sub)	575	655	1009	1009	571,1473 1474	C169
1618.(Sub)	575	596	660	661	571,1094 1473,1474	C176
1620.(Sub)	436	628			434	
1622.	575				571	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1626.	239	596	1002	1002	237,1473 1474	C104
1627.(Sub)	467	647			465	
1629.	437	603	670	670	434,1095 1473,1474	C113
1630.	585	647	1058	1061	583,1443 1471	
1631.(Sub)	437				434	
1632.(Sub)	525				523	
1633.(Sub)	585	628	1144	1144	583,1423 1594	C233
1636.	585	647			584	
1640.(2nd Sub)	526	589,656	737	739	523,1309 1431,1441 1459,1553 1583,1621	C125
1649.	576	656	739,926 934,1055	1055	571,741 926,940 1473,1474	C195
1652.(Sub)	585	621	1132	1134	584,1423 1594	PV C281
1655.(Sub)	467	647	1166	1168	465,607 1380	
1660.(Sub)	437	628	1149,1175	1175	434,1149 1423,1594	C227
1669.	585				584	
1670.(Sub)	467	610			465	
1672.(Sub)	526	621	691	691	523 873,926	PV C56
1673.(Sub)	365	603	1020	1024	361,1424 1594	PV C280
1676.(Sub)	585	647			584,600	
1680.(Sub)	576	656	1006	1006	571,1473 1474	C96
1683.(Sub)	576	647	1102	1102	571,1423 1594,1595	C126

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1684.(Sub)	326	629	1125 1168	1170	324,1127 1594,1595	C184
1685.(Sub)	576	656	755	758	571,1356	
1686.	393	603	1065	1065	391,1473 1474	C120
1689.(Sub)	585	648			584	
1690.(Sub)	437	603	700	701	434,1095 1473,1474	C239
1691.	576	621			571	
1693.	526	621	784	784	523,1203 1307	C65
1694.	576	610	753	753	571,1202 1203	C97
1695.	576	610	1129	1130	571,1496 1574	C241
1696.(Sub)	437	648			434	
1701.(Sub)	674	911	911,1031	1040	674,1475 1594,1595	PV C283
1702.(Sub)	437				434	
1710.	526	656	769	769	523,1203 1307	C165
1713.(2nd Sub)	526	616	1049	1049	523,1422 1594,1595	C183
1717.(Sub)	526				523	
1718.	526				523	
1722.(Sub)	576	610			572	
1726.(Sub)	391				391	
1728.(Sub)	586	648			584	
1729.(Sub)	577	610	914	925	572,1356 1372,1556 1621,1622	C225
1733.(2nd Sub)	577	648			572	
1734.	577				572	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1735.(Sub)	577				572	
1739.(Sub)	577	648			572	
1740.(Sub)	437	621	1017	1017	434,1473 1474	C98
1745.(Sub)	577	621	1056,1057 1095	1096	572,1057 1058,1441 1594,1595	C187
1752.(Sub)	577	603	1057 1490	1057 1490	572,1442 1490	
1754.(Sub)	586	656	770,1120 1127	1129	584,784 1124,1442 1471,1594 1595	C222
1760.	393	610	692	692	391 873,926	C7
1783.(Sub)	327	622	1066	1069	324,1423 1594,1595	C243
1784.(Sub)	467	622			465	
1786.	393	622			391	
1796.	393	648	1000	1001	391,1423 1594,1595	C123
1800.(Sub)	526				523	
1802.	365	603			361	
1813.	366	596	735	735	362,1202 1204	C57
1817.(Sub)	527	648	694	699	523,1310 1434,1458 1555,1576 1621,1622	C179
1819.	393	657	927,1018	1018	391,592 928,1362	
1833.	577	649	1096	1096	572,1473 1474	C196
1835.(2nd Sub)	467	649	897	910	465,607 1270,1434 1459,1574 1620,1621	C42

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1836.	393	649	1139	1139	391,579 1368,1594 1595	C170
1843.	527				523	
1845.(Sub)	577	649	1145	1148	572,1594 1595	C223
1849.(Sub)	327	616	1003	1004	324,1379 1380,1580 1621,1622	C119
1851.	586	649,657	1046	1046	584,1361	
1852.(Sub)	578	649			572	
1855.(Sub)	393	629	1019	1019	391	
1857.(Sub)	527	649	1008	1008	523,1379 1594,1595	C167
1858.(Sub)	468	650			465	
1860.(Sub)	527	650			523	
1862.(Sub)	468	622	699	700	465 873,926	C75
1868.(Sub)	527				523 579,624	
1876.(Sub)	578				572	
1879.(Sub)	468				465	
1881.	578	657			572,651	
1883.(Sub)	527	650	1002	1002	513,1474 1594,1595	PV C287
1884.	394	582	702	703	391,1356 1594,1595	C229
1885.	578				572	
1888.	578				572	
1892.(Sub)	578	622	1009	1010	572,1363	
1898.	578	629			572	
1903.	586				584	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1904.(Sub)	527				523	
1915.(Sub)	468	657	784 1444	786 1444	465,1444 1594,1595	C252
1929.	394	650			391	
1936.	394	604			391	
1951.	527	604	706	706	523,1095 1473,1474	C262
1952.(Sub)	578	629	1141	1141	572,1594 1595	C78
1954.(Sub)	578	657			572	
1969.	528				523	
1990.	437				434	
1993.(Sub)	394	650			391	
2002.	578				572	
2036.(Sub)	715				714	
2038.(Sub)	871		1031,1097 1102,1589	1105 1589	768,1098 1467,1469 1491,1496 1576,1589 1593,1621	C107
2041.	1598		1598	1615	1594,1615	
2044.	1598				1594	
2046.	1466		1467 1488	1489	1466,1467 1470,1594 1595	C118
2052.(Sub)	715				714	
2053.(Sub)	715				714	
2054.(Sub)	715				714	
2056.	1653				1652	
2057.	1653		1653	1654	1652,1655 1657,1658 1660	PV C1E1
2058.	1653				1652	

HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4030.	240				237
4033.	468	650			465
4035.	528	651			523
4036.(Sub)	394	622			391
4041.	179	214			176
4045.	394				391

HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4210.(Sub)	144	604	672	672	108
4222.	578	651	712	712	572 873,926
4223.	157	184	1101	1101	153,1474 1594,1595
4227.	437				434
4231.(Sub)	579	629	1140	1140	572,1424 1594,1595

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4402.	114	622	1132,1137	1138	108,1132 1496,1574
4403.(Sub)	327	651	1131	1131	324,1423 1594,1596
4425.	13		13	13	12,52
4426.	13		13	13	13,52
4427.	11		11	12	11,52
4428.	11		11	11	10,52
4430.(Sub)	468				465
4431.	366	623	1306	1307	362
4433.	278	582			277
4435.	579				572
4441.	298		298	298	297 434,476
4446.	911		911,912	913	911 1202,1307
4449.					1466
4450.					1466
4451.					1593,1595
4452.	1466		1467	1467	1466 1594,1595
4453.	1620		1620	1621	1620,1622
4458.	1659		1659	1659	1659,1660
4459.	1658		1658	1658	1658,1660
4460.	1659		1659	1660	1659,1660

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ABNEY, OTIS

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ABRAHAM, NANCY

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outside of marriage: *2SSB 6221, CH 206 (1988), SB 6544

Publicly funded educational materials about STDs to teach abstinence and the
avoidance of substance abuse: SSB 6221, *2SSB 6221, CH 206 (1988)

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State auditor may contract with CPAs for municipal audits: HB 1421, *SB 6210, CH
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Athlete agent's licensing act: SB 6225

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College savings bond act: 2SHB 1356, *2SHB 1640, CH 125 (1988), SB 6591, SSB 6591

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- Self-service storage facility act: *SSB 5595, CH 240 (1988)
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- Revisions: SSB 5090
- Revisions, (Gardner and AG request): SB 6383
- Statutes revised according to APA changes: SSB 5506

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- Indian children, clarification regarding jurisdiction: HB 1545, *SB 6339, CH 14
(1988)
- Minority race or ethnicity to be considered in placement: SHB 1858, SB 6521, SSB
6521
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Grain dealers, license fee of \$75 for dealers exempted from bonding: *SHB 1285, CH 95 (1988)

Horticultural pest and disease board, one member appointed by director: SB 6344, *SSB 6344, CH 254 (1988)

Horticulture receiving, etc., sales and use tax exemption extended to agents and independent contractors: *SHB 1336, CH 68 (1988)

Hydraulic permits, stream stabilization projects, revisions: SB 6024, *SSB 6024, CH 272 (1988)

Immigration, worker documentation certification: SB 6294, SSB 6294

IMPACT advisory board created: SB 5746

IMPACT center to ensure accessibility and practical application to agriculture products industry: SB 5746

IMPACT sunset, revised: *HB 1515, CH 288 (1988), SB 6301

IMPACT, Tri-Cities diversification: *2SHB 1835, CH 42 (1988)

Labor, minimum wage, exemptions revised: HB 1544, SB 6529

Labor, unemployment compensation covers agriculture employees: SB 5616

Labor, unemployment compensation, threshold revised: SB 5440

Labor, workers' compensation coverage: SB 5612

Marketing agreements regarding participation in the pesticide regulation process: *HB 1304, CH 54 (1988)

Obsolete statutory reference corrected: *SB 6373, CH 25 (1988)

Pesticides, market agreements, regulation process: *HB 1304, CH 54 (1988)

Property taxes, definition of farm and agricultural land modified to include appurtenances: SB 5175

Security interests, central filing system, and new requirements: SB 6334

Seeds, uniform seed law: SB 6176, SSB 6176

Special fuel reporting requirements, farmers and loggers exempt: SB 6399, *SSB 6399, CH 51 (1988)

Tax exemptions revised, federal conservation reserve program: SHB 1696, SB 6512, *SSB 6512, CH 253 (1988)

Taxes, family farm credit crisis, revise payment schedule, waive penalties: SB 5686, SSB 5686

AGRICULTURE—cont.

- Tri-cities, development program with IMPACT, WSU, and industrial council: *2SHB 1835, CH 42 (1988)
- Tri-cities, wine industry to be evaluated, region as center for industry: *2SHB 1835, CH 42 (1988)
- Vinifera grape growers' assessment implemented: SB 6178, *SSB 6178, CH 257 (1988)
- Water supply emergencies, providing for: SB 6513, SSB 6513, 2SSB 6513
- Water use efficiency study: *SHB 1594, CH 45 (1988), SB 6380, SSB 6380, 2SSB 6380
- Wine commission, assessment implemented: SB 6178, *SSB 6178, CH 257 (1988)
- Wine commission, ex officio member: *SSB 6344, CH 254 (1988)
- Wine industry center, Tri-Cities diversification: *2SHB 1835, CH 42 (1988)

AIDS

- Assault in the 1st degree to transmit: SB 6335
- Assault in the 2nd degree: *2SSB 6221, CH 206 (1988)
- Center for voluntary action, information: SB 6204, SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Clearinghouse for educational information: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Colleges, postsecondary students to receive AIDS education: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6347
- Community residential care to be studied: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Counseling and testing regulated: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Detention and treatment of persons believed or found to have a STD: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6335
- Discrimination regulated: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6335
- Drug treatment program participants to have counseling: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Drugs, testing for persons convicted of syringe offenses: *2SSB 6221, CH 206 (1988)
- DSHS supplemental budget: *SHB 1312, CH 289 (1988)
- DSHS to have an office on AIDS: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Emergency service personnel, training and education rules by DSHS: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Governor's AIDS advisory committee: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Gross misdemeanor to infect another person: SB 6221, SSB 6221
- Hospice, chore services, and in-home care, pilot projects: SB 6335
- Insurance discrimination regulated: SB 5773, *2SSB 6221, CH 206 (1988)
- Interviews of AIDS/STD victims authorized: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6335
- Jail detainees may be tested: *2SSB 6221, CH 206 (1988)
- Law enforcement/public safety officers exposed to fluids, may request test of person: SSB 6221, *2SSB 6221, CH 206 (1988)
- Mandatory testing of those believed to be infected or who have been exposed: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Minors, consent of parents unnecessary for treatment: SSB 6221, *2SSB 6221, CH 206 (1988), SB 6335
- Needle exchange program: SB 6335
- Pregnant women to have counseling conducted: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Prisoners may be examined and treated: SSB 6221, SB 6335
- Prisoners to have AIDS test: *2SSB 6221, CH 206 (1988)
- Prostitutes who are arrested counseling and testing available: *2SSB 6221, CH 206 (1988)
- Prostitutes who are convicted shall be tested: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Quarantine provisions of persons with a STD: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6335

AIDS—cont.

- Regional AIDS service network: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Regulation of various licensed professionals by the appropriate disciplinary authority: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Reporting procedures: *2SSB 6221, CH 206 (1988)
- Reporting requirements of persons who give tests: SB 6335
- School employee training: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Schools, DSHS to establish a comprehensive health education program, human sexuality and healthy behavior: SB 6335
- Schools, prevention education to be limited to AIDS spread and prevention: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6325
- Schools to teach pathology and prevention: SB 6186
- Sex offenders, convicted offenders to be tested: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Sexual intercourse when existence of disease is known without informing partner of status is unlawful: *2SSB 6221, CH 206 (1988), SB 6335
- SPI, K-12 health education program: *SHB 1312, CH 289 (1988)
- STD treatment, AIDS counseling: *2SSB 6221, CH 206 (1988), SB 6335
- University of Washington, clinical laboratory: 2SSB 6221, SB 6335
- UW to establish a center for research and education: SB 6221
- UW to have center for education, not intended for research: SSB 6221, *2SSB 6221, CH 206 (1988)
- UW to provide DSHS AIDS office with materials and training: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Zidovudine and other drugs to be made available as medical assistance: SB 6335

AIR CONDITIONING

- Electricians, specialty license for heating, ventilation, and air conditioning: SB 6049

AIR FAIR

- Official state air fair, Paine field in Snohomish County: SB 6613

AIR PATROL

- Civil air patrol, personalized license plates: SB 6269, SB 6330

AIR POLLUTION (See also INCINERATION)

- Cedar Hills landfill, phasing out: SB 5068
- Incinerator siting, new solid waste burners and energy recovery facilities: SB 6415
- Incinerators, record retention: HB 1636
- Motor vehicle air emission inspection and maintenance program revised: SB 6261
- Opacity limitations revised: SB 6603, *SSB 6603, CH 106 (1988)

ALASKA

- Boundary change requested: SJM 8025

ALBRECHT, RICHARD R.

- Member, board of regents, Washington State University,
GA 9198, confirmed pp. 19, 589, 1370

ALCOHOL (See also LIQUOR)

- Advertisements, sales and use tax: SB 6758
- Alcoholism and drug addiction treatment and shelter program: SB 5568
- Beer advertising must carry warning of hazards: SB 5207
- Beer retailers license fee increased: SSB 5070
- Blood alcohol level threshold lowered to 0.08 grams: SB 6407
- Case management protective payee system: *2SHB 1565, CH 163 (1988)
- Chemical dependency, health care contracts to cover: SSB 5070
- Class M liquor license for motels: SB 5947
- Concealed weapons permits revoked from certain persons: *SHB 1845, CH 223 (1988)

ALCOHOL—cont.

- Driver's license, privileges denied to juveniles convicted of drug or alcohol offenses: SB 6410, SSB 6410
- Driving while affected by intoxicating liquor, .08: SB 6657
- Driving with certain blood/breath alcohol levels, penalty schedule: SB 5700
- DSHS alcohol program, liquor revolving fund: SSB 5070
- Emergency response, charge persons under the influence of drugs or alcohol for emergency response expenses: SB 6732
- Housing assistance for alcoholics, 3% tax on spirits and beer: SB 6663
- Keg registration, documentation, state preempts: SB 6407
- Keg registration, state preemption: SSB 5070
- Kegs, transactions to unlicensed purchasers, recordkeeping process: SSB 5070
- Liquor revolving fund, juvenile alcohol and drug prevention programs: SSB 5070
- Minors, drivers' license revocation for certain violations: *HB 1482, CH 148 (1988), SB 6429
- Minors prohibited in taproom portion of premises: SB 5487
- Minors, unlawful to supply alcohol to minor: SSB 5070
- Minors, use, consumption, or possession of liquor, arrest: SSB 5070
- Prevention program for juveniles, liquor revolving fund: SSB 5070
- Sale of gas and alcohol concurrently is forbidden: SB 5397
- Server education program: SB 6407
- Shelter definitions provided: *2SHB 1565, CH 163 (1988), SB 6345, SSB 6345
- Social hosts, guests, licensees, etc., legal actions defined: SB 5867
- Treatment, privileged communications waiver, involuntary commitment revisions: SB 6407
- Treatment program, competency of personnel: *SHB 1383, CH 193 (1988)
- Treatment program, incapacity determination: SB 6345, SSB 6345
- Treatment program, living allowance only for sobriety setting: *2SHB 1565, CH 163 (1988), SB 6345, SSB 6345
- Treatment program, shelter provision is to be met within DSHS available funds: *2SHB 1565, CH 163 (1988), SB 6345, SSB 6345
- Treatment, revisions in definitions, drug abuser, gravely disabled: SB 6407
- Vacant beds of alcohol/drug programs to be used by homeless: *2SHB 1565, CH 163 (1988)
- Wine advertising must carry warning of hazards: SB 5207
- Wine and grape research, liquor revolving fund: SSB 5070
- Wine, reciprocity for out-of-state wine shipments: SB 5358
- Workplace testing limited: SHB 1876

ALIVERTI, ED

- Newly selected member, national association of intercollegiate athletics wrestling hall of fame, introduced and addressed senate p. 1380

ALL-TERRAIN VEHICLES

- Helmets required for under 18 riders on public lands: SB 6213, SSB 6213
- Manufacturers need permits for research: SB 6213, SSB 6213
- Minors, public land use by minors regulated: SB 6213, SSB 6213
- Regulating, defined as ORVs, minors may not register, safety instruction standards to be implemented: SB 6213, SSB 6213

ALTERNATE OPERATOR SERVICES

- Regulating: *SB 6745, CH 91 (1988)

ALVERSON, ROBERT D.

- Reappointed member, pacific marine fisheries commission, GA 9174, confirmed pp. 62, 73, 366

AMBASSADOR PROGRAM

- Extended and broadened: SB 6290, *SSB 6290, CH 35 (1988)

AMBULANCES

- Emergency response, persons under the influence charged for emergency response expenses: SB 6732
 Emergency services, ambulance means ground or air: SB 5231

AMMUNITION

- Product liability actions, design defects, proximate cause, design alternative, revisions: SB 6109
 Product liability, design defect, weigh risks and benefits: SSB 6109
 Products liability action, grounds specified: SB 5388

AMNIOCENTESIS

- Prenatal test laboratories licensed: SSB 5378

ANDERSON, ROBERT J.

- Trustee, state school for the blind, GA 9142, confirmed pp. 339, 598

ANDERSON, SENATOR ANN

- Nomination of George LaPold as sergeant at arms p. 9
 Appointed agriculture, vice chair; economic development and labor, vice chair; and higher education committees p. 14

ANIMAL ABUSE (See also ANIMAL RESEARCH)

- Livestock, caring for, lien upon proceeds or accounts receivable from the animal: SB 6432, SSB 6432
 Traps prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543

ANIMAL RESEARCH

- Acquisition for research, sellers/givers must have bred and raised the animals: SB 6390

ANIMALS (See also ANIMAL ABUSE; DOGS; WILDLIFE)

- Endangered species conservation act: SHB 1451
 Sterilization funds for cats and dogs via tax on dog or cat products: SB 6666

ANNEXATIONS (See also specific subject)

- Adjustments to avoid common boundary lines within street right of way: SHB 1702
 County boundaries, alteration, constitutional provisions modified: SJR 8203, SSJR 8203
 Fire district annexation of city or town and subsequent annexation by city of another service area, procedure: SHB 1702
 Islands: SHB 1702, SB 6533
 Municipal, petition needs 10% versus existing 20%: SHB 1702, SB 6533
 Unincorporated areas contiguous to code cities: SHB 1702
 Unincorporated areas within city or town, procedure: SHB 1702, SB 6533
 Voter approval when major population increase will occur: SB 6554

ANTIQUÉ VEHICLES

- Fenders not required in dry weather: HB 1578
 License plates and fenders regulated: *SB 6362, CH 15 (1988)

APARTHEID (See SOUTH AFRICA/NAMIBIA)**APARTMENTS**

- Accessory apartments in detached single family dwellings: SB 6722

APIARIES

- Inspection program, budget: *SHB 1312, CH 289 (1988)
 Revisions: *SHB 1472, CH 4 (1988)

APPEALS

- Judicial council, study whether civil appeals should have mandatory settlement conferences: SB 5262
 Small claims court: SB 5943, *SSB 5943, CH 85 (1988)

APPELLATE PROCEDURE

Terminology revised: *SB 5016, CH 202 (1988)

APPLE BLOSSOM ROYALTY

Queen Heather Jean Smith, introduced and addressed
Senate p. 613

Princesses Caitilin Beamer Newman and Becky Jay Kearney,
introduced p. 613

APPLE CUP

Live coverage requested: HJM 4041

APPLIANCES

Repairman time of arrival must be specified: SB 5485

APPRAISALS

Certified real estate appraisals, requirements established: HB 1109, SB 5053

Inflated appraisals, remedy: SB 6634

APPRENTICES

Agreement, standards for approval modified, nonwage standards: SB 6636

Agreements, duty of apprenticeship council: SB 6431

Apprenticeship council membership, governor appointee criteria: SB 6431

Apprenticeship council, requesting a study by LBC: SB 6254

Apprenticeship council, revisions: SB 5689

Apprenticeship council terminated: SB 6258

Disability compensation payments, do not use apprentices' assumed wage rates,
use actual rate: *SB 6396, CH 140, (1988)

AQUACULTURE (See also AQUATIC LANDS)

Seaweed, harvest of naturally occurring seaweed prohibited: SB 6187

Shoreline permit review procedures, floating aquaculture: SB 6642

AQUATIC LANDS

Sunken treasure, ownership of abandoned property on submerged lands: *SB 6298, CH 124 (1988), SSB 6298

AQUIFER PROTECTION DISTRICTS

Authority enlarged: SB 6266, *SSB 6266, CH 258 (1988)

AQUIFERS

Funding to be in the form of grants for federally designated aquifers: SB 6622

ARBITRATION (See also MEDIATION)

Mandatory arbitration, revisions: SB 5262

ARCHAEOLOGY (See HISTORIC PRESERVATION)**ARONSON, HENRY M.**

Member, small business export financial assistance
center board of directors, GA 9106 p. 72

ARTIFICIAL INSEMINATION

AIDS test disclosure: *2SSB 6221, CH 206 (1988)

ARTS COMMISSION

Director to be selected by governor: *HB 1492, CH 81 (1988)

ARTWORK

Public buildings, artwork requirement eliminated: SB 6199

ASBESTOS

Cedar Hills landfill, phasing out: SB 5068

Certified supervisors to oversee projects: SB 5836

Removal requirements changed: SB 6606, SSB 6606

Workers' compensation authorized: *SHB 1592, CH 271 (1988)

ASIAN-AMERICAN AFFAIRS COMMISSION

Sunset revised: *HB 1515, CH 288 (1988), SB 6301

ASSAULT

AIDS, assault in the 1st degree: SB 6335

AIDS, assault in the 2nd degree: *2SSB 6221, CH 206 (1988)

Corrections' employees, performing official duties, reimbursement: *HB 1272, CH 149 (1988)

Custodial assault, includes community corrections officers and volunteers: *HB 1280, CH 151 (1988)

Redefined, attempt with unlawful force to inflict bodily injury, infliction of bodily injury, vetoed: SHB 752

Second degree, AIDS: *2SSB 6221, CH 206 (1988)

Second degree, intentionally assaults a person less than 12: SHB 752

Second degree, pain or agony equivalent to torture: *SHB 752, CH 266 (1988), *SSB 6147, CH 158 (1988)

Second degree, recklessly inflicts, revisions: *SHB 752, CH 266 (1988)

ATHLETICS (See also SPORTS)

Agents regulated: SB 6225, SSB 6225

Community colleges, no general fund money for intercollegiate athletics: SB 6593

Joint advisory committee on women in athletics: HCR 4431

Olympics, compensated leave for athletes and officials: SB 6216, SSB 6216

Women, joint advisory committee: HCR 4431

ATTORNEY GENERAL

Ballot titles, legislature to provide title, AG to supply summary, complaint process: SHB 243

Commence term, 2nd Monday of January: HB 1335

Long-term care ombudsman office moved to AG, advisory committee created: SB 5270

Supplemental operating budget, legal services revolving fund program split: *SHB 1312, CH 289 (1988)

Supplemental operating budget, restriction on moving co-located attorney: *SHB 1312, CH 289 (1988)

ATTORNEYS

Indigents, counsel appointment, study: SHB 1312, SB 6498, *SSB 6498, CH 156 (1988)

AUCTIONS

Motor vehicle sales as part of farm or estate sale, requirements: SB 6054

State lands, auction sale requirements of low-valued sand, gravel, etc., exempt: *SHB 1562, CH 136 (1988)

Surety bonds: SB 6054

AUTOMOBILES (See MOTOR VEHICLES)**B & O TAX (See TAXES - BUSINESS AND OCCUPATION)****BAKER, FRANCIS A.**

One hundred and one year old, introduced and addressed

senate, SFR 1988-8726 p. 720

BAIL

Homicide by abuse, bail jumping class A felony: HB 1265

BAILEY, SENATOR CLIFF

Appointed education, chair; children and family services, vice chair; and agriculture committees p. 14

BALLAINE, DAVID A.

Reappointed member, housing finance commission, GA 9173,

confirmed pp. 230, 1363

BALLOTS (See also ELECTIONS)

Ballot titles, legislature to title, AG to summarize, complaint process: SHB 243
 Secret ballots prohibited at open public meetings: HB 974

BANDED TARIFF RATES

Permitted for electric services and natural gas: *HB 1581, CH 166 (1988), SB 6438,
 SSB 6438

BANKS

Acquisition, approval or disapproval by supervisor, 30 days: SB 6455, SSB 6455
 Acquisition, need approval of the banking supervisor: SB 5823
 Acquisition of in-state banks by out-of-state banks, authority delayed: SB 5108
 Check cashing required of checks presented by pensioners and retirees: SB 5737
 Checks, government benefits checks, study cashing fee: SSB 5737
 Construction liens, consumer information for use by all real property lenders: SB
 6569, *SSB 6569, CH 270 (1988)
 Equity skimming: *SSB 6096, CH 33 (1988)
 Escrow regulated: *SHB 1369, CH 178 (1988), SB 6617
 Escrow transactions, collected funds act: SB 5562
 Holding companies, cooperative and reciprocal examination agreements: SB
 5823, SB 6455, SSB 6455
 Holding companies, examinations, cooperative and reciprocal agreements: SB
 6455, SSB 6455
 Insurance sales on bank premises prohibited: SB 5192
 Interstate banking, acquisition of in-state banks by out-of-state banks, authority
 delayed: SB 5108
 Obsolete statutory reference corrected: *SB 6373, CH 25 (1988)
 Residential mortgage loans, direct reduction provisions, escrow accounts: SB
 6417
 Residential mortgage loans, lock-in agreement, consummation, fees and costs
 disclosure: SB 6416

BARE, ROXANNE

White River high school student and Pierce county
 league cross-country champion, introduced p. 443

BARR, SENATOR SCOTT

Appointed agriculture, chair; environment and natural
 resources, and transportation committees pp. 14, 15
 Point of order, amendment to 2SSB 6724 p. 423
 Personal privilege, explanation of withdrawal of
 amendment, ESHB 1312 p. 859

BAUER, SENATOR ALBERT

Letter of resignation as vice president pro tempore p. 5
 Appointed member education, rules, and ways and
 means committees pp. 14, 15

BATTERIES

Vehicle battery recycling: SB 6444

BAZAARS

Taxation revised: SHB 836

BEACHES (See OCEAN BEACHES)**BEACON ROCK TRUST PROPERTY**

DNR land, transferred to parks and recreation commission: *HB 1616, CH 79
 (1988), SB 6665

BEARS

Hunting with snares, live traps, or darts prohibited: SB 6560

BEER (See also ALCOHOL; LIQUOR)

Advertising must carry warning of hazards: SB 5207

BEER—cont.

Keg registration, state preemption: SSB 5070, SB 6407

Kegs, transactions to unlicensed purchasers, recordkeeping process: SSB 5070

Retailer license fee increased: SSB 5070

BEES

Apiary revisions: *SHB 1472, CH 4 (1988)

Inspection program, budget: *SHB 1312, CH 289 (1988)

BELFAIR STATE PARK

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

BELLEVUE COMMUNITY COLLEGE, DISTRICT NO. 8

Dr. Evelyn Carlson Kest, trustee, GA 9183,

confirmed pp. 16, 607, 1362

BENDER, SENATOR RICK S.Appointed member education, rules, and transportation
committees pp. 14, 15

Personal privilege regarding colloquy to 2SHB 318 p. 704

BENITZ, SENATOR MAX E.Appointed energy and utilities, chair; education, and
environment and natural resources committees p. 14

Point of order (withdrawn), amendment to SSB 6546 p. 440

Personal privilege, correction to colloquy, SB 6438 p. 443

Point of order, amendment to SSB 6703 p. 518

Personal privilege received news from department of energy

that N Reactor will not be restarted p. 555

Personal privilege, presentation of forty-eight apple p. 658

BEST, JOHN

President, Tacoma Stars soccer team,

introduced and addressed senate p. 1590

BEVERAGE CONTAINERS (See also RECYCLING)

Metal beverage tabs on metal containers prohibited: SHB 1456

Plastic ring connectors prohibited: SHB 1456

BICYCLES

Headphones prohibited on bicyclists: SB 6287

BIG BEND COMMUNITY COLLEGE, DISTRICT NO. 18

Bonnie J. Polhamus, trustee, GA 9185,

confirmed pp. 17, 607, 1364

BIOTECHNOLOGY REVIEW BOARD

Established: SB 6267

BIRTH CERTIFICATESChildren's trust fund, fees from certificates suitable for display: HB 1760, *SB 6556,
CH 40 (1988)

Suitable for display, fees to children's trust fund: HB 1760, *SB 6556, CH 40 (1988)

BIRTH CONTROLAIDS education to teach that artificial means of birth control puts a person at risk
for AIDS: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6325**BIRTH DEFECTS**

Insurance coverage study of congenital anomalies of infant children: SHB 1722

Prenatal testing to have insurance coverage: *2SSB 5378, CH 276 (1988)

BLAIR, ANNE S.

Reappointed trustee, Olympic community college

district no. 3, GA 9177, confirmed pp. 15, 163, 394

BLIND PERSONS

BLIND PERSONS—cont.

Braille, instruction to blind students authorized: SB 6459

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

Educational service districts may contract with school for the blind: *HB 1693, CH 65 (1988)

Guide dogs, killing or injuring, penalties: SB 6350, *SSB 6350, CH 89 (1988)

Park passes, classifications, provisions, and categories modified: SB 6727

BLIND, STATE SCHOOL FOR

Robert J. Anderson, trustee, GA 9142,

confirmed pp. 339, 598

Garold LaBorde, reappointed trustee, GA 9151,

confirmed pp. 340, 612

John F. Naddy III, trustee, GA 9152,

confirmed pp. 657, 1245, 1308

Bonnie Robertson, trustee, GA 9155,

confirmed pp. 340, 613

BLOCHER, SAM

Eagle scout from Puyallup presented colors p. 275

BLOOD

AIDS test disclosure for certain blood: *2SSB 6221, CH 206 (1988)

Donors may specify recipients: SB 5714

Hemophilic service program: SB 6331

Hospital or blood banks may allow designated donations: SB 6314

BLOOD ALCOHOL LEVEL (See also BREATH TESTS; DRUNK DRIVING)

Threshold lowered to 0.08 grams: SB 6407

BLUECHEL, SENATOR ALAN (See also PRESIDENT PRO TEMPORE OF SENATE; also RULINGS AND REPLIES BY PRESIDENT PRO TEMPORE; also PARLIAMENTARY INQUIRIES)

Elected president pro tempore p. 5

Appointed energy and utilities, vice chair; rules,

vice chair; and ways and means committees pp. 14, 15

Parliamentary inquiry, result of passage or failure of

amendment, ESHB 1382 p. 801

Remarks, thanks president for good job conducting

senate p. 1660

BOATS

Charter boats, redefined: *HB 1300, CH 9 (1988)

Marine patrol services, distribution of watercraft tax, arbitration: *SHB 46, CH 261 (1988)

Oil dump and holding tank information to be provided: SHB 1391

Registration, fraudulent failure to register: SHB 1860

Vessel dealer registration, deposit in-lieu of surety bond: SB 6614, SSB 6614

BOICE, ANNA—GRETA

Trustee, Whatcom community college, district no. 21,

GA 9197, confirmed pp. 19, 246, 1370

BOILERS/UNFIRED PRESSURE VESSELS

Fertilizer regulations: *SSB 6344, CH 254 (1988)

BOMBS

Prohibiting the sale, possession, or transportation: SB 5187

BONDS

Capital projects, general obligation bonds: SB 6386

Certificates, printing by state printer requirement removed: *HB 1332, CH 102 (1988)

BONDS—cont.

- College savings bond program: 2SHB 1356, *2SHB 1640, CH 125 (1988), SB 6591, SSB 6591
- Farm contractor security bonds: SB 5645
- Investment of proceeds, excess earnings account created: *SB 6245, CH 92 (1988)
- Private activity bond ceiling, allocation provided: SB 5640
- Sale of general obligation bonds at a discount authorized: HB 1554
- State and local government issuance information: SB 6405
- State and local governments, underwriter or purchaser to supply certain information: HB 1397

BORDER AREAS

- Legal loads from other states: *HB 1884, CH 229 (1988)
- Liquor revolving fund, distribution to border areas: 2SHB 1303
- Supplemental resources for border impact: *HB 1884, CH 229 (1988)

BORK, PHILIP T.

- Reappointed member, board of industrial insurance appeals, GA 9130, confirmed pp. 72, 604, 657

BOTTIGER, R. TED

- Member, pacific northwest electric power and conservation planning council, GA 9193 p. 18

BOTTLES AND CANS (See BEVERAGE CONTAINERS)**BOTTOMFISH (See also FISHERIES, DEPARTMENT OF)**

- Commercial net fishing prohibited: SB 5323

BOUNDARY REVIEW BOARDS

- Eliminating: SB 6139, SSB 6139

BOWER, MITCHELL, JR.

- Member, state board for community college education, GA 9143, confirmed pp. 158, 245, 598

BOWLING

- Sweepstakes: SB 5652

BOXING COMMISSION

- Boxer license applicants to submit sworn report on bout records: SSB 5364
- Boxer license applicants to submit to medical exam: SSB 5364
- Name changed to state athletic commission: SSB 5364
- Professional wrestling act: SB 6744
- References corrected: *SB 6374, CH 19 (1988)
- Violations and penalties, up to \$10,000 per day: SSB 5364

BOY SCOUTS

- Eagle scouts Kevin Hert and Sam Blocher presented colors, SFR 1988-8699 p. 275
- Boys scouts in gallery introduced p. 276

BOYD, TOM

- Speaker of the house, state of Idaho, introduced p. 581

BRACHTENBACH, THE HONORABLE JUDGE ROBERT F.

- Introduced and administered oath of office to newly-elected senate officers pp. 3, 5, 7, 8, 10

BRILLE

- Blind students, instruction authorized: SB 6459

BREATH TESTS (See also DRUNK DRIVING)

- Occupational driver license for those who refuse breathalyzer: SB 6645

BREMERTON (See also MILITARY)

- Armed forces population, enrollment forecasts: *SB 6641, CH 260 (1988)

BREMERTON—cont.

Battleship USS Missouri, please base in Bremerton: SJM 8032

BRIDGE

Mental sports competition and research advisory committee: SB 5056

BRIDGES

Columbia River, a 3rd bridge in Clark County studied: SCR 8435

Elmer Huntley, bridge no. 10 renamed: SCR 8434

Rural arterials, bridge replacement: *SB 6516, CH 26 (1988)

BRIGHTON, DALE

Alternate member, commission on judicial conduct, GA 9172,

confirmed pp. 77, 606, 1453

BROUILLET, DR. FRANK "BUSTER"

Superintendent of public instruction and wife introduced

and addressed senate, SFR 1988-8754 p. 1444

BROWNLEE, MIKE

Treasurer, future farmers of America p. 631

BRYANT, BARBARA

Member, state lottery commission, GA 9144 p. 72

BUDGET

Balanced budget, referendum to the people for a federal constitutional amendment: SB 6753

Biennial requests, show how anticipated general fund revenues are reduced due to debt service: SB 6341

Capital projects, OFM to make standards as to space, costs, etc.: SB 6341

Capital, statement of funding source, ie. bonds, lease/purchase, etc.: SB 6351

Darrington, school construction: *SSB 6763, CH 2 E1 (1988)

Operating budget to have annual ongoing/routine maintenance instead of capital budget: SB 6341

Requests over \$50,000 need to be submitted early: SB 5270

Supplemental capital budget: SHB 1455

Supplemental operating budget: *SHB 1312, CH 289 (1988)

Transportation, operating budget: *SHB 1701, CH 283 (1988)

BUILDING CODES/PERMITS

Building code council abolished: SB 6630

Energy code revised, state supersession date delayed: *SB 6408, CH 204 (1988)

Local codes not to exceed state code: SB 6629

Residential and multifamily may be excluded by local governments: SB 6629

Threshold increased for permit, from \$500 to \$1,500: SB 6321

BUILDINGS

Criminal trespass to property defined: SB 5494

Drug nuisances, buildings used for unlawful drug activities, abate: SB 6407

Drugs, buildings used in connection with unlawful activities: *SHB 692, CH 141 (1988), SB 6317

Unfit premises or portions, monitor for possible demolition: SHB 439

BUMPERS

Trucks, new trucks must have bumpers: SB 6543

BURGLARY

Residential burglary, more serious than 2nd degree: SB 6282

Second degree, criminal sentencing seriousness increased: SB 6251

BUSES

Passenger charter carriers, revisions, certificate required: *SB 5451, CH 30 (1988)

Private school students may be transported on public buses: SSB 5334

BUSINESSES (See also SMALL BUSINESSES)

- BIDCO, formation of corporations authorized: SB 6220, SSB 6220, 2SSB 6220
- Business and job retention program, DTED, advisory committee, service delivery regions, survey: SB 6277, SSB 6277
- Business and job retention program, state-wide, reliance on locally based teams: SB 6624
- Business and job retention program within DTED: SB 6050
- Competition by government in commercial activity, freedom from government competition act: SB 6706
- Competition, government needs clear authorization to compete with business: SB 6709
- Dislocated worker, displaced by new machinery, etc., of businesses receiving manufacturing deferrals: SB 6689
- Distressed traditional industries, reduced workers' compensation premium rates: SB 6738, SSB 6738
- Fair competition review commission: SB 5708
- Hanford plant closure disaster plan, retraining, etc.: SJM 8029
- Local marketplace programs: 2SHB 1516
- New businesses, B & O tax credits authorized: SB 6525
- Nonprofit competition with the private sector, joint select committee: SCR 8427, SSCR 8427
- Private enterprise review board, competition between government and private business evaluated: SB 6709
- Public assistance and unemployment compensation recipients, assist in starting own business: SB 6004
- Relocation, termination, or sale, employer obligations established: HB 1552
- Reporting and taxation system, unified system for business identification, reporting, and compliance: SB 5585
- Scholarship program for low-income working persons and single heads of household: SB 5461

BUTTER

- Nonstandard specialty items may be sold when clearly labeled as to size and weight: *SHB 1362, CH 63 (1988)

CALEY, JAMES W.

- Member, state board for community college education, GA 9066 p. 158

CALLS OF THE SENATE

- Senators Newhouse, Nelson and Zimmerman demand call of the senate p. 804
- Senator Newhouse dispensed with call of the senate p. 870
- Senators Newhouse, Nelson and Zimmerman demand call of the senate p. 1380
- Senator Newhouse dispensed with call of the senate p. 1493
- Senators Newhouse, Nelson and Zimmerman demand call of the senate p. 1556
- Senator Newhouse dispensed with call of the senate p. 1572
- Senator Newhouse, Zimmerman, and Nelson demand call of the senate p. 1591
- Senator Vognild dispensed with call of the senate p. 1618

CAMPAIGNS

- Contributions may not be accepted by a legislative member during session: SB 6677
- Contributions, volunteer services redefined: SB 6677
- Contributions within 21 days of general election, threshold reduced: SB 6677
- Election campaign financing trust fund: SB 5505
- Expenditure limitation agreement, willingness statement filed when file for office: SB 6677

CAMPAIGNS—cont.

Finance reporting laws revised: SB 6151

Financing, limitations on contributions, matching funds: 2SHB 1284

Lobbying, campaign laws, public office funds, revisions: SB 6451, SSB 6451

Nonprofit organizations that are politically active must do public disclosure: SB 5186, SSB 5186

Payroll deductions by employees for political committee contributions or union political activities: SB 6677

Payroll deductions by state employees for political committees, affirmative approval by employee: SB 6677

Political advertising, false advertising prohibited: *SHB 657, CH 199 (1988)

Public office funds, quarterly reports required: SB 6369

Rating of candidates by nonprofit organizations, public disclosure required: SB 5186, SSB 5186

Solicitations of public employees, employee to be notified of political purposes: SB 6677

State election campaign account established: 2SHB 1284

Volunteer services redefined: SB 6677

CAMPING CLUBS

Regulated: *SHB 791, CH 159 (1988), SB 5697

CANCER

Certificate of need exclusion for comprehensive cancer centers: SB 6442, SSB 6442

Mammograms, insurance coverage for screening and diagnostic purposes: SB 6324

CANTU, SENATOR EMILIO

Second nomination of Senator Alan Bluechel as president

pro tempore

p. 4

Appointed member economic development and labor, rules,

and ways and means committees

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CAPITAL BUDGET (See also BUDGET)

Debt-financed pass-through money to local government, include in capital budget: SB 6341

Statement of funding source, ie. bonds, lease/purchase, etc.: SB 6351

Supplemental budget: *SSB 6763, CH 2 E1 (1988)

CAPITAL PROJECTS

Standards as to space, costs, etc. by OFM: SB 6341

CAPITAL PROJECTS OFFICE

Created with in DTED for major urban and rural development projects: SB 6284, SSB 6284

CAPITOL CAMPUS

Capitol campus office development account: *SSB 6763, CH 2 E1 (1988)

East campus supplemental: *SSB 6763, CH 2 E1 (1988)

CAPITOL SOUVENIRS

Sale by general administration authorized: SB 6696

CAREER EXECUTIVE PROGRAM

Sunset, revised: *HB 1515, CH 11 (1988), SB 6301

CARLSON, EDWARD E.

Received medal of merit from house speaker Joseph E. King

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CASCADE ISLAND TRUST PROPERTY

DNR land, transferred to parks and recreation commission: *HB 1616, CH 79 (1988), SB 6665

CASTRATION

Dogs and cats, funds via tax on dog or cat products: SB 6666

CASTRATION—cont.

Horses running at large: SB 6392

CATHETERIZATION

School employees authorized to perform: SB 6534, *SSB 6534, CH 48 (1988)

CATS (See also ANIMALS)

Sterilization funds via tax on dog or cat products: SB 6666

CATTLE (See LIVESTOCK)**CEDAR HILLS**

Phasing out the Cedar Hills landfill: SB 5068

CEDAR RIVER

Sockeye salmon protected, spawning channel, UW study: SB 6189, SSB 6189

CENTENNIAL CELEBRATION

Citizen councilors: SB 6302

CENTRAL WASHINGTON STATE UNIVERSITY

David A. Pitts, trustee, GA 9201, confirmed pp. 201, 611, 1453

Harvey Vernier, trustee, GA 9140, confirmed pp. 158, 589, 597

CENTRALIA COMMUNITY COLLEGE, DISTRICT NO. 12

Earlyse A. Swift, reappointed trustee, GA 9139,

confirmed pp. 158, 162, 327

District 24 created: *HB 1361, CH 77 (1988)

CERTIFICATE OF NEED

Cancer centers, exclusion: SB 6442, SSB 6442

Exemption for rural hospitals and public hospital districts: SB 6007

Home health and hospice agencies: SSB 5886

Process modified, major exemptions: SB 5496

Tertiary services: SSB 5886

CERTIFIED PUBLIC ACCOUNTANTS

State auditor may contract with CPAs: HB 1351, *SB 6211, CH 53 (1988)

CHARTER BOATS

Redefined: *HB 1300, CH 9 (1988)

CHALLENGE OF THE CHAIR

Senator Rasmussen challenged president pro tempore

on ruling p. 1468

Challenge withdrawn p. 1469

CHARETTE, JUDGE ROBERT L.

Former senator honored, SFR 1988-8707 p. 135

CHARTER BUSES

Passenger charter carriers, revisions, certificate required: *SB 5451, CH 30 (1988)

CHECKERS

Mental sports competition and research advisory committee: SB 5056

CHECKS

Banks and trust companies must cash checks of retirees and pensioners: SB 5737

Cashing of government benefit checks, study fee: SSB 5737

CHEHALIS INDIANS

Criminal jurisdiction by tribe reestablished: SB 6736, *SSB 6736, CH 108 (1988)

CHEMICAL DEPENDENCY (See also DRUGS)

Health care contracts to cover: SSB 5070

CHERBERG, LIEUTENANT GOVERNOR JOHN A. (See also LIEUTENANT GOVERNOR; also RULINGS AND REPLIES BY THE PRESIDENT; also PRESIDENT OF THE SENATE; also PARLIAMENTARY INQUIRIES)

CHERRY, VINCE

Fraternal order of eagles grand worthy president,
introduced p. 300

CHESS

Mental sports competition and research advisory committee: SB 5056

CHEWING TOBACCO

Purchase by minors is a misdemeanor: SB 5092
Retailers license required, revokable for sale to minors: SB 5092

CHILBERG, D.E.

Member, housing finance commission, GA 9210 p. 230

CHILD ABUSE

Accountability boards established for CFS local offices: SB 5386
Background checks of teachers, those who teach older students exempt: *HB
1694, CH 97 (1988)
Bill of rights for the sexually abused child: SB 6506
Child protective services defined: SB 5554
Children and family services division, accountability boards established: SB 5386
Corrections officers to be trained to identify and prevent: *SHB 1312, CH 289
(1988)
Criminal mistreatment, substantial bodily harm redefined: SB 5449
Day care providers and foster care, educational program on positive discipline:
SSB 6441
Day care providers and workers, training in recognizing and reporting child
abuse: SB 6441
Discipline, reasonable and moderate force permitted: SB 6363, SSB 6363
Family unity intactness standard modified, child's health and safety to be con-
sidered: SB 5269, SB 5554
Homicide by abuse, bail jumping class A felony: HB 1265
Interview of child without parental notice or consent: SB 5554
Investigators to take into account child rearing practices of culture of child: SB
5554
Law enforcement response, may arrest offender without warrant with probable
cause: *SB 6705, CH 190 (1988)
Malicious reporting, penalties imposed: *SHB 608, CH 142 (1988), SB 5707
Parenting skills, early parenting education program: SB 6115, *SSB 6115, CH 278
(1988)
Perpetrators, central registry to notify schools, etc., when a person is put on reg-
istry: SB 5554
Placement of victims, advisory task force to examine procedures regarding
placement with relatives: *SSB 6207, CH 189 (1988)
Placement of victims outside of home, available family members listed: SB 6207,
*SSB 6207, CH 189 (1988)
Removal of offender from home so that child can safely remain: *SB 6705, CH 190
(1988)
Report by DSHS to law does not need to be in writing initially, needs to be within
24 hours: SSB 6174
Report by medical practitioner, considered substantiated unless certain condi-
tions met: SB 5554
Reporting by public employees, good faith and without negligence, employer to
provide legal defense: *SB 6600, CH 87 (1988)
Reporting of abuse to both law enforcement and DSHS: SB 6174
Reports, case planning, consultants as designated by DSHS: HB 1546, *SB 6338, CH
39 (1988)
Sex abuse, bill of rights for sexually abused children: SB 6506
Sex abuse, training, evidence, recognition, budget: *SHB 1312, CH 289 (1988)
Sex abuse, trial must commence within 6 months: SB 6322
Sex abuse, trial must not be delayed: SSB 6322

CHILD ABUSE—cont.

- Sex offenses, definitions, classifications, sentencing matrix: *SHB 1333, CH 145 (1988)
- Sex offenses, persons convicted prohibited from working in the public schools: SB 6503, SSB 6503
- Sex offenses, revisions: SB 6171, SB 6359, SB 6387
- Sexual abuse, statute of limitations for damages: SHB 1494
- Sexual offenses, claims not barred by imputed knowledge of custodian or guardian tolling statute: SB 6305, *SSB 6305, CH 144 (1988)
- Sexual offenses, statute of limitations, within 3 years of act or discovery: SB 6305, *SSB 6305, CH 144 (1988)
- Sexually abused children, policies to be considered by judges, attorneys, courts, etc.: SSB 6506
- Testimony by child regarding sex offenses, admissible in all proceedings: SSB 6506
- Testimony to be recorded and admissible as evidence, sex abuse cases, child under 10: SHB 1534
- Visitation restricted: SHB 1523
- Witnesses, reporting requirements revised to include CPS: SB 6172, SSB 6172

CHILD CARE (See DAY CARE)**CHILD CUSTODY**

- Abuse victims, out-of-home placement, available family members listed: SB 6207, *SSB 6207, CH 189 (1988)
- Bill of rights for the sexually abused child: SB 6506
- Custodial interference law strengthened, vetoed: SB 6447
- Homebuilders program service expanded: SB 6448, SSB 6448
- Joint parenting as a preference for separated or divorced parents: SB 5255
- Residential provisions, parental compliance order: HB 1463
- Sex abuse, bill of rights for sexually abused children: SB 6506
- Sexually abused children, policies to be considered by judges, attorneys, courts, etc.: SSB 6506
- Visitation rights, limited if have a history of child abuse: SB 6179, SSB 6179
- Visitation with abuser restricted: SHB 1523

CHILD DEPENDENCY/CPS

- Abuse investigator to take into account child rearing practices of culture of child: SB 5554
- Appropriation with special emphasis on lowering caseloads of workers: SB 6658
- Child protective services defined: SB 5554
- Children and family services department created: SB 6098, SSB 6098
- Children's services staff training academy, implementation plan by DSHS and WWU: SB 5554
- Counties obligation to pay: SB 6739
- Court appointed representative for child: SB 5893
- Custody by law enforcement, holding area and parent contact process: SB 6030
- Dependency may only be maintained for 2 years: *SHB 1586, CH 194 (1988), SB 6309, SSB 6309
- Family unity intactness standard modified, child's health and safety to be considered: SB 5269, SB 5554
- Guardian ad litem, appointment provisions: *HB 1585, CH 232 (1988), SB 6312
- High-risk youth, procedures: 2SHB 1589, SB 6306
- Homebuilders program service expanded: SB 6448, SSB 6448
- Intervention by state, primary purpose stated, protect the child and promote health: SB 6311
- Notice to natural or legal guardian, publication requirements: *HB 1588, CH 201 (1988), SB 6310, SSB 6310
- Parents given review opportunity of CPS plan before disposition hearing: SB 5554
- Petition, allegations revised: SB 5554

CHILD DEPENDENCY/CPS—cont.

- Petition, hearing no later than 75 days after filing: *SHB 1586, CH 194 (1988), SB 6309, SSB 6309
- Priority for appropriation for services: SJR 8223
- Removal of abuse offender from home so that child can safely remain: *SB 6705, CH 190 (1988)
- Removal of child, agency plan as to where child will be placed, elements: *SHB 1586, CH 194 (1988), SB 6309, SSB 6309
- Rights, best interests of child will prevail: SB 6311
- Termination of parent child relationship may be filed by any party to dependency proceedings: *HB 1588, CH 201 (1988), SB 6310, SSB 6310
- Testimony to be recorded and admissible as evidence, sex abuse cases, child under 10: SHB 1534

CHILD SUPPORT

- Adoption, noncustodial parent must pay past-due support in order to object to adoption: SB 5003
- Contempt orders for failure to pay strengthened: HB 1464
- Distributed property, within 8 days of receipt: SB 6710
- Distribution monthly notice to custodial parent with right of hearing noted: SB 6710
- Liens, effective for 10 years from date of recording: SB 6564
- Noncustodial parent must pay past-due support in order to object to adoption: SB 5003
- Recognize that payments to custodial parents reduce hardship and reliance on public assistance: SB 6710
- State-wide child support schedule: *SHB 1465, CH 275 (1988)
- Visitation, child support may be withheld if court-ordered visitation not given: SB 5087

CHILDREN/MINORS

- Abortions, minors need special consent: SB 6664
- AFDC eligibility revised: SB 6005
- Alcohol, unlawful to supply to minor: SSB 5070
- Alcohol use, consumption, or possession, arrest: SSB 5070
- Chewing tobacco and snuff, purchase by minors is a misdemeanor: SB 5092
- Child care resources coordinator, resource and referral system: SB 6467
- Children and family services department created: SB 6098, SSB 6098
- Children and family services division, accountability boards established: SB 5386
- Children services advisory committee duties expanded along with CFS department: SB 6098
- Children's services staff training academy, implementation plan by DSHS and WWU: SB 5554
- Childrens trust account created for CFS and K-12 to enlarge existing programs and to innovate: SB 6619
- Children's trust fund, birth certificate fees for certificates suitable for display: HB 1760, *SB 6556, CH 40 (1988)
- CPS, 72 hours excludes Saturdays: SB 5554
- Custody by law enforcement, holding area and parent contact process: SB 6030
- Defacing public property: SSB 5145
- Dependency, parents given review opportunity of CPS plan before disposition hearing: SB 5554
- Discipline, reasonable and moderate force permitted: SB 6363, SSB 6363
- Driver's license, privileges denied to juveniles convicted of drug or alcohol offenses: SB 6410, SSB 6410
- Driver's license revocation, drug or alcohol violations: *HB 1482, CH 148 (1988), SB 6429
- Drug and alcohol prevention programs, liquor revolving fund: SSB 5070
- Drug transactions or business involving coercion of minors unlawful: SSB 5070
- Drugs, school ground transactions illegal: SSB 5070

CHILDREN/MINORS—cont.

- Drugs, 20 year minimum sentence for offenses involving minors: SB 5121
- Early childhood education and assistance program, expand by 1,000 children, additional funds: SB 6595
- Early childhood education and assistance program, voluntary grants and contributions authorized: SB 6181, *SSB 6181, CH 174 (1988)
- Erotic material definitions revised, material that is harmful to minors: SB 6711, SSB 6711
- Insurance coverage study of congenital anomalies of infant children: SHB 1722
- Juvenile court training curriculum: HB 1539, SB 6308, *SSB 6308, CH 234 (1988)
- Juvenile detention standards: SHB 1384
- Juvenile justice act, minor redefined: SB 6573
- Juvenile offenders, diversion agreements: SB 5448
- Juvenile rehabilitation, 14 years and older, transfer authority to department of corrections: SB 6336
- Juveniles, chronic offenders: SB 6282
- Liquor revolving fund, juvenile alcohol and drug prevention programs: SSB 5070
- Murder by juveniles, adult jurisdiction: SB 5661
- Phone-sex services, study how to limit access to minors: *HB 1796, CH 123 (1988)
- Residential provisions, parental compliance orders: HB 1463
- Sexual exploitation of minors, major revisions: SB 6712
- Sexual material, matter, and devices, minors' access to these vices prohibited: SB 5778
- Spray paint, minors may not possess: SSB 5145
- Substitute care, revisions, local citizen review board: SB 6191, SSB 6191, 2SSB 6191
- Suicide, study on teenage suicides authorized: SHB 873

CHIROPRACTORS

- Adjunctive procedures, certification available: SB 6069
- Clarifying practice rights, redefines chiropractic: SB 6069
- Practice rights clarified and described: SB 6499

CHURCHES

- Private schools, church-approved private school is an approved private school, filing requirements modified: SB 6695

CIGARETTES

- Retailers' license required, revokable for sale to minors: SB 5092
- Schools, students or staff may not use on school property: SB 6460

CITIES

- Citizens' committee to review local governments: SHB 1632, SB 6463
- Initiative and referendum, powers revisions: SB 6348
- Insurance, excess insurance: SB 5262
- Mayor pro tempore, chosen by the council for a term not to exceed 6 months: *HB 1833, CH 196 (1988)
- Publication of legal notice, requirements revised: *SHB 1317, CH 168 (1988)
- Roads, maintain and repair as a separate enterprise and facility, user charges: SB 6691
- Solid waste management, cities and their counties to have a single authority between them: SHB 115, SB 5218

CITIZEN COUNCILORS

- Centennial observance, futures research: SB 6302

CIVIL ACTIONS AND PROCEDURES (See also COURTS)

- Alcohol, social host, guests, etc., legal actions defined: SB 5867
- Joint and several liability revised: SB 5317
- Major revisions: SB 5262
- Personal injury actions, disclosure of tax consequences: SB 6694
- State is a party to action, fees, costs, and expenses when state does not prevail: SB 6365, SSB 6365

CIVIL ACTIONS AND PROCEDURES—cont.

Venue, district court, place of employment may substitute for residence: SB 6402,
*SSB 6402, CH 71 (1988)

CIVIL AIR PATROL

License plates, personalized license plates authorized: SB 6269, SB 6330

CLALLAM COUNTY

College courses, higher education coordinating board to establish upper division classes: SB 6367

CLARK COMMUNITY COLLEGE, DISTRICT NO. 14

Sally G. Schaefer, trustee, GA 9157,

confirmed pp. 158, 606, 721

David P. Yang, trustee, GA 9196,

confirmed pp. 19, 246, 1367

CLARKE, CHARLES C.

Director, department of community development,

GA 9131, confirmed pp. 185, 299

CLEMENCY AND PARDONS BOARD

Samuel R. "Johnny" Johnston, reappointed member, GA 9182,

confirmed pp. 16, 630, 1245, 1453

CLUBS

Golf clubs, sex discrimination, open space tax exemption: HB 1969, SB 6343

CODE REVISER

Motor vehicle installment contracts, maximum rate of interest to be published: HB 1622, *SB 6412, CH 72 (1988)

COLISEUM (See SPOKANE COUNTY)**COLLECTIVE BARGAINING (See also LABOR RELATIONS)**

Colleges and universities: SB 5224

Courts, district and municipal court employees: HB 1309

Expired agreements stay in effect until execution of successor agreements: SB 5484

Jails and radio dispatch personnel: SB 6022

References revised and clarified: *HB 1330, CH 110 (1988)

Successor clauses, binding and effective until expiration date of agreement: HB 1669

COLLECTOR VEHICLES

Fenders and license plates, revisions: *SB 6362, CH 15 (1988)

COLLEGES AND UNIVERSITIES

Admissions standards, sign language meets language requirement: *SSB 6452, CH 172 (1988)

AIDS education to all post-secondary education students: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6347

Collaborative projects between higher education and common schools: SB 6145, SSB 6145

Collective bargaining: SB 5224

Deferred annuities: HB 802

Disabled parking is free: SHB 1115

Donations of modern equipment encouraged, fair market value assessment and matching funds: SSB 6602

Donations of modern equipment encouraged, use tax exempt: SB 6602

Early outreach programs pilot project for middle school or high school students: SB 6684

Equipment obtained through intergovernmental loan or transfer, use tax exempt: SB 6561, SSB 6561

Financial aid for part-time students authorized: SB 5873

COLLEGES AND UNIVERSITIES—cont.

- Financial aid, student's concerns conveyed about budget cuts: SJM 8014
 Future teachers conditional scholarship program, grade-point criteria waiver allowed: *2SHB 1640, CH 125 (1988)
 Graduate fellowship trust fund established: SB 5660
 Grant program for needy students attending private schools: SB 5748
 Higher education achievement pilot program, tuition and fee waivers: SB 6697, SSB 6697
 Higher education master plan, budget: *SHB 1312, CH 289 (1988)
 Jefferson and Clallam County, upper division college classes to be established: SB 6367
 Master plan approved, study group established: HCR 4433, SCR 8429, SSCR 8429
 Minority recruitment, budget: *SHB 1312, CH 289 (1988)
 Nurses, scholarships, conditional scholarship program for nurses: SHB 1404, *SB 6638, CH 242 (1988)
 Part-time students, financial aid authorized: SB 5873
 Private schools, grant program for needy students: SB 5748
 Private schools, grants to Washington scholars: SHB 1800
 Private, state contracts for services with independent schools: SB 5430
 Savings bonds program: 2SHB 1356, *2SHB 1640, CH 125 (1988), SB 6591, SSB 6591
 Scholarship program for low-income working persons and single heads of household, public and private cooperation: SB 5461
 Senior development program: *SB 6418, CH 105 (1988)
 Student loan eligibility revised: HB 1885
 Teacher preparation, school improvement hours, collaborative efforts: SB 6145, SSB 6145
 Tuition and fee waivers, higher education achievement pilot program: SB 6697, SSB 6697
 Tuition and fees, cannot exceed average tuition at peer institutions: SB 6413
 Tuition at the regional schools and TESC changed: SB 5872
 Tuition waivers, requesting that they be exempted from federal income tax: SJM 8026
 Use tax exemption, equipment obtained through intergovernmental transfer or loan: SB 6561, SSB 6561
 Washington fund for excellence in higher education program, grants to encourage improvements: SB 5475
 Washington scholar's award, allowing private school attendance: *SSB 5558, CH 210 (1988)
 Washington scholar's award, grants to scholars attending private institutions: SHB 1800
 Washington scholars award, tuition and fee waivers for private schools: SB 5558

COLLIGAN, BERNARD

- Member, juvenile disposition standards commission,
 GA 9127 p. 76

COLLISIONS

- Livestock and motor vehicles, livestock's presumed negligence removed: SB 5171

COLUMBIA BASIN COMMUNITY COLLEGE, DISTRICT NO. 19

- W. David Shaw, reappointed trustee, GA 9187,
 confirmed pp. 17, 164, 438

COLUMBIA BASIN PROJECT

- Water availability study committee, sunset: SHB 1382

COLUMBIA COUNTY COURTHOUSE

- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

COLUMBIA RIVER

- Bridges, a 3rd bridge in Clark County studied: SCR 8435
 Columbia River Gorge interstate compact, commission established: SB 5472

COLUMBIA RIVER—cont.

Columbia river gorge, sites to be designated for spoils to improve recreational value: SJM 8028

Compact between Oregon and Washington entered into: SB 5472

Exploration in May of 1792 to be celebrated, joint commemoration with Oregon urged: SCR 8417

COMMISSION MERCHANTS

Exemptions to chapter application: *SSB 6344, CH 254 (1988)

COMMODITIES

Agricultural commodities redefined: *SSB 6344, CH 254 (1988)

Grain dealers, certain using only cash are exempt from bonding: *SHB 1285, CH 95 (1988)

Grain dealers, license fee for dealers exempted from bonding is \$75: *SHB 1285, CH 95 (1988)

Marketing agreements regarding participation in the pesticide regulation process: *HB 1304, CH 54 (1988)

COMMON CARRIERS (See also TRUCKS/TRUCKING)

Identification on certain large trucks: *SHB 1672, CH 56 (1988)

Motor freight carrier brokers regulated: SB 5844

Reform of present regulation system: SB 6589

COMMUNITY ACTION AGENCIES

Revisions, duties enlarged: SHB 1676, SB 6669

COMMUNITY COLLEGE EDUCATION, STATE BOARD FOR

Mitchell Bower Jr., member, GA 9143,

confirmed pp. 158, 245, 598

James W. Caley, member, GA 9066 p. 158

Lawrence E. Sanford, reappointed member, GA 9138,

confirmed pp. 158, 162, 312

COMMUNITY COLLEGES

Athletics, general fund moneys may not be used for intercollegiate athletics: SB 6593

Business and job retention program duties: 2SSB 6277

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

Capital incentives program, matching fund program for capital construction: 2SSB 5383, 3SSB 5383

Deferred annuities: HB 802

Distinguished professorship funding, matching grant program: SB 5429

District 24 created from district 12, Centralia community college and South Puget Sound community college: *HB 1361, CH 77 (1988)

Faculty members, reduced work load options for tenured faculty members: *SB 5953, CH 32 (1988)

Faculty ranking system: SB 5742

Farm foreclosure mediation: SSB 6344, SB 6545, SSB 6545

Instructional improvement program, endowments for funding distinguished professorships: SSB 5429

Instructional improvement program, matching grant program: SB 5429

Part-time faculty salary increase: *SHB 1312, CH 289 (1988)

Retirement provisions modified, supplemental pension benefits eliminated: SHB 53

State board, membership eligibility revised: *SB 6101, CH 76 (1988)

Tuition and fees, cannot exceed average tuition at peer institutions: SB 6413

Tuition changed: SB 5874

Washington fund for excellence in higher education program, grants to encourage improvements: SB 5475

COMMUNITY DEVELOPMENT, DEPARTMENT OF

- Charles C. Clarke, director, GA 9131, confirmed pp. 185, 299
- Business and job retention, DCD to assist DTED: SB 6050
- Business and job retention program, advisory committee, service delivery regions, survey: SB 6277, SSB 6277
- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)
- Development loan fund, additional funding to continue financing: SB 6692
- Development loan fund committee, sunset: *SHB 1382, CH 186 (1988)
- Early childhood education and assistance program, expand by 1,000 children, additional funds: SB 6595
- Economic development board, sunset: *SHB 1382, CH 186 (1988)
- Employee ownership advisory panel, sunset: *SHB 1382, CH 186 (1988)
- Farm-worker housing, grants: 2SHB 1301
- Investment opportunities office: SB 5589

COMMUNITY DOCKS

- Limited construction of community docks for multiple family residential use: SB 5784

COMMUNITY PROPERTY (See also RETIREMENT AND PENSIONS)

- Military benefits, community property distribution, modification of judgments: SHB 538
- Military benefits, modification of decrees distributing community property: SB 6304
- Quasi-community property, technical corrections: *SB 6113, CH 34 (1988)

COMPARATIVE FAULT

- Joint and several liability revised: SB 5317

COMPETITIVE BIDDING

- Neighborhood improvement projects exempt: *SHB 1633, CH 233 (1988)
- Voc-tech institutes are exempt in cases of sole source suppliers: HB 1786

COMPUTERS

- Software guarantees: SB 6748

CONCURRENT RESOLUTIONS

- Agricultural workers, joint select committee on unemployment compensation: SCR 8437
- Attorney general, urged to challenge federal tax reform: SCR 8426
- Columbia River bridge, a 3rd bridge in Clark County studied: SCR 8435
- Columbia River exploration in May of 1792 to be celebrated, joint commemoration with Oregon urged: SCR 8417
- Conference committees, joint rules amended: SCR 8425
- Contra aid opposed, normalize trade with Nicaragua: SCR 8433
- Cut-off dates for the 1988 session: *HCR 4426 (1988)
- Cut-off dates for 1988 revised: *HCR 4446 (1988)
- Cut-off dates for 1988 revised: *HCR 4452 (1988)
- Disability, minority group for affirmative action purposes: SCR 8403, SSCR 8403
- Fraser river sockeye panel: *SHCR 4403 (1988)
- Gillnet fishing during daylight hours, rule development: *SHCR 4403 (1988)
- Governor notified by the house that the 1988 legislature is ready: *HCR 4428 (1988)
- Higher education master plan approved, study group established: HCR 4433, SCR 8429, *SSCR 8429 (1988)
- Huntley, Elmer, commemorated with a bridge: *SCR 8434 (1988)
- International trade, tourism, and investment, joint legislative study: SCR 8432, SSCR 8432
- Joint session to hear the governor's 1988 state of the state: *HCR 4427 (1988)
- Julia Butler Hansen commended for her public service: *SCR 8428 (1988)
- Lottery commission practices to be studied: SCR 8436
- Medal of merit, joint legislative session to recognize recipients: *HCR 4441 (1988)

CONCURRENT RESOLUTIONS—cont.

- Nonprofit competition with the private sector, joint select committee: SCR 8427, SSCR 8427
- Nuclear affairs, joint select committee: SHCR 4430
- Pacific fisheries legislative task force, participation: SCR 8424
- Pacific fisheries task force established: *HCR 4402 (1988)
- POW and MIA flags, display urged: SCR 8430, *SSCR 8430 (1988)
- Reintroduction of the 1987 legislation: *HCR 4425 (1988)
- School construction, joint select committee: *HCR 4460 (1988)
- Sine die, 1988 regular session: *HCR 4453 (1988)
- Sine die, 1988 1st special session: *HCR 4458 (1988)
- Sine die, 1988 1st special session, notify governor: *HCR 4459 (1988)
- Transportation needs to be considered in policy development: HCR 4435
- Vocational rehabilitation, joint select committee established: SCR 8407
- Women in athletics, joint legislative advisory committee: HCR 4431
- Workforce training and retraining, joint select committee: SCR 8431

CONDOMINIUMS

- Definition includes parking stalls: SB 5891
- Homestead exemption not for debts arising from covenant: *SHB 1329, CH 192 (1988), SB 6162, SSB 6162
- Uniform condominium act: SB 5884, SB 6719

CONDOMS

- Confiscation by law enforcement prohibited unless necessary for safety or evidence: SB 6221

CONFLICT OF INTEREST

- Senator Nelson, SB 6095 p. 132
- Senator Madsen, SSB 6438 p. 442

CONNER, SENATOR PAUL

- Appointed member economic development and labor, and transportation committees pp. 14, 15

CONSERVATION

- Dangerous wastes, DOE to operate a waste exchange between industries: SHB 332
- Water, model water use plans: SB 6579

CONSERVATION, DEPARTMENT OF

- Devolution of power, obsolete references corrected: *SB 6370, CH 127 (1988)

CONSERVATION DISTRICTS

- Special assessments authorized: SB 6526, SSB 6526

CONSTITUTIONAL AMENDMENTS (See JOINT RESOLUTIONS)**CONSTRUCTION (See also CONTRACTORS)**

- Liens, consumer information for use by all real property lenders: SB 6569, *SSB 6569, CH 270 (1988)
- Special fuel reporting requirements revised: *SSB 6399, CH 51 (1988)

CONSUMER PROTECTION

- Equity skimming, prohibitions: SB 6096, *SSB 6096, CH 33 (1988)
- Health care professionals, omnibus registration act: SB 5752
- Insurance commissioner duties: *2SHB 318, CH 248 (1988)
- Insurance consumer board created: SB 5875
- Telecommunications, alternate operator services, services without disclosure: *SB 6745, CH 91 (1988)
- Trade or commerce violations that constitute unfair or deceptive acts or practices, consumer protection violations: SB 5374

CONTINUING CARE (See also NURSING HOMES)

Continuing care retirement communities, certain exempt from certificate of need:
 *SHB 1392, CH 20 (1988)

CONTRA AID

Oppose: SCR 8433

CONTRACTORS

Actions against deposit or bond, revisions: SB 6550

Affidavit of contractor: SB 6434

Bonds and securities, claims against clarifications: SB 6357, *SSB 6357, CH 139 (1988)

Construction job site notice, failure to comply: SB 6434

Disclosure, lien claim: SB 6435, *SSB 6435, CH 182 (1988)

Farm contractor security bonds: SB 5645

Liens, consumer information for use by all real property lenders: SB 6569, *SSB 6569, CH 270 (1988)

Liens, enforcement of liens revised: SB 6434

Materialmen's liens, notice does not apply to contractors or subcontractors supplying mixed labor/materials for a single job: SB 6701

Mechanics and materialmen's infractions, each day and each worksite is a separate infraction: SB 5790

Notice to customers to note the status of the contractors bond: *SSB 6435, CH 182 (1988)

Notice to customers to note the status of the contractors registration: SHB 1342

Public works projects, contractors must be registered in state: SHB 1364

Registration denied for unsatisfied judgments: *SB 6182, CH 285 (1988)

Repairperson time of arrival must be specified: SB 5485

CONTRACTS

Enforcement, period of limitations revised: SB 6401

Neighborhood improvement projects exempt from competitive bidding requirements: *SHB 1633, CH 233 (1988)

Private colleges and universities, state contracts for instructional services: SB 5430

Real estate contract forfeitures, revisions: *SB 6143, CH 86 (1988)

State contracts with individuals or entities not prohibited: SB 6708

CONTRIBUTORY FAULT

Employer immunity, third-party defendants, wilful disregard of safety: SB 5491

Joint and several liability revised: SB 5317

CONVENIENCE STORES

Twenty-four hours, maintain safety: SHB 1717

CONVENTION AND TRADE CENTER

Acquisitions and transfers of real property, need OFM and legislative approval: *HB 2057, CH 1 E1 (1988), SB 6757, SSB 6767

Credit cards may be honored for goods and services: *HB 2057, CH 1 E1 (1988), SSB 6767

Eagles building cleanup and repair: *HB 2057, CH 1 E1 (1988), SB 6588, SB 6757, SSB 6767

General obligation bonds, modifications: *HB 2057, CH 1 E1 (1988), SB 6757, SSB 6767

Lease and sublease contracts authorized: SB 6588

Lease and sublease, need OFM and legislative approval: *HB 2057, CH 1 E1 (1988), SB 6757, SSB 6767

Lease of individual retail space, meeting rooms, and facilities, no OFM approval required: *HB 2057, CH 1 E1 (1988), SB 6757, SSB 6767

Marketing and promotion, use additional tax revenue: *HB 2057, CH 1 E1 (1988), SB 6757, SSB 6767

McKay parcel purchase: *HB 2057, CH 1 E1 (1988), SB 6588, SB 6757, SSB 6767

Public facilities district: *HB 2057, CH 1 E1 (1988), SSB 6767

CONVENTION AND TRADE CENTER—cont.

- Seattle-King county convention and visitors bureau, contracts authorized for marketing: *HB 2057, CH 1 E1 (1988), SB 6588, SB 6757, SSB 6767
- Spokane county, trade, sports, and convention center, public nonprofit corporation authorized to construct: SB 6757
- Supplemental operating budget: *SHB 1312, CH 289 (1988)
- Tax revisions: *HB 2057, CH 1 E1 (1988), SB 6588, SB 6757, SSB 6767

COOPERATIVE ASSOCIATIONS

- Immunity of directors: SB 5827

CORPORAL PUNISHMENT

- Child discipline, reasonable and moderate force permitted: SB 6363, SSB 6363
- Day care, limiting the use: SB 6230
- Day care, prohibited: SB 6441
- Prohibited beginning with the 1990 school year: SB 6228
- Prohibited 9/1/88: SSB 6228

CORPORATIONS

- BIDCO, formation of corporations authorized: SB 6220, SSB 6220, 2SSB 6220
- Director personal liability limited: SB 5102
- Model shared foreign sales corporation: SB 6273
- Nonprofit corporations, director liability limited: SB 5141
- Nonprofit, disclosure of profit activities: SB 5683
- Takeovers, provisions revised: *SHB 1729, CH 225 (1988), SB 6475, SSB 6475
- Workers' compensation coverage modified: SB 5612

CORRECTIONS, DEPARTMENT OF (See also PRISONERS/PRISONS: SENTENCING)

- AIDS, prisoners may be examined and treated: SSB 6221, SB 6335
- AIDS, prisoners may be tested: *2SSB 6221, CH 206 (1988)
- AIDS, segregation policy to be studied: *2SSB 6221, CH 206 (1988)
- Assault, custodial assault, definition expanded to include community corrections officers and volunteers: *HB 1280, CH 151 (1988)
- Assault, employee assault benefits, assaults occurring in offices: *HB 1272, CH 149 (1988)
- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)
- Child abuse, corrections officer training to identify and prevent: *SHB 1312, CH 289 (1988)
- Community corrections officers, immunity: *SHB 1424, CH 153 (1988)
- Community custody program, sex offenders and violent offenders: SB 5577
- Community custody, study classification system used to determine supervision level: *SHB 1424, CH 153 (1988)
- Conditionally released prisoners, payment provisions: SB 5551
- Cost of prisoner care may be collected from prisoners: SB 5119
- Furloughs, revising conditions: SB 5676
- Health care information system to be established: SB 6737
- Inmate personal property, state liability restricted: SB 6679
- Inmate work programs, competitive impact study required: SB 5711
- Juvenile rehabilitation, 14 years and older, transfer authority to department of corrections: SB 6336
- Local and state government to share responsibility, resources, and convicts: SB 5576
- McNeil Island parking problems, supplemental operating budget: *SHB 1312, CH 289 (1988)
- Partial confinement programs, county and state funding responsibility: SB 5576
- References corrected, terminology updated, revisions: *SHB 1271, CH 143 (1988)
- Residential confinement of certain offenders authorized: SB 6194
- Restitution by offenders to victims, supervision by department: SHB 1279
- Shelton population, revisions: *SHB 1271, CH 143 (1988)

CORRECTIONS, DEPARTMENT OF—cont.

Superintendents of institutions, powers, duties, and responsibilities specified: *SHB 1271, CH 143 (1988)

COUNSELING/COUNSELORS

Rape by counselors, class C felony: SB 5695

Teenage parents who are victims of abuse, budget: *SHB 1312, CH 289 (1988)

COUNTIES

Alteration of boundaries, new counties, annexation, consolidation: 2SSJR 8203

Annexations, petition needs 10% versus existing 20%: SHB 1702, SB 6533

Boundaries, alteration, constitutional provisions modified: SJR 8203, SSJR 8203

Citizens' committee to review local governments: SHB 1632, SB 6463

Correction boards may be established: SB 5576

Dependency proceedings and families in conflict procedures, obligation for county to pay clarified: SB 6739

Home rule charters, adoption procedures: SHJR 4210

Insurance, excess insurance: SB 5262

Payday revisions: *SHB 1652, CH 281 (1988)

Publication of legal notice, requirements revised: *SHB 1317, CH 168 (1988)

Research bureau, liquor excise tax distribution to association of counties: HB 2002

Roads, elect to maintain and repair as a separate enterprise and facility, user charges: SB 6691

Sheriff's office, permitting county employees to transfer to prior existing positions: SHB 1334

Solid waste management, cities and their counties to have a single authority between them: SHB 115, SB 5218

Tax on public utilities authorized, rate differentials allowed: SB 6683

COUNTY COMMISSIONERS

Five member boards: SSB 5020

COURTS

Appellate procedure terminology revised: *SB 5016, CH 202 (1988)

Child testimony regarding sex offenses, admissible in all proceedings: SSB 6506

Collateral attack on a judgment in a criminal case, limitations: SB 6280

Contributory fault, wilful disregard of safety by employer: SB 5491

Costs, definition clarified: *SHB 1617, CH 169 (1988), SB 6640

Costs, remittal of court costs to state treasurer, revisions as to what cost is: SB 5826

District court judges, 1/2 annual salary shall be paid by state: SB 6490

District courts, venue, civil actions, revisions, place of employment may substitute for residence: SB 6402, *SSB 6402, CH 71 (1988)

Employer immunity, third-party defendants, wilful disregard of safety: SB 5491

Judgments, employer immunity, third-party defendants, wilful disregard of safety: SB 5491

Judgments, enforcement of judgments, revisions: *SHB 1368, CH 231 (1988)

Judgments, settlement offers rejected, judgment 25% less than offer, fees, interest: SB 5490, SB 6015

Judicial information system, supplemental operating budget: *SHB 1312, CH 289 (1988)

Juries, instruction relative to fair and just verdict: SB 5356

Juries, revisions regarding selection and summoning: *SHB 1460, CH 188 (1988), SB 6180

Juvenile court training curriculum: HB 1539, SB 6308, *SSB 6308, CH 234 (1988)

Marriage solemnization by court commissioner allowed: SB 5103

Municipal and district courts, study impact of consolidation: SSB 6439

Municipal court departments, additional added to cities over 400,000: SB 6439

Personal restraint petitions, filing limitations: SB 6280

Postconviction relief, collateral attack limitations: SB 6280

Prejudgment interest, period of time for which interest is payable specified: SHB 877

COURTS—cont.

Rule against perpetuities, statutory rule provided: SB 5470

Small claims court, appeals, monetary thresholds: SB 5943, *SSB 5943, CH 85 (1988)

Small claims court, jurisdiction increased to \$2,000: SB 5943, *SSB 5943, CH 85 (1988)

Small claims court, jurisdictional amount increased to \$5,000: SB 5198

Small claims court, model informational brochure to be prepared: SB 5943

Supplemental operating budget, superior court judges program: *SHB 1312, CH 289 (1988)

Yakima county, additional judge: SB 6742, *SSB 6742, CH 66 (1988)

CPR

Swimming pools, instructions to be posted at multifamily pools: SB 6206

CRAB (See also FISHERIES, DEPARTMENT OF)

Coastal waters, regulation of commercial crab fishing, study moratorium: SB 6749

Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038

CRACK HOUSES (See also DRUGS)

Nuisances, controlled substances: *SHB 692, CH 141 (1988)

Opium den language revised: *SHB 692, CH 141 (1988)

Public nuisance: SSB 5070

Unlawful to rent, lease, or use the property for drug distribution: SSB 5070

CRASH PARTS

Motor vehicle aftermarket crash parts, use regulate: SB 6285

CRASWELL, SENATOR ELLEN (See also VICE PRESIDENT PRO TEMPORE; also RULINGS AND REPLIES BY VICE PRESIDENT PRO TEMPORE; also PARLIAMENTARY INQUIRIES)

Elected vice president pro tempore p. 6

Appointed ways and means, vice chair; children and family services, education, and rules committees pp. 14, 15

CREDIT CARDS

Local improvement and utility local improvement district assessments may be made with cards: SB 6198

Taxes, real and personal property taxes may be paid with cards: SB 6198

CRIME LABORATORY

Crime laboratory subcommittee of the criminal justice services advisory council created: SSB 6215

Director to be appointed for 6 years: SB 6215

Law enforcement crime laboratory council established: SB 6215

Revisions, bureau authorized to give lab prominence: SB 6215

Study by council regarding combining crime lab, toxicology lab, and examiner system: SB 6215

Supplemental operating budget: *SHB 1312, CH 289 (1988)

CRIME VICTIMS COMPENSATION (See VICTIMS/WITNESSES OF CRIME)**CRIMES (See also VICTIMS/WITNESSES OF CRIMES)**

AIDS, assault in the 1st degree to transmit AIDS: SB 6335

AIDS, assault in the 2nd degree: *2SSB 6221, CH 206 (1988)

Alcohol, unlawful to supply to minor: SSB 5070

Assault, custodial, includes community corrections officers and volunteers: *HB 1280, CH 151 (1988)

Assault on corrections' employees performing duties: *HB 1272, CH 149 (1988)

Assault on sports officials, gross misdemeanor: SB 6256

Assault, second degree revised, assault in general redefined, vetoed: SHB 752

Assault, 2nd degree, pain or agony equivalent to torture: *SHB 752, CH 266 (1988), *SSB 6147, CH 158 (1988)

CRIMES—cont.

- Assault, 3rd degree, criminal negligence causes substantial pain with considerable suffering: SSB 6147
- Burglary, residential burglary is more serious than 2nd degree: SB 6282
- Burglary, 2nd degree, seriousness increased: SB 6251
- Chewing tobacco and snuff, purchase by minors is a misdemeanor: SB 5092
- Child sexual abuse, statute of limitations, 3 years, claims not barred by imputed knowledge of custodian: SB 6305, *SSB 6305, CH 144 (1988)
- Child sexual abuse, trial must commence within 6 months: SB 6322
- Child sexual abuse, trial must not be delayed: SSB 6322
- Chronic offenders, juveniles: SB 6282, SSB 6282
- Collateral attack on a judgment, filing limitations: SB 6280
- Commercialization by criminal, after 5 years proceeds in escrow are divided between perpetrator and crime victims fund: *SHB 1279, CH 155 (1988)
- Controlled substances, penalties increased: SB 5701
- Crack houses and the like, unlawful to rent, etc., for drug distribution: SSB 5070
- Criminal mistreatment, substantial bodily harm redefined: SB 5449
- Defacing public property: SSB 5145
- Defense of person or property, revisions regarding heinous crime, victim may file claim with state: SB 6108
- Diminished mental capacity: SB 5963
- Driving while affected by intoxicating liquor, .08: SB 6657
- Drug transactions or business involving coercion of minors unlawful: SSB 5070
- Drugs, controlled substances homicide, class B felony: SSB 5070, SB 5362
- Drugs, crack houses and the like, unlawful to rent, etc., for drug distribution: SSB 5070
- Drugs, school ground transactions illegal: SSB 5070
- Drugs, 20 year minimum sentence for offenses involving minors: SB 5121
- Equity skimming, prohibitions: SB 6096, *SSB 6096, CH 33 (1988)
- Escape redefined: *SHB 1424, CH 153 (1988)
- Felonies, unranked, seriousness levels: SB 6461
- Food stamps, illegal transfer, penalty increase: *SHB 1339, CH 62 (1988)
- Homicide by abuse, bail jumping class A felony: HB 1265
- Homicide, controlled substances homicide, class B felony: SSB 5070, SB 5362
- Juvenile court training curriculum: HB 1539, SB 6308, *SSB 6308, CH 234 (1988)
- Juvenile justice act, minor redefined: SB 6573
- Juvenile offenders, diversion agreements: SB 5448
- Juveniles, chronic offenders: SB 6282
- Logging, penalties for hindering logging: HB 1888, SB 6195, *SSB 6195, CH 224 (1988)
- Major crimes investigation and assistance unit: SB 5432, 2SSB 5538
- Mental competency of criminals: SB 5841
- Mental defenses revised, insanity, deficient: SHB 1432, SB 6281
- Motor vehicles, criminal possession, class C felony: SB 6656, SSB 6656
- Motor vehicles, taking without permission, increasing the criminal seriousness: SB 6253
- Murder by juveniles, adult jurisdiction: SB 5661
- Murder, controlled substances homicide, class B felony: SSB 5070, SB 5362
- Opium dens, revisions: *SHB 692, CH 141 (1988)
- Patronizing a prostitute, misdemeanor: *SHB 1302, CH 146 (1988)
- Personal restraint petitions, filing limitations: SB 6280
- Postconviction relief, collateral attack limitations: SB 6280
- Profiting from crimes, disposition of escrow account: *SHB 1279, CH 155 (1988)
- Rape by counselors, class C felony: SB 5695
- Reenactment of crimes, after 5 years proceeds in escrow are divided between perpetrator and crime victims fund: *SHB 1279, CH 155 (1988)
- Sex offenses involving age differentials, definitions, classifications, sentencing matrix: *SHB 1333, CH 145 (1988)
- Sexual offenses against children, revisions: SB 6171, SB 6359, SB 6387

CRIMES—cont.

- Sexual offenses, victim is developmentally disabled, perpetrator is in a position of authority over victim: SB 6289
- Sexual offenses, victim is developmentally disabled, perpetrator is supervisor, penalties established: *SHB 1302, CH 146 (1988)
- Statute of limitations revised: SB 6171, SB 6359, SB 6387
- Substantial bodily harm definition revised, temporary disfigurement, temporary loss: SB 6147
- Substantial bodily harm redefined: *SSB 6147, CH 158 (1988)
- Substantial bodily harm, temporary but substantial loss: SSB 6147
- Telecommunications interference, misdemeanor: SB 6565, SSB 6565
- Theft of livestock, penalties revised: *SB 6608, CH 218 (1988)
- Theft, sentencing revised: SB 6428
- Tires, waste tire violations: *SB 6720, CH 250 (1988)
- Tree spiking, criminal and civil penalties for hindering logging: HB 1888, SB 6195, *SSB 6195, CH 224 (1988)
- Trespass, criminal trespass to property defined: SB 5494
- Uniform criminal history records act, adopting: SB 5681
- Victims, constitutional rights at criminal trials created: SJR 8228, SSJR 8228
- Violent crimes, reporting requirements revised to include CPS: SB 6172, SSB 6172
- Wildlife, obstructing the taking of fish or wildlife: *SB 6480, CH 265 (1988)

CRIMINAL JUSTICE INFORMATION

- OFM may contract for collection and transmittal: *SHB 1419, CH 152 (1988)

CRIMINAL MISTREATMENT

- Substantial bodily harm redefined: SB 5449

CRIMINAL TRESPASS

- Property, defined: SB 5494

CROUCH, DAVID

- Trustee, Pierce community college district no. 11, GA 9119, confirmed pp. 158, 589, 596

CUSTODIAL ASSAULT (See CORRECTIONS, DEPARTMENT OF)**CUSTODY (See CHILD CUSTODY)****DAIRY PRINCESSES**

- Princess Syrie Hollen, introduced and addressed Senate p. 305
- Alternate Princesses Susan Lanting and Melinda Flaig introduced p. 305
- Dairy family of the year, Boyd and Terri Johnson and family introduced p. 305

DAMS

- Elwha River, removal of dam, study: SB 6425, SSB 6425

DANGEROUS WASTES (See HAZARDOUS MATERIALS)**DARRINGTON**

- School construction: *SSB 6763, CH 2 E1 (1988)

DAVIS, JOSEPH H.

- Member, commission on judicial conduct, GA 9145, confirmed pp. 76, 605, 716

DAVIS, RICHARD A.

- Director, office of financial management, GA 9146, confirmed pp. 596, 717

DAY CARE

- B & O tax does not apply to money received from DSHS or Indian organizations as compensation for care: HB 1734

DAY CARE—cont.

- Business and occupation tax deduction for certain expenses of day care centers: SB 6118
- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)
- Child care coordinating committee, coordination between state education and child care agencies: SB 6118, *SSB 6118, CH 213 (1988)
- Corporal punishment, limiting the use: SB 6230
- Corporal punishment prohibited, hitting, spanking, slapping, striking: SB 6441
- Educational program on positive discipline for day care providers and foster parents: SSB 6441
- Funding increased for payment rate increases for regular and reservation day care: SB 6531
- Grants, child care expansion grant fund, awards on a one-time basis to persons starting a center: SB 6118, *SSB 6118, CH 213 (1988)
- Insurance, installment payments are required to be offered: SB 6586
- Risk management pool for claims against child care providers: SB 6587
- School-age child care pilot projects by SPI: SB 6527
- Subsidy program, review by the child care coordinating committee: SB 6118, *SSB 6118, CH 213 (1988)
- Supplemental operating budget: *SHB 1312, CH 589 (1988)
- Training for day care providers and workers, recognizing and reporting child abuse: SB 6441

DEAF PERSONS

- Educational service districts may contract with school for the deaf: *HB 1693, CH 65 (1988)
- Park passes, provisions revised, classifications and categories modified: SB 6727
- Service dogs, killing or injuring: *SSB 6350, CH 89 (1988)

DEAF, STATE SCHOOL FOR

- Mildred Johnson, reappointed trustee, GA 9209, confirmed pp. 214, 340, 1455
- Marjorie Trevarthen, trustee, GA 9175, confirmed pp. 340, 1177

DEAN, SHARON

- Miss Washington introduced and addressed Senate p. 201

DEAR, JOSEPH A.

- Director, department of labor and industries, GA 9132, confirmed pp. 72, 605, 658

DEATH

- Natural death act, revisions: SB 5696
- Nurses, death determination and pronouncement: *SB 6293, CH 37 (1988)
- Traffic fatalities, markers along highway: *SHB 1740, CH 98 (1988)

DEBENTURE COMPANIES

- Revisions: *SHB 1525, CH 244 (1988)
- Scrutinize, budget: *SHB 1312, CH 289 (1988)

DEBT ADJUSTING

- Revising regulation: SB 6553, SSB 6553

DECCIO, SENATOR ALEX A.

- Second nomination of Senator Ellen Craswell as vice president pro tempore p. 6
- Appointed health care and corrections, chair; economic development and labor, and ways and means committees pp. 14, 15
- Motion to make 2SSB 6221 special order of business p. 1616
- Personal privilege, thanks everyone who helped to pass 2SSB 6221 p. 1619

DECKARD, JERRY

Chairman, house ways and means committee, state of Idaho
introduced

p. 581

DEEDS OF TRUST

Inflated appraisals, remedy: SB 6634

DEFENSES

Criminal mental defenses revised, insanity, deficient: SHB 1432, SB 6281

Lien foreclosure proceedings on residences: SB 6436

Wrongful life/birth: SB 6648

DEFERRED COMPENSATION

Membership modified: SHB 1852

DEFERRED PROSECUTION

Select committee on deferred prosecution created to study problems: SB 6627

DeJARNATT, SENATOR ARLIE U.

Appointed member environment and natural resources,
governmental operations,
and transportation committees

pp. 14, 15

DENTAL HYGIENISTS

Independent practice: SB 5607

DENTAL SERVICES

Insurance benefits, employers to offer alternative to limited provider plans: SB
6631, *SSB 6631, CH 259 (1988)

TMJ and CMD health care insurance coverage: SB 6129

DENTISTS

Anesthesia, dental disciplinary board may adopt rules: *HB 668, CH 217 (1988)

DENTURISTS

Certification: SB 5526

DESTRUCTIVE DEVICES

Prohibiting the sale, possession, or transportation: SB 5187

DEVELOPMENT LOAN FUND (See COMMUNITY DEVELOPMENT, DEPARTMENT OF)**DEVELOPMENTALLY DISABLED**

Abuse reports by public employees, legal defense: *SB 6600, CH 87 (1988)

Abuse reports, case planning, consultants as designated by DSHS: HB 1546, *SB
6338, CH 39 (1988)

Commitment procedures for persons who are dangerous to others but incompetent to stand trial or insane: HB 1903

Conservation corps, waiver of age requirement for residents with handicaps:
*SHB 1952, CH 78 (1988)

Constitutional references to disabilities revised: SHJR 4231

Criminal mistreatment, substantial bodily harm redefined: SB 5449

Fishing permits for groups supervised by health care facility or hospital staff: HB
1936

Long-term care ombudsman office moved to AG, advisory committee created:
SB 5270

Malicious reporting of abuse, penalties imposed: *SHB 608, CH 142 (1988), SB 5707

Pilot project to be proposed to integrate delivery of existing and new services: SB
6203, SSB 6203

Reorganization of services and statutes: *SHB 1618, CH 176 (1988), SB 6337

Report on state care including hospitalization records and services provided: SB
6203, SSB 6203

Sexual offenses when perpetrator is in a position of authority over victim: SB 6289

DEVELOPMENTALLY DISABLED—cont.

Sexual offenses when perpetrator is supervisor, penalties established: *SHB 1302, CH 146 (1988)

Volunteer support for families, pilot program: SB 6117

DIAMOND POINT TRUST PROPERTY

DNR land, transferred to parks and recreation commission: *HB 1616, CH 79 (1988), SB 6665

DIESEL FUEL (See OIL AND GAS PRODUCTS)**DIETITIANS**

Certification, regulation: SHB 1513, SB 5669, *SSB 5669, CH 277 (1988)

DIGUILIO, DANIEL A.

Member; juvenile disposition standards commission, GA 9126, confirmed pp. 76, 604, 676

DIMINISHED MENTAL CAPACITY

Conviction and commitment procedures: SB 5963

DISABILITY (See WORKERS' COMPENSATION)**DISABLED PARKING**

Colleges and universities, free parking: SHB 1115

Failure to post signs, penalties: *SHB 1612, CH 74 (1988)

DISABLED PERSONS (See also DEVELOPMENTALLY DISABLED)

Affirmative action, disability, minority group: SSCR 8403

Affirmative action, disabled persons included as minorities: SCR 8403

Criminal mistreatment, substantial bodily harm redefined: SB 5449

Employment preferences: SHB 1459

Hunting and fishing licenses free for disabled veterans: SB 5653, SSB 5653

Malicious reporting of abuse, penalties imposed: *SHB 608, CH 142 (1988), SB 5707

Minority for the purposes of the office of minority and women's business enterprises: SB 5328

Park passes, provisions revised, classifications and categories modified: SB 6727

Parking, revisions: *SHB 1612, CH 74 (1988)

Utility rate reduction for low-income disabled citizens: SB 6200, *SSB 6200, CH 44 (1988)

DISCOVERY

Judicial council to study whether there should be mandatory discovery conferences: SB 5262

DISCRIMINATION

AIDS, protected status: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6335

Golf clubs who desire open space classification may not discriminate based on sex: HB 1969, SB 6343

Indian and non-Indian fisheries, persons fishing both, regulated: SB 5050

Insurance, AIDS discrimination regulated: SB 5773, *2SSB 6221, CH 206 (1988)

Reproductive status: SB 6360

Tax preferences, organizations, corporations, or associations that discriminate are ineligible for preferences: SB 6750

DISLOCATED WORKERS (See also BUSINESSES; WORK)

Displaced by new machinery, etc., of businesses receiving manufacturing deferrals: SB 6689

Hanford plant closure disaster plan, retraining, etc.: SJM 8029

DISPUTES

Natural resource disputes, grants for mediation authorized: SHB 12

DISTRESSED AREAS (See also BUSINESSES; WORK)

Hanford plant closure disaster plan, retraining, etc.: SJM 8029

Local marketplace programs: 2SHB 1516

DISTRESSED AREAS—cont.

Location of new facilities by state agencies: SB 5296

Tri-Cities, manufacturing and research, tax deferral: *2SHB 1835, CH 42 (1988)

Workers' compensation premium rate, reduced rates for distressed traditional industries: SB 6738, SSB 6738

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Green lights on cars of rescue personnel: SB 5112

DNA

Fingerprinting, budget: *SHB 1312, CH 289 (1988)

DOCKS

Limited construction of community docks for multiple family residential use: SB 5784

DOCTORS

Drug abuse, voluntary program: *SSB 6470, CH 247 (1988)

Medical interns and residents, hours of labor regulated: HB 1458

Physicians assistants, scope of practice extended: SB 5971

DOGS

Guide or service dogs, killing or injuring, civil penalty: SB 6350, *SSB 6350, CH 89 (1988)

Police dogs, revisions: SB 6153

Research, acquisition of dogs to be used in experimentation, sellers/givers must have bred and raised animals: SB 6390

Sterilization funds via tax on dog or cat products: SB 6666

DOMESTIC VIOLENCE

County domestic violence prevention programs, funding via an additional \$17, marriage license fee: SHB 567

DOOR-TO-DOOR SALES

Regulated, age: SHB 1855

DREDGING

Open water dredge disposal plan: SB 6067

DRIVER'S LICENSES (See MOTOR VEHICLES)**DROUGHT**

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

Effective date extended through 1989: HB 1929

Loans and grants from DOE, grant percentage limitations: SHB 1993

Model water use plan: SB 6579

Water supply emergencies, providing for: SB 6513, SSB 6513, *2SSB 6513, CH 46 (1988)

Water use efficiency study: *SHB 1594, CH 45 (1988)

DRUG TESTING

False positive results, employer liability: SB 6224

Workplace testing limited: SHB 1876

DRUGS

AIDS counseling available for those arrested for drug offenses: *2SSB 6221, CH 206 (1988)

AIDS counseling to participants in drug treatment programs: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)

AIDS testing for persons convicted of syringe offenses: *2SSB 6221, CH 206 (1988)

Alcoholism and drug addiction treatment and shelter program: SB 5568

Alcoholism and drug treatment program, competency of personnel: *SHB 1383, CH 193 (1988)

Case management protective payee system: *2SHB 1565, CH 163 (1988)

DRUGS—cont.

- Chemical dependency, health care contracts to cover: SSB 5070
- Concealed weapons permits revoked from persons under influence of drugs or alcohol: *SHB 1845, CH 223 (1988)
- Controlled substances, dispensing records by pharmacists, health care people, hospitals: SB 6620
- Controlled substances, penalties increased: SB 5701
- Crack houses and the like, unlawful to rent, lease or use the property for drug distribution: SSB 5070
- Crack houses, public nuisance: SSB 5070
- Driver's license, privileges denied to juveniles convicted of drug or alcohol offenses: SB 6410, SSB 6410
- Emergency response, charge persons under the influence of drugs or alcohol for emergency response expenses: SB 6732
- Forfeiture of property, redistribution of proceeds: SB 6316, *SSB 6316, CH 282 (1988)
- Health care licensees, voluntary substance abuse program: SHB 1735, SB 6470, *SSB 6470, CH 247 (1988)
- Homicide, controlled substances homicide, class B felony: SSB 5070, SB 5362
- Landlord/tenant revisions: *SHB 1445, CH 150 (1988)
- Liquor revolving fund, juvenile alcohol and drug prevention programs: SSB 5070
- Marijuana given special status in trafficking/seizure procedures: 2SHB 1353, SB 6316
- Minors, drivers' license revocation for certain violations: *HB 1482, CH 148 (1988), SB 6429
- Mobile drug awareness program: SB 6508, SSB 6508
- Neuroleptic drugs, side effect warning required: SB 5860
- Nuisance, buildings used for unlawful drug activities: *SHB 692, CH 141 (1988), SB 6317, SB 6407
- Opium den language revised: *SHB 692, CH 141 (1988)
- Optometrists drug authority modified: SB 6029
- Optometrists, pharmacists may fill optometrists' prescription: SB 6029
- Optometry, therapeutic pharmaceuticals, education requirements: SB 6678
- Precursor drugs regulated: *SHB 1377, CH 147 (1988), SB 6632
- Prescriptions, revisions concerning controlled substances: SB 6620
- Prevention program for juveniles, liquor revolving fund: SSB 5070
- School ground transactions illegal: SSB 5070
- Shelter definitions provided: *2SHB 1565, CH 163 (1988), SB 6345, SSB 6345
- Trafficking, seizures, revisions, marijuana given special status: 2SHB 1353, SB 6316
- Transactions or business involving coercion of minors unlawful: SSB 5070
- Treatment, privileged communications waiver, involuntary commitment revisions: SB 6407
- Treatment program, incapacity determination: SB 6345, SSB 6345
- Treatment program, living allowance only for sobriety setting: *2SHB 1565, CH 163 (1988), SB 6345, SSB 6345
- Treatment program, shelter provision is to be met within DSHS available funds: *2SHB 1565, CH 163 (1988), SB 6345, SSB 6345
- Treatment, revisions in definitions, drug abuser, gravely disabled: SB 6407
- Twenty year minimum sentence for offenses involving minors: SB 5121
- Vacant beds of alcohol/drug programs to be used by homeless: *2SHB 1565, CH 163 (1988)
- Wire-tapping, interception of conversations concerning illegal controlled substances, limited use: SB 6146, SSB 6146, SB 6407, SB 6725
- Wire-tapping, one-party consent law changed: SSB 5070, SB 5362
- Wire-tapping, restricted occasions, restricted use of information: SB 6146
- Workplace testing limited: SHB 1876

DRUNK DRIVING

- Blood alcohol level threshold lowered to 0.08 grams: SB 6407

DRUNK DRIVING—cont.

- Blood/breath alcohol levels, penalty schedule: SB 5700
- Driving while affected by intoxicating liquor, .08: SB 6657
- DWI arrests, state grants to local governments: SB 6407
- Gas and alcohol are not to be sold concurrently: SB 5397
- Minors, privileges denied if convicted of drug or alcohol offenses: SB 6410, SSB 6410
- Occupational driver's licenses, ignition interlock systems: SSB 6410
- Vehicular homicide, seriousness level revised: SB 5775, SSB 5775

DUCCESCHI, FRANK

- Trustee, Peninsula community college district no. 1,
GA 9178, confirmed pp. 15, 611, 1308

DZHURABEKOF, ISMAIL

- First deputy to the prime minister USSR introduced
and addressed Senate p. 90

EAGLES, FRATERNAL ORDER

- Vince Cherry, grand worthy president; Mike Lagervall,
state worthy president; Don Slade, grand worthy inside guard;
and Elmer Hyppa, past state worthy president; introduced p. 300

EASTERN WASHINGTON UNIVERSITY

- James L. Kirschbaum, trustee, GA 9194,
confirmed pp. 18, 246, 1366
- Transferring to WSU: SB 5445

ECOLOGY, DEPARTMENT OF

- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)
- Dangerous wastes, DOE to operate a waste exchange between industries: SHB 332
- Drinking water, DOE authority: HB 1327, SB 6238, *SSB 6238, CH 279 (1988)
- Estuary program, DOE to exercise authority jointly with PSWQA: *HB 1325, CH 220 (1988), SB 6236
- Federal clean water act, DOE authority: *HB 1325, CH 220 (1988), SB 6236
- Flood control zones, Snohomish river, certain towns may apply for exemptions: SSB 5156
- Groundwater management advisory committees, sunset: *SHB 1382, CH 186 (1988)
- Obsolete references revised: *SB 6370, CH 127 (1988)
- Prosser well, DOE to sell its interest for fair market value: SB 6217, *SSB 6217, CH 137 (1988)
- Radiation and control agency, transfer to DOE: SHB 1442, SB 6426
- Radiation protection and management, DOE designated as single state agency responsible: SB 6426
- Secondary sewage treatment, waiver allowed when certain conditions met: SB 5044
- Testing laboratories, DOE to certify labs: SB 5590
- Violations of environmental protection laws, penalties increased: SB 6009
- Waste reduction office established within DOE: *SHB 1340, CH 177 (1988)
- Water, model water use plans: SB 6579
- Water use efficiency study: *SHB 1594, CH 45 (1988), SB 6380, SSB 6380, 2SSB 6380

ECONOMIC DEVELOPMENT

- Highway construction, economic development to be considered in state programs: HB 1843, SB 6747, SSB 6747
- Industrial development zones: SB 5743
- Local marketplace programs: 2SHB 1516
- Natural resource disputes, committee for mediation created: SHB 12
- New facilities, location requirements modified: SB 5296

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Criminal and civil penalties for hindering logging: HB 1888, SB 6195, *SSB 6195, CH 224 (1988)

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Vocational-technical institute instructors exempt from state patrol background checks: SB 6581, SSB 6581	

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Contracts with school for the blind or school for the deaf: *HB 1693, CH 65 (1988) Pooled insurance with school districts: SB 6501	
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EGGEN, KEITH M.

Adjutant general, military department, GA 9203, confirmed	pp. 20, 323, 1452
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Vacancies in elected office, fill according to constitution: SB 6485

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Voter registration, county auditor may investigate and cancel: SB 5048

Voter registration, revisions, 1st 15 days of 30 day period: SHB 22

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Air conditioning, heating, and ventilation, specialty license: SB 6049

Banded tariff rates permitted: *HB 1581, CH 166 (1988), SB 6438, SSB 6438

Billings, tax breakdown required: SB 6342, *SSB 6342, CH 228 (1988)

Contractors administrator certificate, continuing education: SB 5637

Electric signs, rewiring may be done without electrician's license: SB 5663

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Installations, L & I retains option to inspect on property of state: SB 5637

Joint development by cities, PUDs, and joint operating agencies, revisions: SHB 1363

Major public energy projects, redefined: SB 6283

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Suppliers, duplicative services, regulated: SB 6740

Tax to fund childrens trust account, CFS and K-12 funding: SB 6619

Thermal electric facilities, impacted area redefined: HB 1613

Ultimate consumer, purchaser acquiring energy for resale: HB 1881

ELLINGTON, ANNE L.

Reappointed member, sentencing guidelines commission,

GA 9171, confirmed pp. 77, 606, 1452

ELWHA RIVER

Dam removal, study: SB 6425, SSB 6425

EMERICK, MYRNA J.

Trustee, Lower Columbia community college district no. 13,

GA 9170 p. 158

EMERGENCY SERVICES

AIDS education for personnel: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)

Ambulance includes ground or air: SB 5231

Charge persons under the influence of drugs or alcohol for response expenses: SB 6732

Communication site leases on state lands, reduced rental fees for amateurs: *HB 1346, CH 209 (1988)

Compensation redefined for good samaritan law: SB 5268

Coordination between EMS regions and health/hospital districts, as well as private providers and local service agencies: SSB 6124

Definitions revised, implications for transporting liability: *HB 1626, CH 104 (1988)

Emergency medical services committee, sunset revised: *HB 1515, CH 288 (1988), SB 6301

EMERGENCY SERVICES—cont.

- EMT practical exam requirement for recertification eliminated under certain conditions: *HB 1543, CH 111 (1988)
- Green lights on cars of dive rescue personnel: SB 5112
- Green lights on private cars of emergency personnel: SHB 23
- Hazardous materials transportation, state patrol to be advised by the emergency management council: *HB 1492, CH 81 (1988), SB 6395, SSB 6395
- Immunity: SB 5262
- Revisions, DSHS procedures: SB 5231

EMINENT DOMAIN

- Library districts: SB 6700
- Power granted to park and recreation service areas: SHB 1393, SB 6128, *SSB 6128, CH 82 (1988)

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- Business and job retention program within DTED: SB 6050
- Drug and alcohol testing limited: SHB 1876
- Preferences provided for disabled persons: SHB 1459
- Unjust discharge, arbitration procedures established: SB 5965

EMPLOYMENT SECURITY, DEPARTMENT OF

- Administrative rulings, applicability limited: *SB 6537, CH 28 (1988)
- Business and job retention program, DTED, advisory committee, service delivery regions, survey: SB 6277, SSB 6277
- Business and job retention program, state-wide, reliance on locally based teams: SB 6624
- Confidentiality of information supplied by another agency: SB 6730
- Data to be collected on labor markets, wages, dislocated workers, layoffs, plant closures, etc.: SB 6050
- Dislocated worker, displaced by new machinery, modernization, or equipment of businesses receiving manufacturing deferrals: SB 6689
- First source contracts restricted: HB 1439
- Immigration, worker documentation certification: SB 6294, SSB 6294
- Labor market information system, computerized system: SB 6538, SSB 6538
- Public assistance and unemployment compensation recipients, assist in starting own business: SB 6004
- Targeted jobs tax credit program, appropriation: SB 6548, *SSB 6548, CH 84 (1988)
- Tri-cities, retraining of dislocated work force: *2SHB 1835, CH 42 (1988)

ENDANGERED SPECIES

- Endangered species conservation act: SHB 1451

ENERGY

- Conservation, loan authorization extended: HB 1479, *HJR 4223 (1988), SB 6278, SJR 8221
- Energy code, revised, state supersession date delayed: *SB 6408, CH 204 (1988)
- Energy site evaluation council, staffed by state energy office: SB 6517
- Major public energy projects, redefined: SB 6283
- Thermal electric facilities, impacted area redefined: HB 1613
- Thermal transmittance study, review: *SB 6408, CH 204 (1988)

ENERGY RECOVERY FACILITIES

- Incinerator siting, new solid waste burners and energy recovery facilities, regulating: SB 6415
- Records retention by incinerators or energy recovery facilities: HB 1636

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- Revisions: *SHB 1368, CH 231 (1988)

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- Task force: SB 6276, SSB 6276

ENVIRONMENT

- Arctic national wildlife refuge coastal plain, request that the area be exploited: SJM 8015
- Environmental excellence awards for solid waste reduction and recycling: SB 6265
- Natural resource disputes, grants for mediation authorized: SHB 12
- Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038
- Violations of environmental protection laws, penalties increased: SB 6009

EQUITY SKIMMING

- Prohibitions: SB 6096, *SSB 6096, CH 33 (1988)

EROTIC MATERIAL

- Sexual material, matter, and devices, minors access to these vices prohibited: SB 5778

ESCROW AGENTS

- Disbursement of funds in escrow transactions, collected funds act: SB 5562
- Regulated: *SHB 1369, CH 178 (1988), SB 6617

ESTATES (See also PROBATE)

- Technical corrections, revisions: *HB 1504, CH 29 (1988)
- Transfer tax, revisions: *HB 1371, CH 64 (1988)

ETHANOL (See also OIL AND GAS PRODUCTS)

- Gasohol must be available at state facilities: SB 6400
- Wholesale distributors, asking the federal government to require wholesalers to sell 5% more ethanol: SJM 8020

EUTHANASIA

- Natural death act, major revisions: SB 5696
- Standards of care regarding deliberately causing death: SB 6231

EVERETT

- Armed forces population, enrollment forecasts: *SB 6641, CH 260 (1988)
- Tideland exchange for Navy base: SB 5687

EVERETT COMMUNITY COLLEGE, DISTRICT NO. 5

- Donald J. Hale, trustee, GA 9180, confirmed pp. 16, 246, 1362
- Day care, supplemental capital budget: *SSB 6763, CH 2 E1 (1988)

EVIDENCE

- Labor and industries fraud appeals: SB 5216

EXCAVATIONS

- Compliance with location process, only liable for repair costs: SB 6703, *SSB 6703, CH 99 (1988)
- One-number locator service, all owners of facilities within area to subscribe: SB 6703, *SSB 6703, CH 99 (1988)
- Public works projects with deep trenches, safety systems: SB 6670, *SSB 6670, CH 180 (1988)

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- Destructive devices, sale, possession, or transportation prohibited: SB 5187
- Licensing procedures revised: SB 6530, *SSB 6530, CH 198 (1988)

EXPORT DEVELOPMENT AUTHORITY

- Established: SB 6635

FACTORY BUILT HOUSING

- Cities to review need for manufactured homes: *SHB 1690, CH 239 (1988), SB 6493, SSB 6493
- Codes and standards adopted: SB 6492
- Inspection fees in dedicated fund: SB 6492
- Manufactured home conversion, procedure for classifying home as either real or personal property: SB 6726

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FAMILY INDEPENDENCE PROGRAM

Approving implementation plan, revisions: *SB 6675, CH 43 (1988)

Established to reduce poverty: SB 5471

FAMILY LAW (See also CHILD CUSTODY, CHILD SUPPORT)

Marriage, fault marriage may be contracted for: SB 6389

Marriage, written marriage contracts authorized: SB 6389

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FAMILY LEAVE (See LEAVES OF ABSENCE)**FAMILY LIFE**

Education program designed to teach basic life skills and comprehensive health information, K-12: SHB 1627

FARLEY, EILEEN P.

Member, sentencing guidelines commission, GA 9169 p. 77

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Mediation through the community college system for foreclosures: SSB 6344, SB 6545, SSB 6545

Property taxes, farm and agricultural land includes appurtenances: SB 5175

Special fuel reporting requirements, farmers and loggers exempt: SB 6399, *SSB 6399, CH 51 (1988)

Taxes, revise schedule, waive penalties: SB 5686, SSB 5686

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Income tax, age 70 1/2 and still employed, retirements benefits modified in response to the tax reform act: *HB 1560, CH 59 (1988), SB 6456

Liens, uniform federal lien registration act: *SB 6563, CH 73 (1988)

Mail order businesses, out of state, federal legislation allowing collection of tax requested: SJM 8031

Multifamily rental housing developments, procedures of prepayments: SHB 1879

Targeted jobs tax credit program, appropriation: SB 6548, *SSB 6548, CH 84 (1988)

FELONIES

Unranked felonies, seriousness levels: SB 6461

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Collector vehicles, plates and fenders regulated: HB 1578, *SB 6362, CH 15 (1988)

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Fuel purchased for marine use, sales and use tax exempt: SB 6192

Licensed positions must first be offered to qualified ferry employees: SB 6743

Motor vehicle additional tax, report by DOT on the impact of the additional tax: SB 6376

Performance bonds, may be substituted with alternative forms of security: SHB 1267

Personnel to be according to coast guard certificate, not within scope of collective bargaining: SB 6353

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- Puget Sound ferry operations account, additional funding: SB 6193
- Puget Sound ferry operations account, perpetuating the additional motor vehicle excise tax: SB 6376, *SSB 6376, CH 191 (1988)
- Supervisors to be treated as management instead of employees: SB 6352

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- Fertilizer, mineral and lime money to agriculture local fund: SB 6344, *SSB 6344, CH 254 (1988)
- Toxic or radioactive, use prohibited: SB 6249

FIELDS SPRING TRUST PROPERTY

- DNR lands, certain transferred to the parks and recreation commission: *HB 1616, CH 79 (1988), SB 6665

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- Escrow transactions, collected funds act: SB 5562

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- Regulating: SHB 1440

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- DNA fingerprinting, budget: *SHB 1312, CH 289 (1988)

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- AIDS, personnel exposed to fluids may request testing: SSB 6221, 2SSB 6221
- District annexation of city or town and subsequent annexation by city of another service area, procedure: SHB 1702
- Emergency response, charge persons under the influence of drugs or alcohol for expenses: SB 6732
- Fire protection policy board, sunset: *SHB 1382, CH 186 (1988)
- Forest practices, forest protection zones to be created: SB 6299
- LEOFF, board membership eligibility: SB 6212, *SSB 6212, CH 164 (1988)
- Pregnant firefighters, limited duty work provided: SB 6414
- Priority for forest protection by DNR firefighters: *SB 6397, CH 273 (1988)
- Risk, assessment of fire risk in certain land use plans, plat approval conditions: SB 6279
- Rural community fire protection program: SB 6299
- Sprinkler system, licensing requirements: SB 6733
- Study by OFM of how state pays for fire protection services: SHB 1010
- Telecommunications, interference with public safety, misdemeanor: SB 6565, SSB 6565
- Workers' compensation benefits, eligibility revised regarding heart attacks: SB 6752

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- Created: SB 6486, *SSB 6486, CH 263 (1988)

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- Counties may prohibit, large cities may adopt restrictive ordinances: SB 5931
- Denial of licenses, administrative hearing provided: SB 6403
- Major revisions, preempting local authority, enforcement strengthened: SB 5859
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- Employment security, restricting: HB 1439

FISCHER, NANCYHELEN

- Member, commission on judicial conduct, GA 9147 p. 76

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- Barbed hooks authorized: SB 6188

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- Cedar River, sockeye salmon protected, spawning channel, UW study: SB 6189, SSB 6189
- Crab, coastal waters regulated, study possibility of moratorium: SB 6749
- Department of state resources created: SB 5027
- Free hunting and fishing licenses for disabled veterans: SB 5653, SSB 5653
- Frozen fish or shellfish, frozen at any time, disclosure required: SB 6344, *SSB 6344, CH 254 (1988)
- Gillnet fishing during daylight hours: SHCR 4403, SB 6721
- Group fishing permits for groups supervised by health care facility or hospital staff: HB 1936
- Hatcheries, private ownership provided for: SB 5828
- Herring, prohibiting herring spawn in any commercial fishery: SB 6247, SSB 6247
- Hotline, fishery user groups: *SHB 1312, CH 289 (1988), SB 6239, SSB 6239
- Hydraulic permits, stream stabilization projects, revisions: SB 6024, *SSB 6024, CH 272 (1988)
- Indian and non-Indian fisheries, persons fishing both regulated: SB 5050
- Lower Columbia recreational salmon fishing area clarified: SB 6572
- Pacific fisheries legislative task force, participation: SCR 8424
- Pacific fisheries task force established: HCR 4402
- Personal use license, two-consecutive-day personal use license and punchcard, no annual license required: SB 6185, SB 6687
- Personal use licenses eliminated: SB 6628
- Recreational fishing enhancement account, certain personal use fees, administration limited to 5%: SB 6687
- Salmon, curtailment of the foreign catch of Washington-produced salmon: SJM 8019, SSJM 8019
- Salmon, egg sales limited: SB 6248
- Salmon eggs, surplus, sale restricted depending on rehabilitation and watershed: SB 5036, *SSB 5036, CH 115 (1988)
- Salmon enhancement facilities, private ownership provided for: SB 5828
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- Salmon guides to be licensed: SB 6349
- Salmon in the Cedar River area protected, spawning channel, UW study: SB 6189, SSB 6189
- Salmon, long-term harvest allocation goals to be developed: SB 6424
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- Salmon, marine mammal protection requested: SJM 8018, SSJM 8018
- Salmon on the Skagit River, spawning channel on the lower river: SB 6190, SSB 6190
- Salmon production to be increased by 100% by year 2000: *SB 6647, CH 214 (1988)
- Salmon punchcard fees to general fund to retire bonds: SB 6687
- Salmon, purse seine gear in certain northeast Sound areas: SB 6315
- Salmon, recreational fishing in inshore ocean waters when offshore fishing is open: SB 6183
- Senior citizen salmon and steelhead bank fishing recreation area: SB 6571
- Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038
- Shellfish, commercial harvesting on state parks land prohibited: SB 6686
- Skagit River, spawning channel on the lower river: SB 6190, SSB 6190
- Skin or scuba divers, license to take fish or shellfish recreationally: SB 5126
- Smelt fishing, one-day derby by not-for-profit community organizations: SHB 1752
- Smelt, personal use license not required: SB 6388
- Steelhead, limited punchcard, \$5: SB 6259
- Steelhead punchcards free for persons over 70: SB 5384
- Storms prevent fishing, commercial seasons extended: SB 6184
- Vessel display and registration, fish cops shall enforce: SSB 6423

FISHERIES, DEPARTMENT OF—cont.

Vessel names and registration numbers, display required: SB 6423

FLAIG, MELINDA

Alternate dairy princess introduced p. 305

FLAVEL, CAPTAIN M. R.

Reappointed member, board of pilotage commissioners,
GA 9211, confirmed pp. 230, 583, 1455

FLEMING, SENATOR GEORGE

Appointed member children and family services, rules,
and ways and means committees pp. 14, 15

Parliamentary inquiry, opportunity to explain motion
to suspend rules p. 417

Point of order, request to ask question before SSB 6518
is advanced to third reading p. 490

Personal privilege, reply to Senator McCaslin's personal
privilege regarding compliment to republican senator p. 542

Personal privilege, good speech, with exception of
offensive term, ESHB 1312 p. 870

Point of order, amend motion to consider ESHB 655 p. 1030

Personal privilege, attempt to put ESHB 655 on
calendar p. 1031

Point of order, amendment to SHB 1745 p. 1058

FLOOD CONTROL

Disclosure of flood plain information: SHB 1412

Snohomish river flood control zone, certain towns may apply for exemptions: SSB
5156

Study reducing risk by removing sand and gravel: *SSB 6024, CH 272 (1988)

FLUORIDATION

Water districts authorized: *HB 1514, CH 11 (1988)

FOOD

Emergency food and shelter program, DCD to make loans to organizations that
provide services: *SHB 1389, CH 238 (1988)

Frozen fish or shellfish, frozen at any time, disclosure required: SB 6344, *SSB 6344,
CH 254 (1988)

Polystyrene food packaging that is disposable, sale prohibited: SB 6507

Vendor sales, tax exemption revised for vendors required to have work permit:
*HB 1507, CH 103 (1988), SB 6378

FOOD PROCESSORS

Revisions: *SHB 1473, CH 5 (1988)

Sanitary certificates, \$20 fee to agriculture local fund: SB 6344, *SSB 6344, CH 254
(1988)

FOOD STAMPS

Illegal transfer, penalty increase: *SHB 1339, CH 62 (1988)

FORECLOSURE

Farms, mediation through the community college system: SSB 6344, SB 6545, SSB
6545

Homestead, fair value, upset price provisions deleted: SB 5500, SSB 5500

Irrigation districts, foreclosure of property with delinquent assessments: *SHB
1297, CH 134 (1988)

Residences, lien foreclosure, defense established: SB 6436

FOREIGN TRADE

Trade fair fund, 1 million dollars may be spent each fiscal biennium on foreign
trade: HB 744

FOREST PRACTICES APPEALS BOARD

Norman L. Winn, reappointed member, GA 9114,
confirmed pp. 61, 72, 115

FOREST PRACTICES (See also TIMBER)

Closed lands, all entry closed: SB 6241
 Closure of state lands and associated roads, posting, hearings: SB 6242
 Fire, forest protection zones to be created: SB 6299
 Fire protection: *SB 6397, CH 273 (1988)
 Institute of forest resources advisory commission eliminated: *HB 1492, CH 81
 (1988), SB 6395, SSB 6395
 Special fuel reporting requirements, farmers and loggers exempt: SB 6399, *SSB
 6399, CH 51 (1988)

FORFEITURE

Drug sales, redistribution of proceeds: SB 6316, *SSB 6316, CH 282 (1988)
 Guns, revisions: *SHB 1845, CH 223 (1988)
 Real estate contracts: *SB 6143, CH 86 (1988)

FORT CASEY

Capital budget: *SSB 6763, CH 2 E1 (1988)

FORT WORDEN

Capital budget: *SSB 6763, CH 2 E1 (1988)

FOSTER CARE

B & O tax does not apply to money received from DSHS or Indian organizations
 as compensation for care: HB 1734
 Educational program on positive discipline for day care providers and foster
 parents: SSB 6441
 Minority race or ethnicity to be considered in placement: SHB 1858, SB 6521, SSB
 6521
 Placement, revisions: *SSB 6207, CH 189 (1988)
 Preferences for placement established: SHB 1858, SB 6521, SSB 6521
 Service delivery system to be audited by LBC: SB 6598
 Supplemental operating budget: *SHB 1312, CH 289 (1988)

FRANCHISES

Twenty-four hours, maintain safety: SHB 1717

FRAUD

Labor and industries appeals, evidence introduction changed: SB 5216

FRIVOLOUS LAWSUITS

Revisions: SB 5262

FROZEN FOOD

Fish or shellfish, frozen at any time, disclosure required: SB 6344, *SSB 6344, CH
 254 (1988)

FUNDS

Public office funds, quarterly reports required: SB 6369
 State trade fair fund, 1 million dollars each biennium for foreign trade: HB 744
 Washington fund for excellence in higher education program, grants to encour-
 age improvements: SB 5475
 Water pollution control revolving fund: SB 6235, SSB 6235, *2SSB 6235, CH 284
 (1988)

FURLOUGHS

Conditions revised: SB 5676

FUTURE FARMERS OF AMERICA

Pat Oster, president introduced and addressed senate p. 631
 Sandi Williams, vice president introduced p. 631
 Andie Webb, secretary introduced p. 631

FUTURE FARMERS OF AMERICA—cont.

Mike Brownlee, treasurer introduced	p. 631
Debbie Rurup, sentinel introduced	p. 631
SFR 1988-8723	p. 631

FUTURES RESEARCH

Citizen councilors: SB 6302

GALECH, DENA

National junior women's freestyle ice skating champion introduced and addressed senate and received ambassador of good will certificate from President Cherberg	p. 624
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GAMBLING

Probability must be fully disclosed: SB 5352	
Promotional contests of chance, defined, revisions: SB 6107, SSB 6107	
Pull-tab and punchboard tax increased: SB 5527	
Smelt fishing, one-day derby by not-for-profit community organizations: SHB 1752	

GAMBLING COMMISSION

Thomas P. Keefe, member, GA 9134	p. 72
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GAME, DEPARTMENT OF (See also WILDLIFE)

Animal traps prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543	
Department of state resources created: SB 5027	
Endangered species conservation act: SHB 1451	
Land transferred to DNR: SB 5153	
Lease negotiation for mineral development: SB 5999	
Steelhead punchcards free for persons over 70: SB 5384	
Veterans, free hunting and fishing licenses for disabled veterans: SB 5653, SSB 5653	

GARBAGE (See also INCINERATION; RECYCLING; SOLID WASTE)

Cedar Hills landfill, phasing out: SB 5068	
Hauling, containment required: SB 6511	
Joint city/county plans encouraged: SB 6604	

GARDNER, GOVERNOR BOOTH (See also GOVERNOR)**GARNISHMENT**

Rent, nonpayment by persons on public assistance, recovery procedures, gar- nishment: SB 5751	
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GARRETT, SENATOR AVERY

Appointed member children and family services, governmental operations, and transportation committees	pp. 14, 15
Appointed member legislative transportation committee	p. 1657

GAS (See OIL AND GAS PRODUCTS)**GASOHOL (See also OIL AND GAS PRODUCTS)**

State facilities must have gasohol available: SB 6400	
Tax credit increased to encourage use of recyclable materials: SB 6650	

GASPARD, SENATOR MARCUS S.

Appointed member education and ways and means committees	pp. 14, 15
Introduced Puyallup high school state AAA champion football team and coaches	p. 115
Remarks, SEIB preliminary report	p. 303
Motion to suspend rules and advance SB 5263, 6644, 6651 and 5624 to second reading	p. 416

GASPARD, SENATOR MARCUS S.—cont.

- Parliamentary inquiries, status of motions and privilege to speak on motions p. 416
- Personal privilege and remarks, clarification of remarks on church schools p. 448
- Motion to suspend rules to consider several amendments to committee amendment, ESHB 1312 p. 854
- Parliamentary inquiry, clarification of sponsors of amendment, ESHB 1312 p. 861
- Parliamentary inquiry, votes needed to reconsider amendment, ESHB 1312 p. 866
- Introduced superintendent of public instruction, Dr. Frank "Buster" Brouillet and wife p. 1444

GATES, MARY M.

- Reappointed member, board of regents, University of Washington, GA 9200, confirmed pp. 19, 590, 1453

GAY RIGHTS

- Insurance discrimination prohibited: SB 5773

GENERAL ADMINISTRATION (See also BANKS)

- Obsolete statutory reference corrected: *SB 6373, CH 25 (1988)
- Olympia parking and business improvement district, supplemental operating budget: *SHB 1312, CH 289 (1988)
- Souvenirs of capitol, sale authorized: SB 6696
- Supplemental budget, motor vehicle fund appropriation is solely for risk management activities: *SHB 1312, CH 289 (1988)

GENERAL ASSISTANCE (See PUBLIC ASSISTANCE)**GENERAL OBLIGATION BONDS (See BONDS)****GENETIC SCREENING (See PRENATAL TEST)****GILL NET FISHING**

- Day light hours, gill net fishing for salmon: SB 6721
- Daylight hours, rule development: SHCR 4403

GIOVANELLI, TOM

- Member of house of representatives, state of Idaho introduced p. 581

GO

- Mental sports competition and research advisory committee: SB 5056

GOLF CLUBS

- Sex discrimination prohibition condition of open space: HB 1969, SB 6343

GOLOB, GORDON A. (See also SECRETARY OF THE SENATE)

- Elected secretary of the senate p. 8

GORE, SENATOR ALBERT, SR.

- Former U. S. Senator from Tennessee introduced and addressed the senate p. 134

GOVERNOR (See also GARDNER, GOVERNOR BOOTH)

- State of the state address p. 29
- Messages on vetoed and partially vetoed 1987 bills .. pp. 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51
- Presented medal of merit to Mrs. Henry M. Jackson in memory of her husband p. 406
- Proclamation convening special session p. 1627
- Commence term, 2nd Monday of January: HB 1335
- Joint session to hear the governor's 1988 state of the state: *HCR 4427 (1988)

GOVERNOR—cont.

Transportation secretary appointed by the governor instead of commission: SB 5028

Veto power revised: SJR 8226

GRAFFITI

Sales and use tax for removal: SB 5145

Spray paint may not be possessed by minors: SSB 5145

GRAIN DEALERS

Cash only dealers, certain are exempt from bonding: *SHB 1285, CH 95 (1988)

License fee for dealers exempted from bonding is \$75: *SHB 1285, CH 95 (1988)

GRAND COULEE DAM

Lighting system, expedited funding requested: SJM 8030

GRAPES

Research, liquor revolving fund: SSB 5070

Tri-cities diversification: *2SHB 1835, CH 42 (1988)

Vinifera grape growers' assessment implemented: SB 6178, *SSB 6178, CH 257 (1988)

Wine commission, revisions: *SSB 6344, CH 254 (1988)

GRAVEL

DNR to study methods to encourage removal from rivers: SHB 1499, *SSB 6024, CH 272 (1988)

State lands, auction sale requirements of low-valued sand, gravel, etc., exempt: *SHB 1562, CH 136 (1988)

GRAYS HARBOR COMMUNITY COLLEGE, DISTRICT NO. 2

Richard K. Murakami, reappointed trustee, GA 9184,

confirmed pp. 16, 163, 407

GREEN LIGHTS

Dive rescue personnel may have on cars: SB 5112

Private cars of emergency personnel may use: SHB 23

GREEN RIVER COMMUNITY COLLEGE, DISTRICT NO. 10

Beverly A. Schoenfeld, reappointed trustee,

GA 9208, confirmed pp. 61, 590, 1454

GUIDE/SERVICE DOGS

Killing or injuring, civil penalty: SB 6350, *SSB 6350, CH 89 (1988)

GUNS

Concealed weapon permit, application requirements revised: SB 6148, *SSB 6148, CH 219 (1988)

Concealed weapon permits revoked from persons carrying weapon while under influence of drugs or alcohol: *SHB 1845, CH 223 (1988)

Convicted defendants whose indictments are dismissed, restrictions authorized: SB 5929

Forfeiture, disposition of unclaimed property: *SHB 1845, CH 223 (1988)

Mental illness history may preclude gun ownership: SB 6214

Negligent discharge of firearms is a gross misdemeanor: SB 5125

Product liability actions, design defects, proximate cause, design alternative, revisions: SB 6109

Product liability, design defect, weigh risks and benefits: SSB 6109

Products liability action, grounds specified: SB 5388

GUTHRIE, MARGERY A.

Reappointed trustee, Highline community college district no. 9,

GA 9179, confirmed pp. 15, 611, 1352

HAAGENSON, DEAN

Chairman of house natural resources committee,
state of Idaho introduced p. 581

HALE, DONALD J.

Trustee, Everett community college district no. 5,
GA 9180, confirmed pp. 16, 246, 1362

HALIBUT

Personal use license, two-consecutive-day personal use license and punchcard,
no annual license required: SB 6185, SB 6687

HALSAN, SENATOR STUART A. "STU"

Appointed member agriculture, governmental operations,
and law and justice committees p. 14

Points of order, request to speak on proposed amendments
when scope and object raised, SSB 6364 p. 454

HAM RADIO OPERATORS (See also RADIOS)

Lease of state lands authorized: *HB 1346, CH 209 (1988)

HANDICAPPED (See DISABLED PERSONS)**HANSEN, SENATOR FRANK "TUB"**

Personal privilege, invitation to admission
convention 1989 p. 12

Appointed member agriculture, higher education, and
transportation committees pp. 14, 15

Parliamentary inquiry, order of consideration
of bills p. 566

Remarks, thanks president for good job
conducting senate p. 1660

HANSEN, JULIA BUTLER

Commended for her public service: *SCR 8428 (1988)

HARMON, SARA T.

Chair, board of industrial insurance appeals, GA 9133,
confirmed pp. 72, 605, 693

HARSTENE ISLAND TRUST PROPERTY

DNR land, transferred to parks and recreation commission: *HB 1616, CH 79
(1988), SB 6665

HAYNER, SENATOR JEANNETTE

Nomination of Gordon A. Golob as secretary of the senate p. 7

Appointed member law and justice, rules, and ways
and means committees pp. 14, 15

Remarks, SEIB preliminary report p. 305

Point of order, amendment to SHB 1754 p. 1124

HAYTON, GENEVIEVE

4 year old Skagit Valley Tulip poster girl introduced p. 1376

HAYTON, JESSIE

6 year old sister of Skagit Valley Tulip poster
girl introduced p. 1376

HAZARDOUS MATERIALS

Cedar Hills landfill, phasing out: SB 5068

Clean up, initiative 97 alternative: *SB 6440, CH 112 (1988)

Clean up of incidents, responsibility specified, any person responsible for causing
incident: SB 6690

Dangerous wastes, DOE to operate a waste exchange between industries: SHB
332

Fees for site users repealed: SB 5435

HAZARDOUS MATERIALS—cont.

- Hanford low-level facility, costs covered by 50% of low-level waste surcharges: SB 6547
- Hanford plant closure disaster plan, retraining, etc.: SJM 8029
- Initiative 97 alternative: *SB 6440, CH 112 (1988)
- Land disposal fees for certain hazardous wastes, waivers to encourage priorities, alternatives: SB 6237
- Land disposal, leachable inorganic waste, organic/carbonaceous waste defined: SB 6237
- Low-level radioactive waste disposal, surveillance cost retrieval modified: SB 6427
- Low-level radioactive waste, rates reduced for processors, disposers, and compactors: SB 6542
- Low-level radioactive waste surcharges, 50% to perpetual maintenance fund for Hanford low-level facility: SB 6547
- Low-level radioactive waste surveillance fees, restriction on use: SB 6546, SSB 6546
- Low-level waste surcharge, 20% to fund radiation and control agency: SB 6734, SSB 6734
- Low-level waste surveillance fee, state patrol shipment inspection funding: SSB 6546
- Major revisions: SB 5435
- Major revisions, response and clean up, responsibility: SB 5435
- Navy base, Everett, tideland exchange: SB 5687
- Planning committees, civil immunity for members: SB 6515
- Radiation protection and management, DOE designated as single state agency responsible: SB 6426
- Radionuclides emissions, monitoring and enforcement, supplemental budget: *SHB 1312, CH 289 (1988)
- Reproductive rights: SB 6360
- Response action plans: SB 5435
- Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038
- Superfund, hazardous substances regulated: SB 5435
- Threatened releases regulated: SB 5435
- Transportation, state patrol authority revised, study of nonwaste radioactive materials: SB 6735, SSB 6735
- Transportation, state patrol to be advised by the emergency management council: *HB 1492, CH 81 (1988), SB 6395, SSB 6395
- Tri-cities, diversify economy, DTED to begin implementation of priority goals: *2SHB 1835, CH 42 (1988)
- Underground storage regulated: SB 5942
- Violations of environmental protection laws, penalties increased: SB 6009
- Voluntary response action plans: SB 5435
- Waste exchange of dangerous wastes between industries to be operated by DOE: SHB 332
- Waste, office of waste reduction created: *SHB 1340, CH 177 (1988)
- Worker right-to-know, advisory council revisions: SB 5656

HEALTH CARE AUTHORITY

- Establishing for state-funded health care and state employees' insurance benefits: *SHB 2038, CH 107 (1988)

HEALTH CARE (See also RURAL HEALTH)

- Chemical dependency, health care contracts to cover: SSB 5070
- Claims checks to be made out to provider: SB 5539
- Coordination between EMS regions and health/hospital districts, as well as private providers and local service agencies: SSB 6124
- Dental care, employers to offer alternative to limited provider plans: SB 6631, *SSB 6631, CH 259 (1988)
- Dietitians, nutritionists, certification: SB 5669

HEALTH CARE—cont.

Direct payment to providers: SB 6633

Federal government to consider comprehensive program: SJM 8024

Health care purchasing reform act of 1988: SB 6737

Insurance, chemical dependency to be covered: SSB 5070

Insurance, dental, TMJ and CMD coverage: SB 6129

Insurance, group health insurance, continue after group coverage is terminated:
SB 6713

Insurance, group health insurance, study continuation of terminated coverage:
SHB 1620

Insurance pool, assessment on employers, insurance premium tax deduction: HB
1990

Insurance pool, revisions, accounting year: SHB 1323

Insurance, state employees, out-of-state drug providers prohibited: SB 5889

Insurance, state employees, revisions: *SHB 2038, CH 107 (1988)

Mammograms, insurance coverage for screening and diagnostic purposes: SB
6324

Omnibus registration act for health care professionals, consumer protection: SB
5752

Optometry to be covered by health care insurance: SB 6029

Payment checks to be made out to provider: SB 5539

Phenylketonuria, health care insurance coverage: SB 6433, *SSB 6433, CH 173
(1988)

Prenatal testing to have insurance coverage: *2SSB 5378, CH 276 (1988)

Public employees' benefits agency created: SSB 5912

Public health, utility tax: SB 6662

Smoking in the workplace regulated: SHB 13

Smoking not allowed in state agency work areas, common areas, or public
access areas: 2SSB 5399

Smoking pollution control act, if nonsmokers cannot be accommodated then
smoking is prohibited: SHB 13, SB 5399

Smoking, state agencies, no smoking if a satisfactory accommodation between
smokers and nonsmokers cannot be reached: SSB 5399

State employees' health insurance exempted from insurance premium tax: SB
6391, SSB 6391

State employees insurance cost control procedures to be implemented: SB 6737

State employees, SEIB may self-fund, self-insure or other methods: SB 6377, SB
6737

Substance abuse program, voluntary for health care licensees: SHB 1735, SB 6470,
*SSB 6470, CH 247 (1988)

Surgical assistants, insurance coverage for services: SB 5250

TMJ and CMD coverage: SB 6129

Uniform disciplinary act, limited subsidy for professions governed by UDA: SB
6702

HEALTH PLAN AGENCY, WASHINGTON STATE BASIC

Thomas Kobler, director, GA 9205 pp. 20, 84

HEATING (See also ELECTRICITY; ENERGY)

Electricians, specialty license for heating, ventilation, and air conditioning: SB
6049

HEMOPHILIACS

Medical assistance program: SB 6331

HENNING, JAMES T.

Member, transportation commission, GA 9148,

confirmed pp. 583, 598

HERRING

Prohibiting taking herring spawn in any commercial fishery: SB 6247, SSB 6247

HERT, KEVIN

Eagle scout from Yakima presented colors p. 275

HIGH VOLTAGE LINES

Restricting construction, no reasonable doubt that workers or residents are adequately protected: SB 6421

HIGHER EDUCATION COORDINATING BOARD

Vivian Winston, reappointed member, GA 9141,
confirmed pp. 158, 162, 327
Judith Wiseman, member, GA 9191, confirmed pp. 18, 589, 1365
Contracts with independent colleges for instructional services: SB 5430
Graduate fellowship trust fund program: SB 5660
Jefferson and Clallam County, upper division college classes to be established:
SB 6367
Scholarship program for low-income working persons and single heads of
household: SB 5461
Washington fund for excellence in higher education program, grants to encourage
improvements: SB 5475

HIGHER EDUCATION FACILITIES AUTHORITY

Delores E. Teutsch, reappointed member, GA 9121,
confirmed pp. 158, 162, 222

HIGHER EDUCATION PERSONNEL BOARD

Robert C. Richardson, member, GA 9154,
confirmed pp. 158, 245, 612

HIGHLINE COMMUNITY COLLEGE, DISTRICT NO. 9

Margery A. Guthrie, reappointed trustee, GA 9179,
confirmed pp. 15, 611, 1352

HILLIARD, FRANCIS W.

Ninety year old from Sumner introduced, SFR 1988-8724 pp. 630, 631

HISTORIC PRESERVATION

Sunken treasure ownership clarified: *SB 6298, CH 124 (1988), SSB 6298
Unclaimed property in museums and historical societies: SB 6332, *SSB 6332, CH
226 (1988)
Valuation of historic property revised: SB 6496

HOBBS, DONALD V.

Member, state board of pharmacy, GA 9129,
confirmed pp. 74, 629, 1245, 1452

HOLDING TANKS (See also MARINAS)

Boaters, oil dump and holding tank information to be provided: SHB 1391

HOLLEN, SYRIE

1988 dairy princess introduced and addressed Senate p. 305

HOMCHICK, SHIELA A.

Member, juvenile disposition standards commission, GA 9125,
confirmed pp. 76, 604, 676

HOME DETENTION

Provisions: *SHB 1429, CH 154 (1988)

HOME HEALTH CARE

AIDS pilot projects: SB 6335
Certificate of need: SSB 5886
Regulating: *SB 6271, CH 245 (1988)

HOME RULE CHARTERS

Procedures for the adoption of home rule charters: SHJR 4210

HOMELESS

- Advisory committee on the homeless, comprehensive evaluation of services: 2SHB 1564
- Alcoholics housing assistance, 3% tax on spirits and beer: SB 6663
- Employment and self-sufficiency services for the homeless: 2SHB 1564
- Security deposits for qualified homeless persons: *HB 1387, CH 237 (1988)
- Temporary lodging, shelter voucher program, exempt from state and local excise taxes: *SHB 1388, CH 61 (1988)
- Vacant beds of alcohol/drug programs to be used by homeless: *2SHB 1565, CH 163 (1988)

HOMEOWNER ASSOCIATIONS

- Homestead exemption revisions: *SHB 1329, CH 192 (1988), SB 6162, SSB 6162

HOMESTEADS

- Exemption, not for debts arising from a condominium or association covenant: *SHB 1329, CH 192 (1988), SB 6162, SSB 6162
- Foreclosure, fair value, upset price provisions deleted: SB 5500, SSB 5500
- Homeowner associations, revisions: *SHB 1329, CH 192 (1988), SB 6162, SSB 6162

HOMICIDE

- Controlled substances homicide, class B felony: SSB 5070, SB 5362
- Juveniles, adult jurisdiction: SB 5661

HOMOSEXUALS (See also AIDS)

- Insurance discrimination prohibited: SB 5773

HOOD CANAL

- Boat ramp, parking, capital budget: *SSB 6763, CH 2 E1 (1988)
- Bottomfish, commercial net fishing prohibited: SB 5323

HOQUIAM HIGH SCHOOL

- State AA wrestling championship team and coaches introduced, SFR 1988-8727 p. 1205

HORIZONTAL PROPERTY REGIMES

- Uniform condominium act, 1988: SB 6719

HORSE RACING COMMISSION

- Probability must be fully disclosed: SB 5352

HORSELESS CARRIAGES

- Fenders not required in dry weather: HB 1578
- License plates and fenders on antique vehicles regulated: *SB 6362, CH 15 (1988)

HORSES

- Castration of those running at large at owner's own risk: SB 6392
- Running at large, control within 12 hours: SB 5117
- Trespass, running at large, list of possible offenders broadened: SB 6392

HORTICULTURE (See AGRICULTURE)**HOSPICE CARE**

- AIDS pilot projects: SB 6335
- Certificate of need: SSB 5886
- Regulating: *SB 6271, CH 245 (1988)

HOSPITALS

- Certificate of need exemption for public hospital districts and rural hospitals: SB 6007
- Certificate of need program revised, home health and hospice agencies: SSB 5886
- Certificate of need review process modified, major exemptions: SB 5496
- Certificate of need, tertiary service: SSB 5886
- Charity care, tax exemptions for nonprofits only for hospitals providing certain level of charity care: SB 6685

HOSPITALS—cont.

- Coordination between EMS regions, districts, providers, and local service agencies: SSB 6124
- Dentists, osteopaths, physicians, and podiatric physicians: SB 6699
- Fishing permits for groups supervised by health care facility or hospital staff: HB 1936
- Hospital beds, excess to be used for nursing home care, Congress petitioned: SJM 8007
- Medical interns and residents, hours of labor regulated: HB 1458
- Medicare certification options for hospitals that desire to convert to nonhospital health care: *SSB 6124, CH 207 (1988)
- Nonprofit hospitals, tax exemptions reserved for hospitals providing certain levels of charity care: SB 6685
- Rate review exemption for certain hospitals: SB 6449
- Rate review exemption for certain hospitals located within 15 miles of a hospital within a SMSA: *HB 1951, CH 262 (1988)
- Rate review exemption for DSHS negotiated rates: *HB 2046, CH 118 (1988)
- Rates, public districts and rural hospitals exempt from approval process: SB 5940
- Rural health, report required: *SSB 6124, CH 207 (1988)
- Rural hospitals, certificate of need exemption for public hospital districts and rural hospitals: SB 6007
- Rural hospitals, exempt from hospital commission approval: SB 5940
- Standards of care regarding deliberately causing death: SB 6231

HOTEL/MOTEL

- Class M liquor license for motels: SB 5947

HOTEL/MOTEL TAX (See also CONVENTION AND TRADE CENTER; SPORTS)

- Convention and trade center revisions: *HB 2057, CH 1 E1 (1988), SB 6588, SB 6757
- Counties other than AA, tax authority: *HB 2057, CH 1 E1 (1988)
- Local excise tax to fund tourism promotion: SB 6659
- Revisions, simultaneous levying: SB 6653, SSB 6653
- Shelter voucher program for the homeless is tax exempt: *SHB 1388, CH 61 (1988)

HOTLINES

- Fishery user groups: SB 6239, SSB 6239
- Sports and commercial fisheries hotline, budget: *SHB 1312, CH 289 (1988)
- Waste reduction: *SHB 1340, CH 177 (1988)

HOUSE-TO-HOUSE SALES

- Regulated, age: SHB 1855

HOUSING

- Accessory apartments in detached single family dwellings: SB 6722
- Alcoholics housing assistance, 3% tax on spirits and beer: SB 6663
- Elderly, homes for the aged, property tax exemption eligibility conditions revised: HB 1819
- Farm-worker housing, DCD grants: 2SHB 1301
- Lien foreclosure proceedings on residences, defense established: SB 6436
- Low-income housing preservation task force, evaluation of loss of housing due to development, demolition, etc.: SHB 1601
- Low-income multifamily housing construction incentive via sales and use tax exemptions: SB 6528, SSB 6528
- Multifamily rental housing developments, procedures for prepayment: SHB 1879
- Residential mortgage loans, direct reduction provisions, escrow accounts: SB 6417
- Residential mortgage loans, lock-in agreement, consummation, fees and cost disclosure: SB 6416
- Security deposits for qualified homeless persons: *HB 1387, CH 237 (1988)
- Unfit premises, regulated, premises or portions, monitor deterioration for possible demolition: SHB 439

HOUSING FINANCE COMMISSION

- David A. Ballaine, reappointed member, GA 9173,
confirmed pp. 229, 1363
- D. E. Chilberg, member, GA 9210 p. 230
- Larry Kowbel, member, GA 9212 p. 230
- Nanci C. Primley, reappointed member, GA 9163,
confirmed pp. 229, 896
- Charles R. Richmond, reappointed member, GA 9161,
confirmed pp. 229, 874
- Anne H. Rose, reappointed member, GA 9160,
confirmed pp. 229, 796
- John A. Steffens, member, GA 9159, confirmed pp. 229, 769

HOUSING TRUST FUND

- Fund retention, 1988 and 89, retain up to \$75,000 or 5% of annual fund revenues:
*SB 6671, CH 286 (1988)
- Funds via penalties for tax on real estate sales: *SB 6671, CH 286 (1988)
- Grants and loans, annual awards limited: HB 1553
- Lottery, unclaimed prizes to housing trust fund: SB 6491, SSB 6491
- Real estate brokers who receive funds to maintain escrow account, nominal is
not more than \$5,000: SB 6717, *SB 6671, CH 286 (1988)
- Supplemental operating budget: *SHB 1312, CH 289 (1988)

HUMAN RIGHTS COMMISSION

- Jan Kumasaka, member, GA 9150, confirmed pp. 76, 605, 769
- Sunset revised: *HB 1515, CH 288 (1988), SB 6301

HUMPHREY, HUBERT FELLOWS PROGRAM

- Staff coordinator from University of Washington, Laura Kennedy
and guests from foreign countries introduced p. 90

HUNTING (See also GAME, DEPARTMENT OF)

- Bear killing with snares, live traps, or darts prohibited: SB 6560
- Free hunting and fishing licenses for disabled veterans: SB 5653, SSB 5653

HUNTLEY, ELMER

- Mr. and Mrs. Huntley introduced, SCR No. 8434 p. 612
- Commemorated with a bridge: SCR 8434

HUTCHINSON, DR. WILLIAM B.

- Receives medal of merit from President John A. Cherberg p. 404

HYDRAULIC PERMITS

- Agriculturally related stream stabilization projects, revisions: SB 6024, *SSB 6024,
CH 272 (1988)

HYPPA, ELMER

- Fraternal order of eagles, worthy past president
introduced p. 300

ICE SKATING

- Dena Galech, national junior women's freestyle ice skating
champion introduced and addressed Senate and received
ambassador of good will certificate p. 623

IDAHO STATE LEGISLATORS

- Lieutenant Governor Butch Otter introduced and
addressed Senate p. 581
- Speaker of the house Tom Boyd introduced p. 581
- Senate minority leader Bruce Sweeney introduced p. 581
- Chairman of house natural resources committee
Dean Haagenson introduced p. 581
- Chairman of the house ways and means committee
Jerry Deckard introduced p. 581

IDAHO STATE LEGISLATORS—cont.

Member of house of representatives Tom Giovanelli introduced	p. 581
Chairman of senate education committee Terry Sverdston introduced	p. 581
Speaker Joseph E. King introduced and welcomed Idaho legislators	p. 582

IGNITION INTERLOCK SYSTEMS

Occupational driver's licenses: SSB 6410

IMMIGRATION

Agricultural workers: SB 6294, SSB 6294

IMMUNITY

AIDS, health officers and others, immunity limited: *2SSB 6221, CH 206 (1988)
Community corrections officers: *SHB 1424, CH 153 (1988)
Cooperative association directors: SB 5827
Corporations, personal liability of directors limited: SB 5102
Emergency medical care, first responders: SB 5262
Emergency responses, hazardous substances, liability of committee members limited: *2SHB 1835, CH 42 (1988)
Emergency services, compensation redefined: SB 5268
Emergency services, definition revised, transporting implication: *HB 1626, CH 104 (1988)
Government officials are not liable for discretionary decisions: SB 5262
Hazardous material incidents, responsibility, any person responsible for causing incident: SB 6690
Hazardous materials planning committees: SB 6515
Inmate personal property, state liability restricted: SB 6679
Long-term care ombudsman: SB 5270
Mental health patients, release by public institution: SB 5262
National guard, acts done while training or during duty: SB 5262
Nonprofit corporations, director liability limited: SB 5141
Peace officers, good faith actions: SB 6654
Sports, nonprofit sports program, immunity for services without compensation: SB 5262
Sports officials granted limited immunity: SB 6257
Winter recreation, parks and recreation commission liability limited: SB 6574
Workers, third-party contractors: SB 5262

IMPACT

Advisory board created: SB 5746
IMPACT center to ensure accessibility and practical application to agriculture products industry: SB 5746
Sunset revised: *HB 1515, CH 288 (1988), SB 6301
Tri-Cities diversification: 2SHB 1835

IMPOUNDMENT

Parking lots, prohibiting impoundment from parking lots: SB 5363

INCINERATION

Hazardous wastes, state preemption limited to future facilities: SB 5043
Operators, certification: SHB 1670
Records retention by incinerators or energy recovery facilities: HB 1636
Siting of new solid waste incinerators and energy recovery facilities, regulating: SB 6415

INCOME TAX (See also TAXES - INCOME)

Age 70 1/2 and still employed, retirement modified in response to federal tax reform act: *HB 1560, CH 59 (1988), SB 6456
Attorney general, urged to challenge federal tax reform: SCR 8426
Federal, exempt tuition waivers: SJM 8026

INCUBATOR PROJECTS

Small business incubator projects, funds for feasibility and development: SB 6274, SSB 6274

INDIANS

Adoption, relinquishment, clarification regarding jurisdiction of juvenile courts: HB 1545, *SB 6339, CH 14 (1988)

Chehalis, criminal jurisdiction by tribe reestablished: SB 6736, *SSB 6736, CH 108 (1988)

Child care, B & O tax does not apply to money received from Indian organizations as compensation for care: HB 1734

Quileutes, retrocession of jurisdiction: HB 1273, SB 6100, *SSB 6736, CH 108 (1988)

Quileutes, retrocession of park land accepted: SB 6102, *SSB 6736, CH 108 (1988)

Salmon fishing, persons fishing both Indian and non-Indian fisheries regulated: SB 5050

Swinomish, criminal jurisdiction by tribe reestablished: SB 6736, *SSB 6736, CH 108 (1988)

INDIGENTS

Appointment of counsel for, study: SHB 1312, SB 6498, *SSB 6498, CH 156 (1988)

INDUSTRIAL INCENTIVE ZONES

Industrial incentive zone act: SB 5743

INDUSTRIAL INSURANCE APPEALS, BOARD OF

Philip T. Bork, reappointed member, GA 9130,

confirmed pp. 72, 604, 657

Sara T. Harmon, chair, GA 9133, confirmed pp. 72, 605, 693

INDUSTRIAL INSURANCE (See WORKERS' COMPENSATION)**INDUSTRIAL LOAN COMPANIES**

Revisions: HB 1760

INFECTIOUS WASTES

Management, report required: SB 6264, *SSB 6264, CH 171 (1988)

INFORMATION SYSTEMS, DEPARTMENT OF

Nancy Abraham, director, GA 9192, confirmed pp. 18, 323, 1365

INITIATIVE AND REFERENDUM

Cities and towns, powers granted, revisions: SB 6378

Hazardous materials, alternative to I-97: *SB 6440, CH 112 (1988)

Statutory requirements eased: SB 6567, SJR 8227

INITIATIVE TO LEGISLATURE NO. 92

Provisional certification p. 56

Verification of signatures p. 297

Related points of inquiries, SB 6440 p. 338

INITIATIVE TO LEGISLATURE NO. 97

Alternative to initiative 97: *SB 6440, CH 112 (1988)

INSANITY DEFENSE

Criminal mental defenses revised, deficient: SHB 1432, SB 6281

INSTITUTE FOR PUBLIC POLICY

Economy, study the state's co-dependence with the military economy: 2SHB 1835

INSTITUTIONS

Employee assault benefits, assaults occurring in offices covered by reimbursement policies: HB 1272

Mentally retarded, reimbursement formula for nursing homes who contract with DSHS: SB 6202

Residential schools, age restrictions removed: HB 1851

Residential schools, controlling violent offenders: SB 6487

Residential schools, employees, consecutive work hours: SB 6488

INSTITUTIONS—cont.

Residential schools, employees, full-time positions: SB 6489

Superintendents, powers, duties, and responsibilities specified: *SHB 1271, CH 143 (1988)

INSURANCE

Acquisition, requirements for acquiring control of a domestic insurer: SB 6714

AIDS: *2SSB 6221, CH 206 (1988)

AIDS discrimination prohibited: SB 5773

Appeals: *2SHB 318, CH 248 (1988)

Banks, sale of insurance on bank premises prohibited: SB 5192

Cancellation and nonrenewal, revisions: *SHB 1320, CH 249 (1988), SB 6318, SSB 6318

Cancellation, changing provisions regarding unearned insurance premiums, interest assessed: SB 5446

Cancellation or nonrenewal requirements, surety bonds exempted: HB 64

Chemical dependency, health care contracts to cover: SSB 5070

Claims, notice to insured required of impending settlements: SB 5547

Complaint resolution, commissioner duties: *2SHB 318, CH 248 (1988)

Congenital anomalies of infant children, study coverage: SHB 1722

Consumer board: SB 5875

Consumer information, commissioner duties: *2SHB 318, CH 248 (1988)

Conversion of group term insurance allowed: HB 854

Day care, installment payments are required to be offered: SB 6586

Day care, risk management pool for claims against child care providers: SB 6587

Dental care, employers to offer alternative to limited provider plans: SB 6631, *SSB 6631, CH 259 (1988)

Dental coverage, TMJ and CMD: SB 6129

Domestic insurers, procedure: *2SHB 318, CH 248 (1988)

Excess insurance for political subdivisions: SB 5262

Fees, revisions: *2SHB 318, CH 248 (1988)

Form and rate filing requirements: HB 1322, SB 6320

Group health insurance, continue after group coverage is terminated: SB 6713

Group health insurance, study continuation of terminated coverage: SHB 1620

Group term insurance conversion allowed: HB 854

Health care coverage for chemical dependency: SSB 5070

Health care coverage for TMJ and CMD: SB 6129

Health care, direct payment to providers: SB 6633

Health care, insurance coverage for surgical assistants' services: SB 5250

Health care insurance pool, assessment on employers, insurance premium tax deduction: HB 1990

Health care insurance pool, revisions, accounting year: SHB 1323

Health care insurance to cover optometry: SB 6029

Health care purchasing reform act of 1988: SB 6737

Health care, state employees, out-of-state drug providers prohibited: SB 5889

Health care, study coverage of congenital anomalies of infant children: SHB 1722

Home care, revisions: *SB 6271, CH 245 (1988)

Information and privacy protection act: SB 5777

Insurers, transfer of domicile, procedure: SHB 1378

Insurers, unimpaired paid-in capital stock, required balance revised: SHB 1378

License revisions: *2SHB 318, CH 248 (1988)

Life, notice to policyowners of nonforfeiture benefits: SB 6319, SSB 6319

Mammograms, insurance coverage for screening and diagnostic purposes: SB 6324

Model insurance information and privacy protection act: SB 5777

Motor homes, passenger cars, revisions: *2SHB 318, CH 248 (1988)

Motor vehicle, financial responsibility mandatory, insurance, bond, certificate of deposit, or self-insurance: SB 5516, SSB 5516

INSURANCE—cont.

- Motor vehicle policies covering comprehensive and collision to also cover liability: SHB 240
- Motor vehicle, rental cars, collision damage waivers: SHB 1487
- Motor vehicle, underinsured coverage, exception modified: SB 6034
- Motor vehicle, underinsured coverage strengthened: SB 5855
- Motor vehicles, operation of vehicle without insurance, traffic infraction: SHB 1175
- Motor vehicles, policies required to provide personal injury protection benefits: SHB 511
- Optometry to be covered by health care insurance: SB 6029
- Phenylketonuria, health care insurance coverage: SB 6433, *SSB 6433, CH 173 (1988)
- Physical therapy, gatekeeper function: *SSB 6218, CH 185 (1988)
- Premiums, requiring repayment of unearned insurance premiums: SB 5446
- Prenatal testing to be covered: *2SSB 5378, CH 276 (1988)
- Rates, file loss experience information with rates: SSB 5704
- Rates, loss experience to be reported when filing casualty rates and rating schedules: SB 5705
- Rental cars, collision damage waivers: SHB 1487
- Report filing: *2SHB 318, CH 248 (1988)
- Schools and educational service districts, pooled insurance: SB 6501
- Settlements, notice to insured required of impending settlements: SB 5547
- State employees' health insurance exempted from insurance premium tax: SB 6391, SSB 6391
- State employees insurance cost control procedures to be implemented: SB 6737
- State employees, SEIB may self-fund, self-insure or other methods: SB 6377, SB 6737
- State insurance fund for property and casualty insurance for state and public property: SB 5829
- Surety bonds exempted from cancellation or nonrenewal requirements: HB 64
- Surgical assistants, insurance coverage for services: SB 5250
- Tax to fund childrens trust account for CFS and K-12: SB 6619
- TMJ and CMD health care insurance coverage: SB 6129
- TMJ coverage, study: *2SHB 318, CH 248 (1988)
- Tow trucks, required for continued registration: HB 1630

INSURANCE COMMISSIONER

- Commence term, 2nd Monday of January: HB 1335

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

- Joe C. Jones, reappointed member, GA 9204,
confirmed pp. 20, 590, 1452
- Jeanie Lorenz, reappointed member, GA 9206,
confirmed pp. 20, 590, 1454
- Ralph E. Mackey, reappointed member, GA 9120,
confirmed pp. 21, 61, 73, 115
- Dr. Eliot W. Scull, member, GA 9030,
confirmed pp. 61, 73, 298
- Department of state resources created: SB 5027
- Guide to public parks and recreation sites, revisions regarding cost of producing guide: HB 1290, SB 6106

INTEREST RATES

- Motor vehicle installment contracts, publication of maximum rate: HB 1622, *SB 6412, CH 72 (1988)

INTERLOCAL COOPERATION

- Open public meetings, any proposed agreement must be openly undertaken: SB 6422, SSB 6422

INTERNATIONAL TRADE

Comprehensive strategies to be developed by DTED and agriculture: SB 6672, SSB 6672

International trade and investment information program established: SB 6223, SSB 6672

International trade leads program: SSB 6672

Joint legislative study on trade, tourism, and investment: SCR 8432, SSCR 8432

INTERSTATE AGREEMENTS

Columbia river, compact between Oregon and Washington entered into: SB 5472

Columbia River Gorge interstate compact, commission established: SB 5472

INTERSTATE TRIP PERMITS

Zone where permits are unnecessary: SB 6255, *SSB 6255, CH 138 (1988)

INVESTMENT OPPORTUNITIES OFFICE

Establishing: SB 6272

INVESTMENTS

Investment opportunities office: SB 5589

Securities, sales, revisions: SHB 1904

Securities, salespersons, brokers, investment advisers, major revisions: SB 6594

State and local governments and public funds, options for investment listed: *SHB 1652, CH 281 (1988)

INVOLUNTARY COMMITMENT

Developmentally disabled, commitment procedures for those who are dangerous to others: HB 1903

IRRIGATION DISTRICTS

Foreclosure of property with delinquent assessments: *SHB 1297, CH 134 (1988)

Polling places, house, place, or district office: SSB 5176

ISLANDS

Annexation: SHB 1702, SB 6533

Annexation by water or sewer districts: *SHB 1511, CH 162 (1988)

ISSAQUAH

Cedar Hills landfill, phasing out: SB 5068

I-90

Extending the length of shoreline development permits for construction: *SB 6262, CH 22 (1988)

JACKSON, MRS. HENRY

Received medal of merit in memory of her husband, Henry M. Jackson

from Governor Booth Gardner p. 406

JAILS

Collective bargaining for jail and radio dispatch personnel: SB 6022

Criminal justice information, OFM may contract with another political entity to collect and transmit: *SHB 1419, CH 152 (1988), SB 6208

Juvenile detention standards: SHB 1384

Medical care eligibility of inmates under the limited casualty program: SB 6205

Release time, if between 5PM and 8AM the jail may release at 5PM: SB 6131, SSB 6131

Residential confinement of certain offenders authorized: SB 6194

JARVIS, CHERRY L.

Reappointed trustee, Shoreline community college

district no. 7, GA 9181, confirmed pp. 16, 163, 394

JEFFERSON COUNTY

College courses, higher education coordinating board to establish upper division classes: SB 6367

JOHN WAYNE TRAIL (See MILWAUKEE ROAD)

JOHNSON, BOYD AND TERRI

Washington state dairy family of year introduced p. 305

JOHNSON, MARK

Teacher in Lake Washington school district and Olympics coach
introduced and addressed the senate p. 473

JOHNSON, MILDRED

Reappointed trustee, state school for the deaf, GA 9209,
confirmed pp. 214, 340, 1455

JOHNSON, SENATOR STANLEY C.

Appointed health care and corrections, vice chair; financial
institutions and insurance,
and ways and means committees pp. 14, 15

JOHNSTON, SAMUEL R. "JOHNNY"

Reappointed member, clemency and pardons board, GA 9182,
confirmed pp. 16, 630, 1245, 1453

JOINT AND SEVERAL LIABILITY

Revisions: SB 5317

JOINT MEMORIALS

Agent orange, study claims of veterans: HJM 4035
Alaska's boundary, change requested: SJM 8025
Apple cup live coverage requested: HJM 4041
Arctic national wildlife refuge coastal plain, request that the area be opened to
exploitation: SJM 8015
Battleship USS Missouri, please base in Bremerton: SJM 8032
Columbia river gorge, sites to be designated for spoils to improve recreational
value: *SJM 8028 (1988)
Economic development block grant program requested: HJM 4030
Ethanol, asking that wholesalers be required to sell 5% more ethanol: SJM 8020
Financial aid, student's concerns conveyed about budget cuts: SJM 8014
Grand coulee dam lighting system, expedited funding requested: *SJM 8030
(1988)
Hanford plant closure disaster plan, retraining, etc.: SJM 8029
Health care program, federal government to consider: SJM 8024
Hospital beds, excess to be used for nursing home care, Congress petitioned: SJM
8007
Lower Snake River fish and wildlife compensation plan, full funding: HJM 4045
Mail order businesses, out of state, federal legislation allowing collection of tax
requested: SJM 8031
Parks and recreation, stable funding requested: SJM 8022
Plastics in the pacific ocean, reduction of wastes urged: SJM 8027, *SSJM 8027
(1988)
Poll closing time, uniform nationwide closing time: HJM 4033
Recycling, western states recycling coalition: SHJM 4036, SJM 8023, SSJM 8023
Salmon, curtailment of the foreign catch of Washington-produced salmon: SJM
8019, SSJM 8019
Steelhead and salmon, protection from marine mammals: SJM 8018, SSJM 8018
Tuition waivers, exempt from federal income tax: SJM 8026
Victim, rights, federal constitutional amendment requested: SJM 8021

JOINT RESOLUTIONS

Child dependency services, priority for appropriations: SJR 8223
County boundaries, alteration, constitutional provisions modified: SJR 8203, SSJR
8203
County boundary alteration, new counties, annexation, consolidation: 2SSJR 8203
County home rule charters, procedures for the adoption of: SHJR 4210
Crime victims' rights, constitutional rights at criminal trials created: SJR 8228, SSJR
8228

JOINT RESOLUTIONS—cont.

- Current use valuation for all real property: SJR 8222
 Disabilities, references modified: *SHJR 4231 (1988)
 Emergency reserve fund, maximum balance, appropriations need 2/3rds approval: SB 6532, SSB 6532, SJR 8229, SSJR 8229
 Energy conservation loan authorization extended: HB 1479, *HJR 4223 (1988), SB 6278, SJR 8221
 Initiative and referendum statutory requirements eased: SB 6567, SJR 8227
 Legislative districts, state senate districts to contain 2 representative districts: SJR 8232
 Life and disability insurance guarantee association, debt liability reduced: SJR 8230, SSJR 8230
 Local government restructuring authorized: HJR 4227
 Personal property, head of family exemption increased: *SHB 1370, CH 10 (1988), HJR 4222
 Restructuring of local governments authorized: SJR 8224
 Tax legislation needs 2/3rds vote: SJR 8231, SSJR 8231
 Two year excess property tax levies for taxing districts: SB 6142, SSB 6142, SJR 8218
 Vacancies in elective office: SJR 8225
 Veto power of governor revised: SJR 8226

JOINT SESSIONS

- Governor Gardner, state of the state address p. 29
 Washington state medal of merit winners recognized p. 403

JONES, JOE C.

- Reappointed member, interagency committee for outdoor recreation, GA 9204, confirmed pp. 20, 590, 1452

JUDGES

- District court judges' salaries, 1/2 annual salary shall be paid by state: SB 6490
 Judicial retirement account act: *SHB 1366, CH 109 (1988)
 Retirement, modification of survivor benefits: *SHB 1366, CH 109 (1988)
 Retirement, newly elected, PERS, optional for existing judges, supplemental benefits: *SHB 1366, CH 109 (1988)
 Retirement, revisions: *SHB 1366, CH 109 (1988)
 Retirement system, reenter public workforce, benefits cease: *SHB 1366, CH 109 (1988)
 Retirement, 15 years of service, eligible for allowance when reach 60: *SHB 1366, CH 109 (1988)
 Yakima county, additional judge: SB 6742, *SSB 6742, CH 66 (1988)

JUDGMENTS (See COURTS)**JUDICIAL CONDUCT, COMMISSION ON**

- Dale Brighton, alternate member, GA 9172, confirmed pp. 77, 606, 1453
 Joseph H. Davis, member, GA 9145, confirmed pp. 76, 605, 716
 Nancyhelen Fischer, member, GA 9147 p. 76
 Sharon Mast, alternate member, GA 9166, confirmed pp. 76, 606, 999

JUDICIAL COUNCIL

- Study mandatory settlement conferences and mandatory discovery conferences: SB 5262

JURIES

- Instruction relative to fair and just verdict: SB 5356
 Revisions regarding selection and summoning: *SHB 1460, CH 188 (1988), SB 6180

JUVENILE DISPOSITION STANDARDS COMMISSION

- Bernard Colligan, member, GA 9127 p. 76

JUVENILE DISPOSITION STANDARDS COMMISSION—cont.

- Daniel A. DiGuilio, member, GA 9126, confirmed pp. 76, 604, 676
 Shiela A. Homchick, member, GA 9125, confirmed pp. 76, 604, 676
 James Roper, member, GA 9128, confirmed pp. 76, 604, 693
 Ron Sims, member, GA 9124 p. 76

JUVENILES (See CHILDREN)**KEARNEY, BECKY JAY**

- Apple blossom princess introduced p. 613

KEEFE, THOMAS P.

- Member, state gambling commission, GA 9134 p. 72

KEGS

- Registration, state preemption: SSB 5070, SB 6407
 Transactions to unlicensed purchasers, recordkeeping process: SSB 5070

KENNEDY, LAURA

- Staff coordinator for Hubert Humphrey Fellows Program from
 University of Washington introduced p. 90

KENNEWICK

- Diversify economy, DTED to begin implementation of priority goals: *2SHB 1835,
 CH 42 (1988)

KENNEY, PHYLLIS G.

- Trustee, Seattle community college district no. 6,
 GA 9135, confirmed pp. 158, 245, 597

KEST, DR. EVELYN CARLSON

- Trustee, Bellevue community college district no. 8,
 GA 9183, confirmed pp. 16, 607, 1362

KILLEEN, LAWRENCE M.

- Member, small business export financial assistance
 center board of directors, GA 9112 p. 72

KING COUNTY

- Animal traps prohibited in low elevation areas of Pierce, King, and Thurston
 county: SB 5543
 Cedar Hills landfill, phasing out: SB 5068
 Snohomish river flood control zone, certain towns may apply for exemptions: SSB
 5156

KING, HOUSE SPEAKER JOSEPH E.

- Presents medal of merit to Edward E. Carlson p. 404
 Introduced and welcomed Idaho state legislators p. 582

KING, MARTIN LUTHER DR.

- Honored, SFR 1988-8700, SFR 1988-8701 pp. 92, 93
 School programs observing his birthday: SB 6698, SSB 6698

KINNEY POINT TRUST PROPERTY

- DNR land, transferred to parks and recreation commission: *HB 1616, CH 79
 (1988), SB 6665

KIRSCHBAUM, JAMES L.

- Trustee, Eastern Washington University, GA 9194,
 confirmed pp. 18, 246, 1366

KISKADDON, SENATOR BILL

- Appointed children and family services, chair; education,
 vice chair; and transportation committees pp. 14, 15
 Parliamentary inquiry, order of motions, SB 6675 p. 1376

KNOBLAUCH, SENATOR REUBEN

- Former senator introduced and addressed senate p. 624

KOBLER, THOMAS

Director, Washington state basic health plan agency,
GA 9205 pp. 20, 84

KOPACHUCK TRUST PROPERTY

DNR land, transferred to parks and recreation commission: *HB 1616, CH 79
(1988), SB 6665

KOWBEL, LARRY

Member, housing finance commission, GA 9212 p. 230

KREIDLER, SENATOR MIKE

Appointed member environment and natural resources,
financial institutions and insurance, and health care
and corrections committees p. 14

Introduced former Senator Albert Gore, Sr. p. 134

Point of inquiry, Senator Sellar regarding SEIB
preliminary report p. 302

Personal privilege, SEIB preliminary report p. 304

Point of order, amendment to committee amendment,
SHB 1684 p. 1127

KUMASAKA, JAN

Member, human rights commission, GA 9150,
confirmed pp. 76, 605, 769

**LABOR AND INDUSTRIES, DEPARTMENT OF (See also WORKERS' COM-
PENSATION)**

Joseph A. Dear, director, GA 9132
confirmed pp. 72, 605, 658

Assessment notices, appeals, revisions: SB 5583

Dividends and premiums, no reversion or lapse between periods, incentive for
accident prevention: SB 6356

Fraud appeals, evidence introduction changed: SB 5216

Health care information system to be established: SB 6737

Hours of labor, certain sections repealed: SB 5586

Industrial statistician, contract services: SB 6346

Information and assistance office created: SHB 1728

Investment of funds, plan for both equity and fixed investments, SIB to report:
2SHB 1733

Investment of funds, policies and procedures designed to limit fluctuations and
maximize return: 2SHB 1733, *SB 6297, CH 130 (1988)

Lapse or reversion of funds, preventing dividends and premiums from doing so,
incentive for accident prevention: SB 6356

Medical examinations for permanent disabilities: *SHB 1170, CH 114 (1988)

Prevailing wage, study of methodology by LBC: SSB 6346

Smoking in the workplace regulated: SHB 13

Smoking pollution control act, if nonsmokers cannot be accommodated then
smoking is prohibited: SHB 13, SB 5399

Smoking, state agencies, no smoking if a satisfactory accommodation cannot be
reached: SSB 5399

Subpoenas, director may authorize assistants to issue: SB 5407

Wage claims, compliance and investigations, procedures modified: SB 5613

Worker right-to-know, advisory council revisions: SB 5656

LABOR MARKET

Computer information system: SB 6538, SSB 6538

LABOR RELATIONS (See also COLLECTIVE BARGAINING; FERRIES)

Drug and alcohol workplace testing limited: SHB 1876

Labor-management cooperation program: SB 6615

Payroll deductions by employees for political committee contributions or union
political activities: SB 6677

LABOR RELATIONS—cont.

- Public works, ten hour days, no more than 4 days a week: *SSB 5586, CH 121 (1988)
- Relocation, termination, or sale of businesses, employer obligations established: HB 1552
- Reporting to work yet not put to work or given less time, partial pay required: SB 6568, SSB 6568
- Shared work benefits prohibited during labor dispute: SB 6539
- Unemployment benefit eligibility, no benefits for certain strikes or lockouts: *SB 6243, CH 83 (1988)
- Unjust discharge, arbitration procedures established: SB 5965

LaBORDE, GAROLD

- Reappointed trustee, state school for the blind, GA 9151, confirmed pp. 340, 612

LADENBURG, JOHN

- Member, sentencing guidelines commission, GA 9168, confirmed pp. 77, 606, 1119

LaGERVALL, MIKE

- Fraternal order of eagles, worthy state president introduced p. 300

LAKE EASTON TRUST PROPERTY

- DNR land, transferred to parks and recreation commission: *HB 1616, CH 79 (1988), SB 6665

LAKEFAIR QUEEN

- Queen Julie Schilter welcomes senate members to Olympia p. 77

LAKES

- Weed control, jurisdiction may be with superior court: *HB 1278, CH 133 (1988)

LAND BANK

- Land bank advisory committee abolished: *SHB 1382, CH 186 (188), *HB 1492, CH 81 (1988), SB 6395, SSB 6395

LAND USE PLANNING (See also AQUACULTURE)

- Apartments, accessory apartments in detached single family dwellings: SB 6722
- Building permit threshold increased from \$500 to \$1,500: SB 6321
- Docks, community docks, limited construction allowed if for multiple family residential use: SB 5784
- Fire hazard in high fire-risk areas to be addressed in plan: SB 6299
- Fire risk assessment to be included in certain land use plans, plat approval conditions: SB 6279
- Incinerator siting, new burners and recovery facilities regulated: SB 6415
- Legal description of real property need not be given: *SHB 1317, CH 168 (1988)
- Mobile home rental space availability, study senior citizen impact, increase land that is available: SB 5076, SSB 5076
- Mobile home zoning: SB 5852, SB 5870
- Preliminary approved short plat, recording prior to transfer: SB 6680
- Short subdivision surveys need not be filed before subdivision approval: SB 6681
- Subdivisions meeting zoning requirements, administrative approval authorized: SB 6716
- Transportation needs to be considered in policy development: HCR 4435

LANDFILLS (See also SOLID WASTE)

- Cedar Hills, phasing out: SB 5068

LANDLORD TENANT

- Drug-related activities in rental units, landlord/tenant relationship revised: *SHB 1445, CH 150 (1988)
- Landlord-tenant review and advisory committee: HB 1898

LANDLORD TENANT—cont.

- Mobile home landlords, unfair practices specified: SB 5600
- Mobile home rental space availability, study senior citizen impact, increase land that is available: SB 5076, SSB 5076
- Mobile homes, remedies, damages: *SHB 1683, CH 126 (1988)
- Mobile homes, tenant remedies for violation of rental agreement: SB 5950
- Public assistance, study rent payments to landlords, pilot program: *SHB 932, CH 264 (1988)
- Rent, nonpayment by persons on public assistance, recovery, garnishment: SB 5751
- Rent payments directly to landlord from public assistance, study, pilot program: *SHB 932, CH 264 (1988)
- Unfair practices specified: SB 5166
- Unfit premises, regulated, premises or portions, monitor for possible demolition: SHB 439
- Utility liens against landlords prohibited: SB 5966

LANSING, SUSAN

- Alternate dairy princess introduced p. 305

LaPOLD, GEORGE

- Elected sergeant at arms of the senate p. 9

LARRABEE STATE PARK

- Capital budget: *SSB 6763, CH 2 E1 (1988)

LAW ENFORCEMENT

- AIDS, personnel exposed to fluids may request testing: SSB 6221, 2SSB 6221
- Collective bargaining for jail and radio dispatch personnel: SB 6022
- Drugs, interception of conversation concerning illegal controlled substances, limited use: SB 6146, SSB 6146, SB 6407, SB 6725
- Drugs, one-party consent law changed: SSB 5070, SB 5362, SB 6146, SSB 6146
- Emergency response, charge persons under the influence of drugs or alcohol for emergency response expenses: SB 6732
- Immunity for good faith actions of peace officers: SB 6654
- Interference with telecommunication of public safety, misdemeanor: SB 6565, SSB 6565
- LEOFF, board membership eligibility: SB 6212, *SSB 6212, CH 164 (1988)
- Medal of honor: SB 6366
- Pregnant officers, limited duty work provided: SB 6414
- Sheriff's office, permitting county employees to transfer to prior existing positions: SHB 1334
- Training, full-time commissioned personnel: SB 6510
- Wiretapping, drugs, restricted occasions, restricted use of information: SB 6146
- Wiretapping, one-party consent law changed for drugs: SSB 5070, SB 5362, SB 6146, SSB 6146
- Workers' compensation benefits, eligibility revised regarding heart attacks: SB 6752

LAWRENCE, EDITH A.

- Trustee, Edmonds community college district no. 23,
GA 9080 p. 158

LEAVES OF ABSENCE

- Leave contribution program for state employees: SHB 1375, SB 6585
- Minimum standards for all employers: *SHB 1319, CH 236 (1988)
- Olympic athletes and officials: SB 6216, SSB 6216

LEE, SENATOR ELEANOR

- Appointed economic development and labor, chair:
education, and ways and means committees pp. 14, 15
- Point of order, amendment to SSB 6277 p. 503
- Point of order, amendment to SB 6674 p. 513

LEE, SENATOR ELEANOR—cont.

Point of order, amendment to HB 1330 p. 666

LEGAL SERVICE PLANS

Prepaid plans regulated: SB 6577, SSB 6577

LEGEND DRUGS (See DRUGS)**LEGISLATURE**

Conference committees, joint rules amended: SCR 8425

Cut-off dates for the 1988 regular session: *HCR 4426 (1988)

Executive sessions of standing committees and caucuses, legislature may adopt rules: SB 6167

Governor notified by the house that the 1988 legislature is ready: *HCR 4428 (1988)

Joint session to hear the governor's 1988 state of the state: *HCR 4427 (1988)

Legislators, commencement of terms on 2nd Monday of January: HB 1335

One party consent law, review: SB 6725

Reintroduction of the 1987 legislation: *HCR 4425 (1988)

Restrooms, supplemental capital budget: *SSB 6763, CH 2 E1 (1988)

Senate districts to contain 2 representative districts: SJR 8232

Session commencement dates changed: HB 1335

State patrol memorial plaque committee created: SB 6197

LIABILITY (See IMMUNITY)**LIBRARIES**

Districts, eminent domain: SB 6700

LICENSE PLATES

Antique vehicles, license plates and fenders regulated: *SB 6362, CH 15 (1988)

Civil air patrol, personalized plates authorized: SB 6269, SB 6330

National guards: SB 6269

POWs, license plates for surviving spouses: SB 6201

Study special plates: SHB 1457, SB 6723

LICENSING, DEPARTMENT OF (See also MOTOR VEHICLES)

Child abuse perpetrators, central registry to notify schools when an employee is put on register: SB 5554

Health care professionals, omnibus registration act, consumer protection: SB 5752
Securities division, legal counsel may be employed: SB 5756

LIE DETECTORS

Regulating polygraph examiners: SB 5350

LIENS

Child support, effective for 10 years from date of recording: SB 6564

Construction liens, consumer information for use by all real property lenders: SB 6569, *SSB 6569, CH 270 (1988)

Contractor disclosure: SB 6435, *SSB 6435, CH 182 (1988)

Contractors, enforcement of liens revised: SB 6434

Landlord tenant situations, utility liens against landlords prohibited: SB 5966

Livestock, caring for, lien upon proceeds or accounts receivable from the animal: SB 6432, SSB 6432

Livestock, priority over other liens: SB 6432, SSB 6432

Materialmen's, notice provisions do not apply to certain contractors or subcontractors: SB 6701

Mechanics' and materialmen's infractions, each day and each worksite is a separate infraction: SB 5790

Residences, lien foreclosure proceedings, defense established: SB 6436

Self-storage facilities: SB 5595, *SSB 5595, CH 240 (1988)

UCC revisions: HB 1502

Uniform federal lien registration act: *SB 6563, CH 73 (1988)

LIENS—cont.

Utilities, landlord tenant situations, utility liens against landlords prohibited: SB 5966

LIENANT GOVERNOR (See also CHERBERG, JOHN A.; also PRESIDENT OF THE SENATE)

Commence term, 2nd Monday of January: HB 1335

LIFELINE TELEPHONE SERVICE

Repeal program: SB 6326

Replaced with voluntary program: SB 6566

LIFE-SUSTAINING MEASURES (See also NATURAL DEATH ACT)

Provisions revised, terminal revised, procedures revised: SB 6652

Standards of care regarding deliberately causing death: SB 6231

LINGCOD

Personal use license, annual license not required if have two-consecutive-day personal use license and punchcard: SB 6687

LIQUOR (See also ALCOHOL; DRUNK DRIVING)

Advertisements, sales and use tax: SB 6758

Beer advertising must carry warning of hazards: SB 5207

Beer retailers' license fee increased: SSB 5070

Broker's license created: HB 1294

Business entertainment practices, wholesalers or manufacturers may engage in lawful practices with retailers: SB 6612

Class G license fee increased: *SHB 1295, CH 200 (1988)

Class J license fee increased: *SHB 1295, CH 200 (1988)

Class M liquor license for motels: SB 5947

Collector items, sale restrictions: SHB 1291

Driving while affected by intoxicating liquor, .08: SB 6657

Driving with certain blood/breath alcohol levels, penalty schedule: SB 5700

DSHS alcohol program, liquor revolving fund: SSB 5070

Food products may be sold by wine and beer wholesalers to retailers: *SB 6578, CH 50 (1988)

Housing assistance for alcoholics, 3% tax on spirits and beer: SB 6663

Keg registration, state preemption: SSB 5070

Keys, transactions to unlicensed purchasers, recordkeeping process: SSB 5070

Licenses, conditions and restrictions to be listed on licenses: HB 1293, *SHB 1295, CH 200 (1988)

Licenses, new, nonrefundable \$75 fee: *SHB 1295, CH 200 (1988)

Licenses, suspension notation procedure removed: *SHB 1295, CH 200 (1988)

Liquor revolving fund, distribution to border areas: 2SHB 1303

Liquor revolving fund, juvenile alcohol and drug prevention programs: SSB 5070

Minors employed by licensees, authorized work activities described: *HB 1292, CH 160 (1988)

Minors prohibited in taproom portion of premises: SB 5487

Minors, unlawful to supply to minor: SSB 5070

Minors, use, consumption, or possession of liquor, arrest: SSB 5070

Sale of gas and alcohol concurrently is forbidden: SB 5397

Seized liquor, report and delivery requirement repealed: SHB 1296

Social hosts, guests, licensees, etc., legal actions defined: SB 5867

Sunday sales by liquor store vendors of own products: *HB 1288, CH 101 (1988)

Tax distribution, to association of counties for county research bureau: HB 2002

Tax on wine and beer to fund childrens trust account for CFS and K-12: SB 6619

Wine advertising must carry warning of hazards: SB 5207

Wine and grape research, liquor revolving fund: SSB 5070

Wine, reciprocity for out-of-state wine shipments: SB 5358

LIQUOR CONTROL BOARD

Paula C. O'Conner, member, GA 9213,
confirmed 230, 240, 630, 1245

LIVESTOCK (See also HORSES)

Collisions with livestock and motor vehicles, presumption of livestock's negligence removed: SB 5171
Liens, caring for animal, lien upon proceeds or accounts receivable from the animal: SB 6432, SSB 6432
Liens, priority over other items: SB 6432, SSB 6432
Running at large, control within 12 hours: SB 5117
Theft penalties revised: *SB 6608, CH 218 (1988)
Trespass, running at large, list of possible offenders broadened: SB 6392

LIVING WILLS (See NATURAL DEATH ACT)**LOANS**

Equity skimming, prohibitions: SB 6096, *SSB 6096, CH 33 (1988)
Escrow regulated: *SHB 1369, CH 178 (1988), SB 6617
Residential mortgage loans, direct reduction provisions, escrow account: SB 6417
Residential mortgage loans, lock-in agreement, consummation, fees and cost disclosure: SB 6416
Small business loan program: SB 6275, SSB 6275, 2SSB 6275
Small business loan program established: SB 5588
Student loan eligibility revised: HB 1885

LOBBYISTS (See also CAMPAIGNS; PUBLIC DISCLOSURE COMMISSION)

Campaign laws, public office funds, revisions: SB 6451, SSB 6451
Government employees and agents, written positions by officials to verify testimony: SB 6599

LOCAL GOVERNANCE STUDY COMMISSION

Budget: *SHB 1312, CH 289 (1988)

LOCAL GOVERNMENT

Citizens' committee to review local governments: SHB 1632, SB 6463
Restructuring, separate processes enabling citizens and officials to review local government: HJR 4227
Service agreements, requirements established: SHB 1631, SB 6483

LOCAL IMPROVEMENT DISTRICTS (See also SPECIAL DISTRICTS)

Assessments, may be made monthly, and may use credit cards: SB 6198
Forced signing of petitions prohibited: SB 5307
Transportation, funding, waiver of right to protest formation of district, agreements with owners: *SHB 1817, CH 179 (1988), SB 6570
Transportation impact fees: *SHB 1817, CH 179 (1988), SB 6570

LOCAL MARKETPLACE PROGRAMS

Authorized: 2SHB 1516
Budget: *SHB 1312, CH 289 (1988)

LOCKOUTS (See also LABOR RELATIONS)

Unemployment benefit eligibility revised no benefits for certain strikes or lockouts: *SB 6243, CH 83 (1988)

LOGGING (See TIMBER)**LONG-TERM CARE**

Veterans, nursing care for indigent veterans to be studied: *HB 1354, CH 216 (1988)

LONG-TERM CARE OMBUDSMAN

Advisory committee created, office moved to AG: SB 5270
Contract with private nonprofit organization to provide ombudsman services: *SHB 1849, CH 119 (1988)

LONG-TERM CARE OMBUDSMAN—cont.

- Retaliatory action prohibited against persons who communicate with long-term care ombudsman: SB 5270
 Revisions, local duties created, office created in DSHS: SB 5614
 State long-term care ombudsman advisory committee created to assist long-term care ombudsman: SB 5614

LOOMIS LAKE TRUST PROPERTY

- DNR land, transferred to parks and recreation commission: *HB 1616, CH 79 (1988), SB 6665

LORD HILL TRUST PROPERTY

- DNR land, transferred to parks and recreation commission: *HB 1616, CH 79 (1988), SB 6665

LORENZ, JEANIE

- Reappointed member, interagency committee for outdoor recreation, GA 9206, confirmed pp. 20, 590, 1454

LOSS OF CONSORTIUM (See also MARRIAGE)

- Contributory fault between spouses: SB 5262

LOTTERY

- Probability must be fully disclosed: SB 5352
 Revenue deposited in the common school construction fund: SB 6155, SSB 6155
 School construction fund to receive revenue: SB 6155, SSB 6155
 Study commission practices and procedures: SCR 8436
 Sunset provisions: HB 1515, SB 6301
 Transfer of money from state lottery account to the general fund provided for: SHB 2053
 Unclaimed prizes to housing trust fund: SB 6491, SSB 6491

LOTTERY COMMISSION

- Barbara Bryant, member, GA 9144 p. 72
 Carl M. Ooka, reappointed member, GA 9153 p. 72

LOW INCOME

- AFDC eligibility revised: SB 6005
 Child care, increased funding for payment rate increases for regular and reservation day care: SB 6531
 Education assistance for public assistance recipients: SB 6006
 Elderly, homes for the aged, property tax exemption conditions revised: HB 1819
 Family independence program: SB 5471
 Housing, multifamily housing construction incentive via sales and use tax exemptions: SB 6528, SSB 6528
 Indigents, appointment of counsel for, study: SHB 1312, SB 6498, *SSB 6498, CH 156 (1988)
 Low-income housing preservation task force, evaluation of loss of housing due to development, demolition, etc.: SHB 1601
 Panorama City tax situation addressed: HB 1819
 Scholarship program for low-income working persons and single heads of household: SB 5461
 Start own business, assistance to be given: SB 6004
 Utility rate reduction for low-income disabled citizens: SB 6200, *SSB 6200, CH 44 (1988)
 Veterans, study nursing care for indigent veterans: *HB 1354, CH 216 (1988)

LOWER COLUMBIA COMMUNITY COLLEGE, DISTRICT NO. 13

- Myrna J. Emerick, trustee, GA 9170, p. 158

LYNCH, GRACE L.

- Trustee, Wenatchee Valley community college, district no. 15, GA 9167, confirmed pp. 158, 606, 1119

MACKEY, RALPH E.

Reappointed member, interagency committee for outdoor recreation, GA 9120, confirmed pp. 21, 61, 73, 115

MADSEN, SENATOR KEN

Received certificate of election p. 3
 Appointed member energy and utilities and law and justice committees p. 14
 Personal privilege, first speech on senate floor p. 191
 Conflict of interest, SSB 6438 p. 442

MAIL ORDER SALES

Sale occurs in county from which buyer places order for tax purposes: SB 6323
 Tax collection authority from federal government requested: SJM 8031

MAJUMDAR, MAHBUB

Senate page introduced and addressed senate, SFR 1988-8734 p. 1000

MAMMOGRAMS

Insurance coverage for screening and diagnostic purposes: SB 6324

MANUFACTURED HOUSING (See also MOBILE HOMES)

Manufactured home conversion, procedure for classifying home as either real or personal property: SB 6726

MANUFACTURER'S REBATES

Regulated: HB 1524

MAPLE STREET TOLL BRIDGE

Removal of toll by 6/1/89, WSDOT to plan: SB 5095

MAPLE VALLEY

Cedar Hills landfill, phasing out: SB 5068

MARIJUANA (See DRUGS)**MARINAS**

Oil dump and holding tank information to be provided to boaters: SHB 1391
 Public operators to establish charges which reflect private facility costs: SB 6043

MARINE PATROL SERVICES

Watercraft excise tax, distribution, arbitration: *SHB 46, CH 261 (1988)

MARINE RESOURCES (See OCEAN RESOURCES)**MARKETING**

International marketing programs, advisory board to IMPACT created: SB 5746

MARRIAGE

County domestic violence prevention programs, funding via an additional \$17, marriage license fee: SHB 567
 Fault marriage may be contracted for: SB 6389
 Fee increased from \$8 to \$10: SHB 567
 Solemnization of marriages by court commissioner allowed: SB 5103
 Written marriage contracts authorized: SB 6389

MARTINEZ, SIMON

Reappointed member, oil and gas conservation committee, GA 9122, confirmed pp. 62, 72, 131

MAST, SHARON

Alternate member, commission on judicial conduct, GA 9166, confirmed pp. 76, 606, 999

MATERNITY LEAVE

Minimum standards for all employers, unfair practice conditions: *SHB 1319, CH 236 (1988)

MATTINGLY, CORALEE

Trustee, Yakima Valley community college district no. 16,
GA 9137, confirmed pp. 158, 605, 630

MAYOR PRO TEMPORE

Council to chose, term not to exceed 6 months: *HB 1833, CH 196 (1988)

McALLISTER, JIMMY

Coach, Tacoma Stars soccer team introduced and addressed
senate and presented jersey to President Cherberg p. 1590

McBRIDE, JOHN

County commissioner of Spokane county introduced p. 592

McCASLIN, SENATOR BOB

Nomination of Senator Ellen Craswell as vice
president pro tempore p. 6

Personal privilege, remarks on Sid Snyder as
secretary of the senate p. 9

Appointed governmental operations, chair; law and
justice, vice chair; and financial institutions and insurance committees . p. 14

Parliamentary inquiry, timing of gavel, SSB 6498 p. 462

Personal privilege, attorneys in senate p. 463

Personal privilege, Senator Fleming compliments to
republican senator p. 541

Personal privilege, proper to call senators characters p. 705

Parliamentary inquiry, question sponsor of
amendments, ESHB 1312 p. 802

Parliamentary inquiry, question language of amendment
to committee amendment, ESHB 1312 p. 865

Personal privilege, Seattle convention center and
Spokane coliseum p. 1029

Point of order, amendment to SHB 1660 p. 1149

McDONALD, SENATOR DAN

Appointed ways and means, chair; and children
and family services committees pp. 14, 15

Personal privilege, illness of staff member,
Featherstone Reid p. 137

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Point of order, amendments to SSB 6379 p. 478

Acting president and ruling on motion properly
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SSB 6763 pp. 1631, 1632, 1633

McGLENN, JOHN C.

Member, wildlife commission, GA 9136, confirmed pp. 73, 95, 132

McMULLEN, SENATOR PATRICK R.

Received certification of election p. 3

Appointed member economic development and labor,
higher education, and transportation committees pp. 14, 15

Personal privilege, first speech on senate floor p. 344

Introduced Kate Skeldon, executive director of
Mt. Vernon chamber of commerce p. 1376

McNEIL ISLAND

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

McNEIL, VICKI

Mayor of Spokane introduced p. 592

MEDAL OF HONOR

Law enforcement medal of honor: SB 6366

MEDAL OF MERIT

Joint legislative session to recognize 1988 recipients: *HCR 4441 (1988)
Sunset medal of merit committee: SHB 1382

MEDIATION (See also ARBITRATION)

Farm foreclosure, use community college system: SSB 6344, SB 6545, SSB 6545
Natural resource disputes, grants for mediation authorized: SHB 12
Unjust discharge, arbitration procedures established: SB 5965

MEDICAL ASSISTANCE

AIDS, zidovudine and other drugs to be made available: SB 6335
Alcoholism and drug addiction treatment and shelter program: SB 5568
Hemophiliac service program: SB 6331
Jail inmates, eligibility under the limited casualty program: SB 6205

MEDICAL EXAMINERS

Study regarding combining crime lab, toxicology lab, and examiner system: SB 6215

MEDICAL INTERNS AND RESIDENTS

Hours of labor regulated: HB 1458

MEDICARE

Health care facility certification options for hospitals that desire to convert to nonhospital health care: *SSB 6124, CH 207 (1988)

MEDICINE

Physicians' assistants, scope of practice extended: SB 5971

MENTAL HEALTH

Children and family services department: SB 6098, SSB 6098
Conditional release of committed persons, retraction: SB 5841
Conservation corps, waiver of age requirement for residents with handicaps:
*SHB 1952, CH 78 (1988)
Criminal mental defenses revised, insanity, deficient: SHB 1432, SB 6281
Criminals, mental competency: SB 5841
Developmentally disabled, commitment procedures for those who are dangerous to others: HB 1903
Diminished mental capacity: SB 5963
Drug and alcohol treatment, involuntary commitment revision: SB 6407
Drug and alcohol treatment programs, incapacity determination: SB 6345, SSB 6345
Fishing permits for groups supervised by health care facility or hospital staff: HB 1936
Gun ownership by persons with mental illness history regulated: SB 6214
Immunity for release by public institution: SB 5262
Kitsap mental health services, budget: *SHB 1312, CH 289 (1988)
Neuroleptic drugs, side effect warning required: SB 5860
Policy regarding community treatment: SB 6214

MENTAL RETARDATION (See also DEVELOPMENTALLY DISABLED)

Reimbursement formula for nursing homes with contracts with DSHS: SB 6202

MENTAL SPORTS

Mental sports competition and research advisory committee: SB 5056

METCALF, SENATOR JACK

Second nomination of Senator Ellen Craswell as
vice president pro tempore p. 6

METCALF, SENATOR JACK—cont.

- Second nomination of Gordon A. Golob as secretary
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- Appointed environment and natural resources, chair;
governmental operations,
and transportation committees pp. 14, 15
- Personal privilege, appreciation of organization of
bill books p. 322
- Point of order, amendment to HCR 4402 p. 1132

METHADONE TREATMENT PROGRAMS

- AIDS related concerns, needle exchange program: SB 6335

METROPOLITAN MUNICIPAL CORPORATION COUNCILS

- Council membership revised, one person, one vote: SHB 1726
- County-wide election provided for: SB 6718
- Sewer connection charges authorized if engaged in sewage disposal: SB 6445, SB
6718

MILAS

- Flags of POW and MIA, display urged: SCR 8430, SSCR 8430

MICKELSON, KAYE

- Trustee, Spokane joint center for higher education
administration board, GA 9015 p. 158

MIGRANT WORKERS (See also AGRICULTURE)

- Immigration, worker documentation certification: SB 6294, SSB 6294

MILITARY

- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)
- School enrollment forecasts, armed-forces shipboard populations to be deter-
mined by OFM: SB 6524, *SB 6641, CH 260 (1988)
- Study of state's co-dependence with the military economy: 2SHB 1835

MILITARY DEPARTMENT

- Keith M. Eggen, adjutant general, GA 9203,
confirmed pp. 20, 323, 1452

MINIMUM WAGE

- Adjustments by L&I according to various guidelines: HB 1544, SB 6529
- Exempt employers revised, agriculture exemption removed: HB 1544, SB 6529
- Increased to \$2.35, age thresholds revised: HB 1544, SB 6529
- Increased to \$3.35: SB 6674
- Labor and industries, compliance and investigations, procedures: SB 5613
- Nursing home services, minimum wage adjustments: SB 6011
- Raised to \$3.35, outdated language removed: SB 6762
- Tie to federal poverty level: SHB 709

MINING

- Game department has exclusive authority to negotiate leases on their land: SB
5999

MINI-STORAGE

- Liens for owners of facilities: SB 5595, *SSB 5595, CH 240 (1988)

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

- Disabled persons included as minorities: SB 5328

MOBILE HOMES

- Cities to review need for manufactured homes: *SHB 1690, CH 239 (1988), SB 6493,
SSB 6493
- Commission on rental space availability, study senior citizen impact, increase
land that is available: SB 5076, SSB 5076
- Dealer licensure requirements amended, vetoed: SHB 1673, SB 6504

MOBILE HOMES—cont.

- Designated manufactured home, siting on individual lots: *SHB 1690, CH 239 (1988)
- Enforcement of installation and service standards by counties and cities: *SHB 1690, CH 239 (1988)
- Installers, certification: SHB 1590
- Landlord tenant provisions revised, remedies, damages: *SHB 1683, CH 126 (1988)
- Landlords, unfair practices specified: SB 5600
- Manufactured home conversion, procedure for classifying home as either real or personal property, conversion process provided: SB 6726
- Mobile home and manufactured housing affairs advisory committee, vetoed: SHB 1673, SSB 6618
- Movement, validity of license, verification, DOL or local government authorized: *SHB 1690, CH 239 (1988)
- Office of mobile home affairs established, ombudsman service, additional county tax on mobile home real property: SB 6618
- Office of mobile home affairs, ombudsman service, funding by assessment on landlords: *SHB 1673, CH 280 (1988), SSB 6618
- Real estate licensees may sell mobile homes: SB 5133
- Rental charges for mobile home parks, rent control: SB 5601
- Siting on individual lots, renew: *SHB 1690, CH 239 (1988)
- Tenant remedies for violation of rental agreement: SB 5950
- Transport regulated: *SHB 1690, CH 239 (1988)
- Zoning: SB 5852, SB 5870

MODEL TRAFFIC ORDINANCE

- Updating, 1988: *SB 6295, CH 24 (1988)

MOMENT OF SILENCE

- Memory of Annie Hagerty, sister of
President John A. Cherberg p. 315

MOORAGE FACILITIES (See also MARINAS)

- Public operators to establish charges which reflect private facility costs: SB 6043

MOORE, SENATOR RAY

- Appointed member financial institutions and insurance,
and ways and means committees pp. 14, 15
- Remarks on final passage, SB 6674 p. 530

MORTGAGES

- Equity skimming, prohibitions: SB 6096, *SSB 6096, CH 33 (1988)
- Inflated appraisals, remedy: SB 6634
- Licensing, registration board created: SB 5537
- Mortgage brokers practices act: SB 5373
- Residential mortgage loans, direct reduction provisions, escrow accounts: SB 6417
- Residential mortgage loans, lock-in agreement, consummation, fees and costs disclosure: SB 6416

MORTON HIGH SCHOOL

- 1988 State class B championship boys basketball team and
coaches introduced, SFR 1988-8751 p. 1422

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- Bidding for movies released in this state, fair opportunity: SB 5346, SSB 5346

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Bonds required: *SSB 5844, CH 31 (1988)
 Brokers regulated: SB 5844
 Brokers regulated: *SSB 5844, CH 31 (1988)
 Hearings to be held in the area of proposed operations: *HB 1418, CH 58 (1988)
 Identification on certain large trucks: *SHB 1672, CH 56 (1988)
 Reform of present regulation system: SB 6589

MOTOR VEHICLES (See also LICENSE PLATES)

Accidents, failure to report, driver's license suspension is discretionary versus mandatory: HB 280
 Air emission inspection and maintenance program revised: SB 6261
 Alcohol and gas are not to be sold concurrently: SB 5397
 Antique vehicles, fenders not required in dry weather: HB 1578
 Antique vehicles, license plates and fenders regulated: *SB 6362, CH 15 (1988)
 ATVs defined as ORVs, minors may not register, safety instruction standards to be implemented: SB 6213, SSB 6213
 Auctions, part of farm or estate sale, requirements: SB 6054
 Battery recycling: SB 6444
 Blood alcohol level threshold lowered to 0.08 grams: SB 6407
 Bumpers required on new pickup trucks: SB 6543
 Crash parts, regulating the use of: SB 6285
 Criminal possession, class C felony: SB 6656, SSB 6656
 Dealer regulations, scope modified, sales forum, etc.: *SHB 1883, CH 289 (1988)
 Defective equipment, driver has 72 hours to fix minor defect: SB 6522
 Driver's license, expired, penalty fee for late renewal: HB 254
 Driver's license, expired, penalty fee for late renewal: *HB 254, CH 88 (1988)
 Driver's license, ignition interlock systems, occupational licenses: SSB 6410
 Driver's license, privileges denied to juveniles convicted of drug or alcohol offenses: SB 6410, SSB 6410
 Driver's license renewal, valid and proper identification established: *HB 254, CH 88 (1988)
 Drivers' license revocation or suspension, minors, drug or alcohol violations: *HB 1482, CH 148 (1988), SB 6429
 Driver's license suspension for failure to report an accident is discretionary instead of mandatory: HB 280
 Drivers' licenses, protecting information: SB 5718, SSB 5718
 Driver's licenses, suspensions, hearings eliminated in certain instances: HB 294
 Drunk driving, driving while affected by intoxicating liquor, .08: SB 6657
 DWI arrests, state grants to local governments: SB 6407
 Fraudulent failure to register vehicles and vessels: SHB 1860
 Gas and alcohol are not to be sold concurrently: SB 5397
 Impoundment of vehicles from parking lots prohibited: *SB 5363
 Inspection and maintenance program revised: SB 6261
 Insurance, financial responsibility mandatory, insurance, bond, certificate of deposit, or self-insurance: SB 5516, SSB 5516
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MOTOR VEHICLES—cont.

- Insurance policies required to provide personal injury protection benefits: SHB 511
- Insurance, underinsured coverage strengthened: SB 5855
- Interest rate on retail installment contracts, publication of maximum rate: HB 1622, *SB 6412, CH 72 (1988)
- License fees, doubling of extra fee paid for each application: *SB 6494, CH 12 (1988)
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- Reappointed trustee, Grays Harbor community college district no. 2, GA 9184, confirmed pp. 16, 163, 407

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NADDY III, JOHN F.,

- Trustee, state school for the blind, GA 9152, confirmed pp. 657, 1245, 1308

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O'CONNOR, PAULA C.

Member, liquor control board, GA 9213,

confirmed pp. 230, 240, 630, 1245, 1455

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Simon Martinez, reappointed member, GA 9122,
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Anne S. Blair, reappointed trustee, GA 9177,
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Reappointed member, state lottery commission, GA 9153 p. 72

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OSTEOPATHIC MEDICINE

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OSTER, PAT

President future farmers of America introduced and addressed senate p. 631

OTTER, BUTCH

Lieutenant Governor of Idaho introduced and addressed senate p. 581

OWEN, SENATOR BRAD

Appointed member energy and utilities, environment and natural resources, and transportation committees pp. 14, 15

Reappointed member, Pacific marine fisheries commission, GA 9165, confirmed pp. 62, 73, 116

PACIFIC MARINE FISHERIES COMMISSION

Robert D. Alverson, reappointed member, GA 9174, confirmed pp. 62, 73, 366

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PARDINI, A.J. "BUD"

Member, utilities and transportation commission, GA 9164.

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Shellfish, commercial harvesting on state parks land prohibited: SB 6686

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 Jack Watkins Jr., reappointed trustee, GA 9190,
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PITTS, DAVID A.

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POLHAMUS, BONNIE J.

Trustee, Big Bend community college district no. 18,
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Recognition day for former prisoners of war: SB 6468

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lished: *SHB 1319, CH 236 (1988)
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Prenatal test laboratories licensed: SSB 5378
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Laboratories licensed: SSB 5378

Prenatal test advisory committee formed: SSB 5378, *2SSB 5378, CH 276 (1988)

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Attorney fees and expert witness costs: SSB 6453

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CHERBERG, JOHN A; also RULINGS AND REPLIES BY THE PRESIDENT;
also PARLIAMENTARY INQUIRIES)

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Uzbek society for friendship and cultural relations with
foreign countries p. 90

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Hutchinson p. 405

Presented ambassador of good will certificate to

Dena Galech, national junior women's free style ice
skating champion p. 623

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RULINGS AND REPLIES BY THE PRESIDENT PRO TEMPORE; also PAR-
LIAMENTARY INQUIRIES)**PRESIDENTIAL PRIMARY**

Establishing a presidential preference primary: SB 6576

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Labor and industries, compliance and investigation, procedures: SB 5613

PRIMLEY, NANCI C.

Reappointed member, housing finance commission, GA 9163,

confirmed pp. 229, 896

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102 (1988)**PRISONERS, EX OF WAR**

Members introduced in gallery p. 623

Past national commander, Charles P. Towne introduced,

addressed senate and presented plaque of appreciation
to Senator Rasmussen p. 623

Department commander, Judge George Vassel, introduced

and addressed senate p. 623

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AIDS, prisoners may be examined and treated: SSB 6221, SB 6335

AIDS testing for all persons being held: *2SSB 6221, CH 206 (1988)

Conditionally released, payment provisions: SB 5551

Cost of care may be collected from prisoners: SB 5119

Inmate personal property, state liability restricted: SB 6679

Inmate work programs, competitive impact study required: SB 5711

Payment provisions for conditionally released prisoners: SB 5551

Rights of prisoners, payment provisions for conditionally released prisoners: SB
5551Shelton correctional center, population level for training center: *SHB 1271, CH
143 (1988)

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- Drug and alcohol workplace testing limited: SHB 1876
- Drug testing, false positive results, employer liability: SB 6224
- Drugs, interception of conversation concerning illegal controlled substances, limited use: SB 6146, SSB 6146, SB 6407, SB 6725
- Drugs, wire-tapping, one-party consent law changed: SSB 5070, SB 5362
- Employment security information, confidentiality or information supplied by another agency: SB 6730
- Motor vehicle records disclosure procedure modified, identification of person making request: SB 6661, SSB 6661
- Wire-tapping, drugs, restricted occasions, restricted use of information: SB 6146

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- Ceiling, allocation: SB 5640

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- Buses, private students may be transported on public buses: SSB 5334
- Church-approved private school is an approved private school, filing requirements modified: SB 6695
- Colleges and universities, grant program for needy students: SB 5748
- Colleges and universities, independent, state contracts for instructional services: SB 5430
- Washington scholar's award, allowed: *SSB 5558, CH 210 (1988)
- Washington scholar's award, grants to scholars attending private institutions: SHB 1800
- Washington scholars award, tuition and fee waivers for independent colleges and universities: SB 5558

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- Adjoining land owner may be joined as a party: *SHB 1416, CH 129 (1988)
- Attorney fees and costs to owner of land being crossed: *SHB 1416, CH 129 (1988), SB 6453
- Easements by prescription, prove necessity: SSB 6453, SSB 6637
- Fair market value: SSB 6637
- Fair market value, attorney fees and expert witness costs: SSB 6453
- Necessity defined to mean absolute necessity and not convenience: SB 6453
- Priorities for route selection: *SHB 1416, CH 129 (1988)

PRIVILEGED COMMUNICATIONS

- Drug and alcohol treatment, exceptions, waivers: SB 6407

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- Firearm or ammunition, design defect, weigh risks and benefits: SSB 6109
- Firearms or ammunition, design defects, proximate cause, design alternatives, revisions: SB 6109
- Firearms or ammunition, grounds specified: SB 5388

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- Limiting the authority to establish regulations: SB 5865

PROSECUTING ATTORNEYS

- Victims or survivors, trial time, place, etc., notice to be given: SB 6068

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- DOE to sell its interest for fair market value: SB 6217, *SSB 6217, CH 137 (1988)

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- AIDS test required of convicted prostitutes: SB 6221, SSB 6221, 2SSB 6221
- Patronizing a prostitute, misdemeanor: *SHB 1302, CH 146 (1988)

PRYOR, HOWARD H.

- Reappointed trustee, Wenatchee Valley community college district No. 15, GA 9186, confirmed pp. 17, 163, 438

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Examining board, sunset revised: *HB 1515, CH 288 (1988), SB 6301

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AFDC, self-employed persons, federal waivers: *HB 1836, CH 170 (1988), SB 6232, SSB 6232

Alcoholism and drug addiction treatment and shelter program: SB 5568

Child care, increased funding for payment rate increases for regular and reservation day care: SB 6531

Child support payments to custodial parents, recognize that they reduce hardship and reliance on public assistance: SB 6710

Education, assist in continuing: SB 6006

Family independence program, approving implementation plan, revisions: *SB 6675, CH 43 (1988)

Family independence program established to reduce poverty: SB 5471

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Overpayment of benefits to vendors and recipients, recovery modified: SB 5341

Rent, nonpayment by persons on public assistance, garnishment: SB 5751

Rent payments directly to landlord, study, pilot program: *SHB 932, CH 264 (1988)

Rent, security deposits for qualified homeless persons: *HB 1387, CH 237 (1988)

Start own business, assistance to be given: SB 6004

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Employment security information, confidentiality of information supplied by another agency: SB 6730

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Nonprofit organizations, politically active, disclosure: SB 5186, SSB 5186

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Small political subdivisions, less than 2,500 voters, reporting exemptions: SB 6731

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- Crack houses: SSB 5070
- Drug houses: *SHB 692, CH 141 (1988)
- Drugs, buildings used in connection with unlawful activities: SB 6317
- Drugs, knowledge language revised regarding controlled substances: *SHB 692, CH 141 (1988)

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- Contracts with individuals or entities not prohibited: SB 6708
- Preference, in-state purchase preference for state and political subdivisions: SB 6327
- Private sector service purchases authorized: SB 6479
- Recovered materials, state purchase encouraged: SHB 1784, SB 6446, *SSB 6446, CH 175 (1988)

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- Electricity, customer billings, tax breakdown required: SB 6342, *SSB 6342, CH 228 (1988)
- Landlord tenant situations, liens against landlords prohibited: SB 5966
- Public health, tax on utilities: SB 6662
- Public utility and transportation corridors, revising authority: SB 5147, *SSB 5147, CH 16 (1988)
- Radio communication services may be offered by districts: HB 1579
- Rates, regulate expenses of unregulated activities: SB 5881
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- Unfair business practices, rates for unregulated activities: SB 5881

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- Emergency projects, loans authorized: SB 6404, *SSB 6404, CH 93 (1988)
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- Hours, ten hour days, no more than 4 days a week: *SSB 5586, CH 121 (1988)
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- Sunset: *SHB 1382, CH 186 (1988)

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- Bottomfish, commercial net fishing prohibited: SB 5323
- Disposal of materials into Puget Sound limited: SB 5575
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- Secondary sewage treatment, waiver allowed when certain conditions met: SB 5044

PUGET SOUND WATER QUALITY AUTHORITY

- Marjorie S. Redman, reappointed member, GA 9162, confirmed pp. 73, 596, 874

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Public utility districts may offer radio communication services: HB 1579

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Steam railway, hotel/motel tax: *HB 2057, CH 1 E1 (1988)
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- Real property managers, civil actions of appointment, cannot base on property being unfit or in violation of health or safety laws: SB 6420

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- DOE to provide informational material to haulers: *SSB 6446, CH 175 (1988)
- Environmental excellence awards for solid waste reduction and recycling: SB 6265
- Gasohol, tax credit increased to encourage use of recyclable materials: SB 6650
- Tax credit to manufacturers of products composed of recoverable material: SB 6443
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REDMAN, MARJORIE S.

- Reappointed member, puget sound water quality authority, GA 9162, confirmed pp. 73, 596, 874

REDMOND, PAUL

- President of Spokane's Momentum 88 introduced and addressed the senate p. 592

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- Expanding: *SB 6291, CH 90 (1988)

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- Employer obligations for relocation, termination, or sale: HB 1552

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- Drug-related activities in rental units, landlord/tenant relationship revised: *SHB 1445, CH 150 (1988)
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- Mobile home rental space availability, study senior citizen impact, increase land that is available: SB 5076, SSB 5076

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- Nonpayment of rent by persons on public assistance, recovery, garnishment: SB 5751
- Public assistance, rent payments to landlords, study, pilot program: *SHB 932, CH 264 (1988)
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- Time of arrival must be specified: SB 5485

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- Hazardous substances in the workplace: SB 6360

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REYNOLDS, JOHN

Director, department of veterans affairs, GA 9117,
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RICHARDSON, ROBERT C.

Member, higher education personnel board, GA 9154,
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RICHMOND, CHARLES R.

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ROBERTSON, BONNIE

Trustee, state school for the blind, GA 9155,
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ROPER, JAMES

Member, juvenile disposition standards commission,
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ROSE, ANNE H.

Reappointed member, housing finance commission,
GA 9160, confirmed pp. 229, 796

ROSS, G. ROBERT

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RUIZ, JOSE G.

Trustee, Skagit Valley community college district no. 4,

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RUNSTAD, H. JON

Member, board of regents, University of Washington,
GA 9156, confirmed pp. 158, 605, 721

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vate providers and local service agencies: SSB 6124
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 State lands, auction sale requirements of low-valued sand, gravel, etc., exempt:
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SANFORD, LAWRENCE E.

- Reappointed member, state board for community college
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SCHAEFER, SALLY G.

- Trustee, Clark community college district no. 14,
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SCHILTER, JULIE

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SCHOENFELD, BEVERLY A.

- Reappointed trustee, Green River community college
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- District directors, option to elect by director district: SB 6394
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- Teachers, recruitment of teachers from underrepresented groups, SPI pilot program, grants: SB 5631
- Teachers retirement, cost-of-living adjustment for plan I members: SB 6333
- Teachers' retirement options, actuarially equivalent options: *HB 1558, CH 116 (1988), SB 6457
- Teachers' retirement, termination of membership in TRS upon refund of accumulated contributions: *HB 1559, CH 117 (1988), SB 6458
- Teachers, salary allocations for certificated staff who have additional education: SB 6644, SB 6651
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SCULL, DR. ELIOT W.

- Member, interagency committee for outdoor recreation,
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- Phyllis G. Kenney, trustee, GA 9135,
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SEMON, TED S.

Trustee, Yakima Valley community college district no. 16,

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- Property tax relief extended to disabled veterans who are at least 50% disabled:
SB 6469
- Salmon and steelhead bank fishing recreation area: SB 6571

SENIOR DEVELOPMENT PROGRAM

- DCD to develop a program designed to meet the needs of local governments:
*SB 6418, CH 105 (1988)

SENTENCING

- Chronic offenders, juveniles: SB 6282, SSB 6282
- Community custody, community placement for certain offenses, violations: *SHB 1424, CH 153 (1988), SB 6381
- Community custody program for sex and violent offenders: SB 5577
- Community service hours, conversion: *SHB 1279, CH 155 (1988)
- Community service, must be completed within the period of supervision or a specified time: *SHB 1279, CH 155 (1988)
- Community supervision and consecutive sentences, how to aggregate: *SHB 1271, CH 143 (1988)
- Community supervision, offender must notify court/officer prior to moving: SHB 1269, *SHB 1271, CH 143 (1988)
- Consecutive sentences with community supervision, 24 month maximum aggregate: SHB 1269
- Controlled substances, penalties increased: SB 5701
- Drugs, 20 year minimum sentence for offenses involving minors: SB 5121
- Eastern Washington prerelease facility, supplemental capital budget: *SSB 6763, CH 2 E1 (1988)
- Felonies, unranked, seriousness levels: SB 6461
- Felonies, one or more class A felonies may trigger a more serious sentencing scheme: SB 6364, SSB 6364
- Home detention provided: *SHB 1429, CH 154 (1988), SSB 6194, SB 6482
- Home incarceration and restitution, monitoring to allow gainful employment: SB 6393, SSB 6393
- Juvenile justice act, minor redefined: SB 6573
- Monetary payments, compliance supervision: *SHB 1424, CH 153 (1988), SB 6381
- Nonviolent property offenders, sentencing alternative: SB 6509
- Postconviction relief, collateral attack limitations: *SHB 1271, CH 143 (1988), SB 6280
- Residential confinement of certain offenders authorized: SB 6194
- Restitution by offenders to victims, supervision by department: SHB 1279
- Restitution, home incarceration and restitution, monitoring to allow gainful employment: SB 6393, SSB 6393
- Sex offenders, presentence reports: *SB 6093, CH 60 (1988)
- Sex offenders, sentencing conditions: SB 6094, SSB 6094
- Standard ranges for all adult and juvenile offenses to be reviewed, emphasize population levels: SSB 6282
- Technical corrections on sentencing adult felons: SB 6462, *SSB 6462, CH 157 (1988)
- Theft, revisions: SB 6428
- Tolling of sentences: *SHB 1271, CH 143 (1988)
- Tolling of sentences, revision regarding partial confinement, total confinement, new convictions, condition violations: SHB 1269, SHB 1271, *SHB 1424, CH 153 (1988)
- Violations of conditions, conversion of various sentence elements: *SHB 1279, CH 155 (1988)
- Violations of conditions or requirements, state has the burden of showing non-compliance: *SHB 1424, CH 153 (1988)
- Work release center in Tacoma, supplemental capital budget: *SSB 6763, CH 2 E1 (1988)

SENTENCING—cont.

Work training release, maximum of 6 months partial confinement prior to release for work and reentry: *HB 1270, CH 3 (1988)

SENTENCING GUIDELINES COMMISSION

Anne L. Ellington, reappointed member, GA 9171,

confirmed pp. 77, 606, 1452

Eileen P. Farley, member, GA 9169, p. 77

John Ladenburg, member, GA 9168, confirmed pp. 76, 606, 1119

Earl Smith, member, GA 9207, confirmed pp. 21, 607, 1454

SEPTIC TANKS

Disclosure upon sale of property: SHB 645, SB 5587

Forced signing of local improvement petitions prohibited: SSB 5307

Onsite sewage disposal system, periodic pumping required: SB 5574

SERVICE AGREEMENTS (See also WATER QUALITY)

Local government service agreements, requirements established: SHB 1631, SB 6483

SETTLEMENTS

Insurance claims, notice to insured required of impending settlements: SB 5547

Judgments, settlement offers rejected, judgment 25% less: SB 5490, SB 6015

Judicial council to study whether civil appeals should have mandatory settlement conferences: SB 5262

Revisions: SB 5262

SEVERANCE PAY

Relocation, termination, or sale of businesses, employer obligations established: HB 1552

SEVIN

Use prohibited in crab or juvenile anadromous fish habitat: SB 5038

SEWAGE

Connection charges authorized by metropolitan municipal corporations who engage in sewage disposal: SB 6445, SB 6718

Connection to county or city system may be required: SHB 929

Forced signing of local improvement petitions prohibited: SSB 5307

On-site sewage disposal system, periodic pumping required: SB 5574

On-site systems, DSHS has exclusive jurisdiction over alternative systems: SB 6541

Secondary sewage treatment, waiver allowed when certain conditions met: SB 5044

Septic tanks, disclosure upon sale of property: SHB 645, SB 5587

SEWER DISTRICTS

Annexation, territory within the county or counties: SHB 1510, SB 6557

Authority to construct buildings and facilities: SB 6559, SSB 6559

Boundary review board does not exist, ramifications: *SHB 1511, CH 162 (1988), SSB 6559

Formation proposal in area where no boundary review board exists, notice and hearing procedure: *SHB 1511, CH 162 (1988), SSB 6559

Islands, annexation of islands: *SHB 1511, CH 162 (1988)

Merger with water districts, impact on commissioners: *SHB 1511, CH 162 (1988)

Sale of district property, procedure for auction: *SHB 1511, CH 162 (1988), SB 6559, SSB 6559

Treasurers, designated treasurer's have same restrictions as actual treasurer: *SHB 1511, CH 162 (1988)

SEX DISCRIMINATION

Golf clubs who desire open space classification may not discriminate: HB 1969, SB 6343

SEX OFFENDERS

Presentence reports: *SB 6093, CH 60 (1988)

Sentencing conditions: SB 6094, SSB 6094

SEX OFFENSES

AIDS test required of those convicted for sex offenses: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)

Background checks of teachers, those who teach older students exempt: *HB 1694, CH 97 (1988)

Child sex abuse, statute of limitations for damages: SHB 1494

Child sex offenses, persons convicted prohibited from working in the public schools: SB 6503, SSB 6503

Child sexual abuse, claims not barred by imputed knowledge of custodian or guardian tolling statute: SB 6305, *SSB 6305, CH 144 (1988)

Child sexual abuse, statute of limitations, within 3 years of act or discovery: SB 6305, *SSB 6305, CH 144 (1988)

Child sexual abuse, trial must commence within 6 months: SB 6322

Child sexual abuse, trial must not be delayed: SSB 6322

Child testimony regarding offense, admissible in all proceedings: SSB 6506

Community custody program for sex and violent offenders: SB 5577

Developmentally disabled victim, perpetrator is in a position of authority over victim: SB 6289

Developmentally disabled victim, perpetrator is supervisor, penalties established: *SHB 1302, CH 146 (1988)

Erotic material definitions revised regarding minors, material that is harmful to minors: SB 6711, SSB 6711

Offenses against children, statutory rape, molestation, sentencing revised: SB 6171

Revisions, crimes against children: SB 6171, SB 6359, SB 6387

Revisions of definitions, sentencing, penalties: SB 6171

Revisions, offenses involving age differentials, definitions, classifications, sentencing matrix: *SHB 1333, CH 145 (1988)

Serious violent offenses distinguished: SB 5677

Sexual exploitation of minors, major revisions: SB 6712

Statute of limitations revised: SB 6171, SB 6359, SB 6387

Treatment authority: SB 5677

SEXUAL ORIENTATION

Insurance discrimination prohibited: SB 5773

SEXUALLY TRANSMITTED DISEASES (See also AIDS)

Abstinence and the avoidance of substance abuse to be included in educational materials: SSB 6221, *2SSB 6221, CH 206 (1988)

AIDS counseling for all persons seeking treatment for STD: *2SSB 6221, CH 206 (1988)

Great misdemeanor to infect another person: SB 6221, SSB 6221

Major revisions: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988), SB 6335

Minors, consent of parents unnecessary for treatment: SSB 6221, *2SSB 6221, CH 206 (1988), SB 6335

Pregnant women to have syphilis test: SB 6335

Reporting requirements of persons who give tests: SB 6335

School education material paid for with public funds to emphasize abstinence outside of marriage: *2SSB 6221, CH 206 (1988), SB 6544

Schools, DSHS to establish a comprehensive health education program, human sexuality and healthy behavior: SB 6335

Sexual intercourse when existence of disease is known without informing partner of status is unlawful: *2SSB 6221, CH 206 (1988), SB 6335

Zidovudine and other drugs to be made available as medical assistance: SB 6335

SHAKE/SHINGLE MILLS

Industrial insurance rates frozen: SB 5964

SHAW, W. DAVID

Reappointed trustee, Columbia Basin community college
 district no. 19, GA 9187, confirmed pp. 17, 164, 438

SHEARER, BURT A.

Reappointed member, board of pilotage commissioners,
 GA 9214, confirmed pp. 237, 583, 1455

SHELLFISH

Crab, coastal waters regulated, study possibility of moratorium: SB 6749
 Frozen at any time, disclosure required: SB 6344, *SSB 6344, CH 254 (1988)
 Sevin, use prohibited in crab or juvenile anadromous fish habitat: SB 5038
 Skin or scuba divers, license to take fish or shellfish recreationally: SB 5126
 State parks, commercial harvesting prohibited: SB 6686

SHELTERS

Alcoholism and drug addiction treatment and shelter program: SB 5568
 Emergency food and shelter program, DCD to make loans to organizations that
 provide services: *SHB 1389, CH 238 (1988)
 Sheltered workshops, B & O tax exemption expanded: *HB 1401, CH 13 (1988)

SHELTON CORRECTION CENTER

Training center population limited: *SHB 1271, CH 143 (1988)

SHIPWRECKS

Ownership of abandoned property on submerged lands: *SB 6298, CH 124 (1988),
 SSB 6298

SHOCKMAN, KELLEY

Member of house of representatives from North Dakota
 introduced and addressed senate p. 168

SHORELINE COMMUNITY COLLEGE, DISTRICT NO. 7

Cherry L. Jarvis, reappointed trustee, GA 9181,
 confirmed pp. 16, 163, 394

SHORELINE MANAGEMENT

Docks, community docks, limited construction allowed if for multiple family resi-
 dential use: SB 5784
 Floating aquaculture: SB 6642
 Permit review procedures, floating aquaculture: SB 6642
 Reviews, AG and DOE may intervene: SB 5724
 Revisions, geotechnical exploration: SB 5724
 Sewage disposal, on-site alternative systems, DSHS has exclusive jurisdiction: SB
 6541
 Shoreline hearings board duties transferred to PCHB: SB 6540

SICK LEAVE

Contribution program: SB 6585
 Minimum standards for family care: *SHB 1319, CH 236 (1988)

SIGN LANGUAGE

Foreign language high school graduation requirements: SB 6452, *SSB 6452, CH
 172 (1988)

SIGNS

Billboards regulated in commercial and industrial zones: HB 1691
 Electric signs, pre-wiring may be done without electrician's license: SB 5663
 Traffic fatalities, markers along highways: *SHB 1740, CH 98 (1988)

SIMPSON, W. HUNTER

Reappointed member, board of regents, University of
 Washington, GA 9158, confirmed pp. 158, 185, 366

SIMS, RON

Member, juvenile disposition standards commission,
GA 9124 p. 76

SKAGIT RIVER

Salmon spawning channel on the lower river: SB 6190, SSB 6190

SKAGIT VALLEY COMMUNITY COLLEGE, DISTRICT NO. 4

Jose G. Ruiz, trustee, GA 9202, confirmed pp. 20, 590, 1454

SKAGIT VALLEY TULIP FESTIVAL

Tulip festival poster girl, 4 year old Genevieve Hayton and
her 6 year old sister Jessie Hayton introduced p. 1376

Senator McMullen introduced Kate Skeldon, executive
director of Mt. Vernon chamber of commerce,
addressed Senate, SFR 1988-8743 p. 1376

SKATING LAKE TRUST PROPERTY

DNR land, transferred to parks and recreation commission: *HB 1616, CH 79
(1988), SB 6665

SKELDON, KATE

Executive director, Mt. Vernon, chamber of commerce introduced
and addressed Senate p. 1376

SKIING

Duties of ski area operators and users revised: SB 6103, SSB 6103
Liability of operators and users of commercial ski areas revised: SB 6075
Parks and recreation commission liability clarified regarding ski lift inspections:
SB 6575, SSB 6575

Risks, certain risks are inherent, no recovery for injuries: SB 6103, SSB 6103
Snow grooming equipment, snowmobiles, flashing lights and flagging: SB 6103,
SSB 6103

SKIN DIVERS

License to take fish or shellfish recreationally: SB 5126

SLADE, DON

Fraternal order of eagles, grand worthy inside
guard introduced p. 300

SMALL BUSINESS EXPORT FINANCIAL ASSISTANCE CENTER

Henry M. Aronson, member, GA 9106 p. 72

Lawrence M. Killeen, member, GA 9112 p. 72

SMALL BUSINESSES

Advisory council, extending: SB 5528
Export finance assistance center, financial counseling: SB 6222, SSB 6222
Incubator projects, funds for feasibility and development: SB 6274, SSB 6274
Investment opportunities office: SB 5589
Loans, small business loan program: SB 6275, SSB 6275, 2SSB 6275
Regulatory fairness act revised: SB 6406, SSB 6406
Small business loan program established: SB 5588

SMALL CLAIMS COURT

Jurisdictional amount increased: SB 5198, SB 5262, SB 5943, *SSB 5943, CH 85
(1988)

Model small claims informational brochure to be prepared: SB 5943, *SSB 5943,
CH 85 (1988)

Revisions, appeals: SB 5943, *SSB 5943, CH 85 (1988)

SMELT

One day not-for-profit derbies authorized: SHB 1752
Personal use license not required: SB 6388

SMITH, EARL

Member, sentencing guidelines commission, GA 9207,
confirmed pp. 21, 607, 1454

SMITH, HEATHER JEAN

Apple blossom queen introduced and addressed senate p. 613

SMITH, SENATOR LINDA A.

Received certificate of election p. 3
Appointed environment and natural resources, vice chair;
health care and corrections, and ways and
means committees pp. 14, 15
Point of order, amendment to SSB 6410 p. 569

SMITHERMAN, SENATOR BILL

Appointed member economic development and labor,
financial institutions and insurance, and higher
education committees p. 14
Personal privilege, proceeds from eight ball tournament p. 1574

SMOKING

Pollution from smoking controlled, if nonsmokers cannot be accommodated then
smoking is prohibited: SHB 13, SB 5399
Smoking in the workplace regulated: SHB 13
State agencies, no smoking if a satisfactory accommodation between smokers
and nonsmokers cannot be reached: SSB 5399
State employees, agencies, smoking not allowed in work areas, common areas,
public access areas: 2SSB 5399

SNAKE RIVER

Bridge no. 10 renamed the Elmer Huntley bridge: SCR 8434
Lower Snake River fish and wildlife compensation plan, full funding: HJM 4045

SNOHOMISH COUNTY

Retirement, public works department employees: SB 6466

SNOHOMISH RIVER

Flood control zone, certain towns may apply for exemptions: SSB 5156

SNUFF

Purchase by minors is a misdemeanor: SB 5092
Retailers' license required, revokable for sale to minors: SB 5092

SNYDER, SID

Letter of resignation as secretary of the senate p. 7
Personal privilege by Senator McCaslin p. 9

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Abuse reports, case planning, consultants as designated by DSHS: HB 1546, *SB
6338, CH 39 (1988)
Accountability boards established for children and family services local offices:
SB 5386
Advisory committee membership and duties changed: SHB 152, *SB 5229, CH 49
(1988)
AIDS, comprehensive common school health education program, human sexual-
ity and healthy behavior: SB 6335
AIDS curriculum development in conjunction with SPI: SB 6221, SSB 6221, *2SSB
6221, CH 206 (1988), SB 6325
AIDS office to be created: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
Alcohol program, liquor revolving fund: SSB 5070
Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)
Caseload forecasts: SHB 1685, SB 6601, SSB 6601
Child care resources coordinator, resource and referral system: SB 6467
Children and family services department created: SB 6098, SSB 6098

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.

- Children and family services division, accountability boards established: SB 5386
- Children services advisory committee duties expanded along with CFS department: SB 6098
- Children's services staff training academy, implementation plan by DSHS and WWU: SB 5554
- CPA, appropriation with special emphasis on lowering caseloads of workers: SB 6658
- CPS, abuse investigators to take into account child rearing practices of culture of child: SB 5554
- CPS, child protective services defined: SB 5554
- CPS, dependency petition, allegations revised: SB 5554
- CPS, parents given review opportunity of CPS plan before disposition hearing: SB 5554
- Department of health created: SB 6173, SSB 6173
- Education assistance for public assistance recipients: SB 6006
- Health care information system to be established: SB 6737
- Hospitals, rate review exemption for DSHS negotiated rates: *HB 2046, CH 118 (1988)
- Organization, temporary commission to study and make recommendations on social service agencies: SHB 1868
- Overpayment of benefits to vendors and recipients, recovery modified: SB 5341
- Radiation and control agency, transfer to DOE: SHB 1442, SB 6426
- Sewage disposal, exclusive jurisdiction over alternative on-site systems: SB 6541
- Supplemental budget, AIDs: *SHB 1312, CH 289 (1988)
- Supplemental operating budget, reduce administrative expenses: *SHB 1312, CH 289 (1988)

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- Computer software guarantees: SB 6748

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- DNR land, transferred to parks and recreation commission: *HB 1616, CH 79 (1988), SB 6665

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- Analysis process for categories of waste: *SHB 1684, CH 184 (1988)
- Cedar Hills landfill, phasing out: SB 5068
- Cities and their counties to have a single authority between them to manage solid waste: SHB 115, SB 5218
- Environmental excellence awards for solid waste reduction and recycling: SB 6265
- Hauling, containment required: SB 6511
- Incineration, operator certification: SHB 1670
- Incinerator siting, new solid waste burners and energy recovery facilities, regulating: SB 6415
- Incinerators, record retention: HB 1636
- Joint city/county plans encouraged: SB 6604
- Management plans, revisions: SHB 115, SB 5218
- Packaging, retailers shall not provide packages of nonbiodegradable retail packaging: SB 6535
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- Violations, penalties increased: SHB 832

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- District 24 created: *HB 1361, CH 77 (1988), HB 1361

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John McBride, county commissioner of Spokane county

introduced p. 592

Vicki McNeil, mayor of Spokane introduced

p. 592

Paul Redmond, president of momentum '88 introduced and

addressed Senate, SFR 1988-8716 pp. 591, 592

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James G. Walton, trustee, GA 9189 p. 17

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State trade, sports, and convention center, public nonprofit corporation authorized to construct: SB 6757

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New department, health department created: SB 6173, SSB 6173

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- Transportation department reorganized: SB 5028
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- Contracts with CPAs authorized: HB 1351, *SB 6211, CH 53 (1988)
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STATE CONVENTION AND TRADE CENTER (See CONVENTION AND TRADE CENTER)**STATE EMPLOYEES**

- Child abuse reporting, good faith and without negligence, employer to provide legal defense: *SB 6600, CH 87 (1988)
- Day care, supplemental capital budget: *SSB 6763, CH 2 E1 (1988)
- Health care authority created, SEIB abolished: *SHB 2038, CH 107 (1988)
- Health care reform act of 1988: *SHB 2038, CH 107 (1988)
- Leave contribution program: SHB 1375, SB 6585
- Moving expenses, payment regulated: SHB 90
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- Public employees' benefits agency created: SSB 5912
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- Auction sale requirements, low-valued sand, gravel, etc., exempt: *SHB 1562, CH 136 (1988)
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STEFFENS, JOHN A.

Member, housing finance commission, GA 9159,
confirmed pp. 229, 769

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Appointed member children and family services, and energy
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- Lottery: SB 6301
- Low-income housing assistance advisory committee: SHB 1324
- Migratory waterfowl art committee: *SHB 1382, CH 186 (1988)
- National guard, revised: *HB 1515, CH 288 (1988)
- Natural resources recreation advisory committee: *SHB 1382, CH 186 (1988)
- Nursing home advisory council, revised: *HB 1515, CH 288 (1988), SB 6301
- Psychology examining board, revised: *HB 1515, CH 288 (1988), SB 6301
- Public disclosure commission, sunset eliminated: SB 6301
- Public works board: *SHB 1382, CH 186 (1988)
- Revising sunset procedure: *HB 1531, CH 17 (1988)
- Substance abuse advisory committee: SHB 1324
- Veterans affairs, department sunset removed: *HB 1354, CH 216 (1988)
- Veterans' affairs department, sunset repealed: SB 6450
- Winter recreation commission: *SHB 1382, CH 186 (1988)
- Wood stove advisory committee: *SHB 1382, CH 186 (1988)

SUPERINTENDENT OF PUBLIC INSTRUCTION

- Dr. Frank "Buster" Brouillet and wife introduced and addressed senate,
SFR 1988-8754 p. 1444
- AIDS curriculum development, must be approved by DSHS: SB 6221, SSB 6221,
*2SSB 6221, CH 206 (1988), SB 6325
- AIDS, employee training: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)
- Business and job retention program duties: 2SSB 6277
- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)
- Career ladder pilot project, salary and compensation, grants from SPI, select
committee on career ladders created: SB 5726
- Clearinghouse for education information, resources, and research: SSB 5313
- Commence term, 2nd Monday of January: HB 1335
- Cooperative agreements between districts authorized: SSB 5720
- Drug and alcohol prevention programs, liquor revolving fund: SSB 5070
- Early college entrance or transitional program, basic education money allo-
cated to UW by SPI: SB 6693, SSB 6693
- Evaluation standards, time period to adopt extended: *HB 1695, CH 241 (1988)
- Health care costs, report to legislature on controlling costs: SB 6737
- Liquor revolving fund, juvenile alcohol and drug prevention programs: SSB 5070
- Natural resources board, SPI may appoint a designee: HB 1430
- Pay equity and job analysis assessment project: HB 178
- School-age child care pilot projects by SPI: SB 6527
- Supplemental budget, K-12 health education curriculum, including AIDS: *SHB
1312, CH 289 (1988)
- Teachers, recruitment of teachers from underrepresented groups, SPI pilot pro-
gram, grants: SB 5631

SUPPLEMENTAL OPERATING BUDGET

- AIDS, long-term care, community based: *SHB 1312, CH 289 (1988)
- Amateur radio operators, electronic repeaters: *SHB 1312, CH 289 (1988)
- Apiary inspection program: *SHB 1312, CH 289 (1988)
- Arson in Omak: *SHB 1312, CH 289 (1988)
- Attorney general, legal services revolving fund program split: *SHB 1312, CH 289
(1988)
- Attorney general, restriction on moving co-located attorney: *SHB 1312, CH 289
(1988)
- Autism program in Pierce county: *SHB 1312, CH 289 (1988)
- Bellevue center, additional staff: *SHB 1312, CH 289 (1988)
- Child abuse, corrections officers to be trained to identify and prevent: *SHB 1312,
CH 289 (1988)
- Colleges and universities, minority recruitment: *SHB 1312, CH 289 (1988)
- Community colleges, part-time faculty salary increase: *SHB 1312, CH 289 (1988)

SUPPLEMENTAL OPERATING BUDGET—cont.

- Convention and trade center, marketing, visitor destination: *SHB 1312, CH 289 (1988)
- Corrections officers to be trained to identify and prevent child abuse: *SHB 1312, CH 289 (1988)
- Counseling for teenage parents who are victims of abuse: *SHB 1312, CH 289 (1988)
- Courts, superior court judges program: *SHB 1312, CH 289 (1988)
- Crime labs: *SHB 1312, CH 289 (1988)
- Day care services: *SHB 1312, CH 289 (1988)
- Deaf, blind, transportation: *SHB 1312, CH 289 (1988)
- Debenture companies, scrutinize: *SHB 1312, CH 289 (1988)
- DNA fingerprinting: *SHB 1312, CH 289 (1988)
- Drop-out prevention program: *SHB 1312, CH 289 (1988)
- DSHS to reduce administrative expenses: *SHB 1312, CH 289 (1988)
- Foster care services: *SHB 1312, CH 289 (1988)
- General administration, motor vehicle fund appropriation is solely for risk management activities: *SHB 1312, CH 289 (1988)
- General assistance eligibility: *SHB 1312, CH 289 (1988)
- Geriatric mentally ill patients, working agreements between service providers: *SHB 1312, CH 289 (1988)
- Higher education master plan: *SHB 1312, CH 289 (1988)
- Highline care center, additional staff: *SHB 1312, CH 289 (1988)
- Housing trust fund: *SHB 1312, CH 289 (1988)
- Indigents, funding for counsel: *SHB 1312, CH 289 (1988)
- Job search skills, preemployment training, job placement programs at delinquent youth institutions: *SHB 1312, CH 289 (1988)
- Judicial information system: *SHB 1312, CH 289 (1988)
- Kitsap mental health services: *SHB 1312, CH 289 (1988)
- L'Arche facility in Spokane: *SHB 1312, CH 289 (1988)
- Lewis county pilot demonstrations and model vocational programs: *SHB 1312, CH 289 (1988)
- Local governance study commission: *SHB 1312, CH 289 (1988)
- Local marketplace programs: *SHB 1312, CH 289 (1988)
- McNeil Island parking problems: *SHB 1312, CH 289 (1988)
- Mt. St. Helens flood warning system: *SHB 1312, CH 289 (1988)
- Office of financial management, commission on efficiency and accountability funded: *SHB 1312, CH 289 (1988)
- Olympia parking and business improvement district participation authority: *SHB 1312, CH 289 (1988)
- Precinct caucuses, advertising: *SHB 1312, CH 289 (1988)
- Retirement and pensions, budget: *SHB 1312, CH 289 (1988)
- Schools, base guarantee funding levels: *SHB 1312, CH 289 (1988)
- Schools, in-service credits, convert to college hours: *SHB 1312, CH 289 (1988)
- Schools, special economic distress areas: *SHB 1312, CH 289 (1988)
- SEIB money for brokerage services: *SHB 1312, CH 289 (1988)
- Seismic occurrences: *SHB 1312, CH 289 (1988)
- Sex abuse victims, training of various services personnel: *SHB 1312, CH 289 (1988)
- Snohomish county, congregate care facilities: *SHB 1312, CH 289 (1988)
- Social and health services, AIDS program: *SHB 1312, CH 289 (1988)
- Social and health services, radionuclides emissions, monitoring and enforcement: *SHB 1312, CH 289 (1988)
- SPI, assessment and accountability of educational outcomes: *SHB 1312, CH 289 (1988)
- SPI, K-12 health education curriculum, including AIDS: *SHB 1312, CH 289 (1988)
- Sports and commercial fisheries hotline: *SHB 1312, CH 289 (1988)
- Teletype relay system at Yakima valley center: *SHB 1312, CH 289 (1988)

SUPPLEMENTAL OPERATING BUDGET—cont.

Third party health insurance premiums for categorically needy: *SHB 1312, CH 289 (1988)

Trophy trout program at Mossyrock: *SHB 1312, CH 289 (1988)

Underemployment study: *SHB 1312, CH 289 (1988)

United cerebral palsy program: *SHB 1312, CH 289 (1988)

UW, AIDS: *SHB 1312, CH 289 (1988)

Vocational technical institutes: *SHB 1312, CH 289 (1988)

Washington research foundation: *SHB 1312, CH 289 (1988)

Washington scholars program: *SHB 1312, CH 289 (1988)

Washington service corps internship positions: *SHB 1312, CH 289 (1988)

WIC: *SHB 1312, CH 289 (1988)

Wildlife, rewards: *SHB 1312, CH 289 (1988)

20/20 commission: *SHB 1312, CH 289 (1988)

SUPPLEMENTAL TRANSPORTATION BUDGET

Adopting: *SHB 1701, CH 283 (1988)

SURGICAL ASSISTANTS

Insurance coverage for services of certified surgical assistants: SB 5250

SURVEILLANCE

Drugs, interception of conversation concerning illegal controlled substances, limited use: SB 6146, SSB 6146, SB 6407, SB 6725

Drugs, wire-tapping, one-party consent law changed: SSB 5070, SB 5362

SURVEYS

Short subdivisions, need not be filed before subdivision approval: SB 6681

SUSTAINABLE HARVEST

Determinations modified: SB 5563

SVERDSTON, TERRY

Chairman, senate education committee, state of

Idaho introduced p. 581

SWEENEY, BRUCE

Senate minority leader, state of Idaho introduced p. 581

SWIFT, EARLYSE A.

Reappointed trustee, Centralia community college district no. 12,

GA 9139, confirmed pp. 158, 162, 327

SWIMMING POOLS

CPR instructions to be posted at multifamily pools: SB 6206

SWINOMISH INDIANS

Criminal jurisdiction by tribe reestablished: SB 6736, *SSB 6736, CH 108 (1988)

TACOMA

Work release center, capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

TACOMA STARS SOCCER TEAM

John Best, president introduced and addressed senate p. 1590

Coach Jimmy McAllister introduced and addressed senate

and presented jersey to President Cherberg p. 1590

SFR 1988-8776 p. 1590

TALMADGE, SENATOR PHIL

Appointed member law and justice and ways and means committees

..... pp. 14, 15

Statement for journal, vote on GA Nos. 9114, 9120,

9123, 9165 p. 117

Parliamentary inquiry, conflict of interest,

jurisdiction p. 132

TALMADGE, SENATOR PHIL—cont.

Statement for the journal, vote on ESSB 6276, SSB 6290, GA 9121	p. 224
Point of order, amendment to SB 6321	p. 520
Statement for journal, vote on SSB 6238	p. 529
Motion to advance to ninth order to refer SB 6215 to committee on rules	p. 565
Parliamentary inquiry, adjournment time for standing committee meetings under rule 15	p. 717
Remarks, SHB 1329	p. 718
Point of order, amendment to ESHB 1586	p. 753
Parliamentary inquiry, amendment not properly before Senate, SHB 1333	p. 764
Point of order, amendments (withdrawn) to SHB 1333	pp. 764, 765
Point of order, HCR 4446 properly before Senate	p. 912
Personal privilege, comments on committee amendment to SHB 1445	p. 1604
Statement for journal, vote on GA 9167, GA 9168, SHB 1389	p. 1125
Parliamentary inquiry, question status of SSB 6157	p. 1184
Point of order, house amendments to SSB 6219	p. 1316
Point of order, requests status and paperwork on proposed bill	p. 1442
Parliamentary inquiry, suspension of rules, ESHB 2038	p. 1468
Parliamentary inquiry, clarification of motion to concur, 2SSB 6221	p. 1592
Motion to make 2SSB 6221 special order of business	p. 1617

TARGETED JOBS PROGRAM

Appropriation: *SSB 6548, CH 84 (1988)

TASK FORCES

Entrepreneurial development: SB 6276, SSB 6276
 Low-income housing preservation, evaluation of loss of housing due to develop-
 ment, demolition, etc.: SHB 1601
 Pacific fisheries task force established: HCR 4402

TAX APPEALS BOARD

Administrative revision: *SHB 1754, CH 222 (1988), SB 6495, SSB 6495
 Appeal revisions, request for informal hearings: *SHB 1754, CH 222 (1988), SB
 6246, SSB 6246, SB 6495
 Tax referees: *SHB 1754, CH 222 (1988), SB 6246, SSB 6246, SB 6495

TAXES - BUSINESS AND OCCUPATION TAX

Administration revised, item not previously taxed, only taxed past new date: SB
 5182, SSB 5182
 Agriculture, federal conservation reserve program, exempt: SHB 1696, SB 6512,
 *SSB 6512, CH 253 (1988)
 Appeal of tax, challenger wins, attorney fees: SB 5182
 Appeal of tax, prevailing party to receive attorney fees: SSB 5182
 BIDCO, formation of corporations authorized: SB 6220, SSB 6220, 2SSB 6220
 Child care, tax does not apply to money received from DSHS or Indian organiza-
 tions as compensation for care: HB 1734
 Day care centers, deduction for certain expenses: SB 6118
 Employee benefits are not deductible: *SHB 1089, CH 67 (1988)
 Hospital charity care, tax exemptions only for nonprofits providing certain level
 of charity care: SB 6685
 New businesses, tax credits authorized: SB 6525
 New taxes, only assessed for future, no assessments prior to date department
 begins official taxation: SB 5182, SSB 5182

TAXES - BUSINESS AND OCCUPATION TAX—cont.

Radioactive waste, low level, rates reduced for processors, disposers, and compactors: SB 6542

Recoverable products, tax credit to manufacturers: SB 6443

Reporting and taxation system, unified system for business identification, reporting, and compliance: SB 5585

Sheltered workshops, exemption expanded: *HB 1401, CH 13 (1988)

Tax to fund childrens trust account, funding for CFS and K-12: SB 6619

Trade shows, deductions revised: SB 6643

TAXES - CREDITS AND DEFERRALS

Discrimination, organizations, corporations, or associations that discriminate are ineligible for preferences: SB 6750

Gasohol, tax credit increased to encourage use of recyclable materials: SB 6650

New businesses: SB 6525

TAXES - DEFERRALS FOR MANUFACTURING ETC.

Dislocated worker, displaced by new machinery, modernization, or equipment of businesses receiving manufacturing deferrals: SB 6689

Eligible business project, eligibility revised: SB 6688

Excise tax deferral and credit programs for manufacturing, research, and development extended: *SHB 1450, CH 41 (1988), SB 6379, SSB 6379

Tri-Cities diversification: *2SHB 1835, CH 42 (1988)

TAXES - DOGS AND CATS

Sterilization funds via tax on dog or cat products: SB 6666

TAXES - ESTATE AND TRANSFER TAX

Revisions: *HB 1371, CH 64 (1988), SB 6340

TAXES - EXCISE

Tourism promotion, local excise tax: SB 6659

TAXES - GAMBLING

Pull-tab and punchboard tax increased: SB 5527

TAXES - GENERAL

Administration revisions: *SHB 1754, CH 222 (1988), SB 6495, SSB 6495

Discrimination, organizations, corporations, or associations that discriminate are ineligible for preferences: SB 6750

Tax legislation needs 2/3rds vote: SJR 8231, SSJR 8231

TAXES - INCOME (See also INCOME TAX)

Residents employed out of state and who pay income tax, exempt from our sales and use tax: SB 6707

TAXES - INSURANCE

Childrens trust account funded through tax on premiums, funding for CFS and K-12: SB 6619

Health care insurance pool, deductions from taxable premiums assessments paid for pool: HB 1990

State employees' health insurance exempted from insurance premium tax: SB 6391, SSB 6391

TAXES - LIQUOR

Alcoholics housing assistance, 3% tax on spirits and beer: SB 6663

County research bureau, association of counties to receive funds for bureau: HB 2002

TAXES - MOTOR VEHICLE FUEL

Gasohol, tax credit increased to encourage use of recyclable materials: SB 6650

Special fuel reporting requirements, farmers and loggers exempt: SB 6399, *SSB 6399, CH 51 (1988)

Special fuel user bonding requirements: *SB 6668, CH 122 (1988)

Special fuel user's report filing frequency revised: *SB 6667, CH 23 (1988)

TAXES - MOTOR VEHICLE FUEL—cont.

Transportation funding, tax rate increased, major revisions: SB 6464, SSB 6464

TAXES - MOTOR VEHICLES

Double amendment corrected: *SB 6371, CH 18 (1988)

Puget Sound ferries, additional tax extended: SB 6376, *SSB 6376, CH 191 (1988)

Special fuel reporting requirements, construction exempt: *SSB 6399, CH 51 (1988)

Study motor vehicle excise tax, joint committee created: *SSB 6376, CH 191 (1988)

Study of the excise tax, distribution, purposes, and possible changes: *SSB 6376, CH 191 (1988)

Underpayment error, collection prohibited: SB 6558

TAXES - PERSONAL PROPERTY

Credit card payment authorized: SB 6198

Head of family exemption increased: *SHB 1370, CH 10 (1988), HJR 4222

Homes for the aged, eligibility conditions revised: HB 1819

Interest and penalties, monthly payment authorized: SB 6198

Panorama City tax situation addressed: HB 1819

TAXES - PUBLIC UTILITIES

Counties may tax retail sales by utilities, rate differentials allowed: SB 6683

Electricity, ultimate consumer, purchaser acquiring energy for resale: HB 1881

Impacted area redefined: HB 1613

Public health, tax on utilities: SB 6662

TAXES - REAL PROPERTY (See also SCHOOLS)

Agreements between taxing districts, revisions: SB 6430, SSB 6430

Agricultural property, family farm credit crisis, revise schedule, waive penalties: SB 5686, SSB 5686

Assembly halls and meeting places, exceptions to what would nullify the exemption: SB 6292

Consolidated tax levy rate, revisions: SB 6430, SSB 6430

Contracts between districts, governing bodies of affected districts to be notified: *SHB 1420, CH 274 (1988)

Credit card payment authorized: SB 6198

Current use valuation for all real property: SJR 8222

Disabled veterans, senior citizen relief extended to veterans who are at least 50% disabled: SB 6469

Distribution and payment of investment earnings revised: SHB 1689

Exemptions, current year tax cancellation for newly exempt property revised: *SHB 1373, CH 131 (1988)

Farm and agricultural land definition modified to include appurtenances: SB 5175

Historic property, valuation revised: SB 6496

Homes for the aged, eligibility conditions revised: HB 1819

Interest and penalties, monthly payment authorized: SB 6198

Investment earnings, distribution and payment revised: SHB 1689

Levy rates, agreements that are contingent on another district's rates, expiration of section delayed: SB 6430, SSB 6430

Levy reductions anti-incentive of future levy capacity consequences removed: *SHB 1420, CH 274 (1988)

Local improvement and utility local improvement assessments, monthly payments, credit card payment allowed: SB 6198

Mobile homes, additional tax to fund mobile home affairs office: SB 6618

Panorama City tax situation addressed: HB 1819

Reduction of tax rate via agreement between districts, setting of levy: SB 6430, SSB 6430

Senior and junior districts, rate revisions: *SHB 1420, CH 274 (1988)

Two year excess property tax levies for taxing districts: SB 6142, SSB 6142, SJR 8218

TAXES - REAL PROPERTY—cont.

Veterans' assistance, real property assessment, increased from 1/8 to 1/4 mil: SB 6368

Waiver of the 106% limit, provisions revised, redemption payments: HB 1718

TAXES - SALES

Agriculture, federal conservation reserve program, exempt: SB 6512, *SSB 6512, CH 253 (1988)

Bazaars and rummage sales: SHB 836

Colleges and universities, use tax exemption, equipment obtained through inter-governmental loan or transfer: SB 6561, SSB 6561

Conservation reserve program, sales to person involved in are tax exempt: SHB 1696, SB 6512, *SSB 6512, CH 253 (1988)

Equalization, base amount for distributions in 1989 is \$250,000, 1990 is \$300,000: SHB 2036

Equalization, threshold increased: SB 6683

Equipment donations to colleges and universities, use tax exempt: SB 6602

Ferries, fuel purchased for marine use, sales and use tax exempt: SB 6192

Food, vendor sales, tax exemption revised for vendors required to have work permit: *HB 1507, CH 103 (1988), SB 6378

Graffiti removal: SB 5145

Homeless, shelter voucher programs exempt from state and local excise taxes: *SHB 1388, CH 61 (1988)

Horticulture, sales and use tax exemption extended to agents and independent contractors: *SHB 1336, CH 68 (1988)

Housing, multifamily housing construction incentive via tax exemptions: SB 6528, SSB 6528

Liquor advertisements, sales and use tax: SB 6758

Local sales and use tax distribution, monthly versus bimonthly: SB 6382

Mail order sales occur in county from which buyer places order: SB 6323

Municipal buy down account: SSB 6430

Nonresident exemption permits, revisions, proof of residency: *SHB 1680, CH 96 (1988), SB 6484, SSB 6484

Residents employed out of state and who pay income tax, exempt from our sales and use tax: SB 6707

Tax to fund childrens trust account, funding for CFS and K-12: SB 6619

TAXES - WATERCRAFT EXCISE TAX

Marine patrol services, distribution of tax, arbitration: *SHB 46, CH 261 (1988)

TEACHERS

Background checks, teachers of only older students exempt: *HB 1694, CH 97 (1988)

Career ladder pilot project, salary and compensation, grants from SPI, select committee on career ladders created: SB 5726

Certification, grades K-8 versus K-6: SSB 6161

Deferred annuities: HB 802

Future teachers conditional scholarship program, grade-point criteria waiver allowed: *2SHB 1640, CH 125 (1988)

Professional teacher preparation program, waiver of basic skills test for those with certain college experience: HB 1802, *SHB 1568, CH 251 (1988)

Recruitment of teachers from underrepresented groups, SPI pilot program, grants: SB 5631

Retirement, cost-of-living adjustment for plan I members: SB 6333

Retirement options, actuarially equivalent options: *HB 1558, CH 116 (1988), SB 6457

Retirement, termination of membership in TRS upon refund of accumulated contributions: *HB 1559, CH 117 (1988), SB 6458

Salary allocations for certificated staff who have additional education: SB 6644, SB 6651

Salary credits for in-service training: SB 6751

TEACHERS—cont.

- Self-assessment of students stressed to realize academic innate potential: SSB 5313
- Teacher assistance program, revisions: SB 6166
- Teacher preparation, school improvement hours, collaborative efforts: SB 6145, SSB 6145
- Vocational education, student teacher ratio revised: SB 5263, SSB 5263

TECHNOLOGY

- Tri-cities, technology transfer from research base to local businesses: *2SHB 1835, CH 42 (1988)

TEENAGE SUICIDES

- Study authorized: SHB 873

TELECOMMUNICATIONS (See also RADIOS)

- Alternate operator services, provision of service without disclosure to consumers is a deceptive trade practice: *SB 6745, CH 91 (1988)
- Fiber optic transmission lines, installation standards to be adopted by WSDOT: SB 6704
- Information delivery services regulated: *HB 1796, CH 123 (1988)
- Interference with telecommunication of public safety, misdemeanor: SB 6565, SSB 6565
- Phone-sex services, study how to limit access to minors: *HB 1796, CH 123 (1988)
- Regulation, maximum price/noncompetitive services, minimum price/competitive services: SB 6095, SSB 6095
- Regulation reestablished over all telecommunications companies: SB 6596
- 976 numbers, access regulated: *HB 1796, CH 123 (1988), SB 6676, SSB 6676

TELEPHONE UTILITIES COMPANY

- Franchise area required to be transferred: SB 6610

TELEPHONES

- Alternate operator services, provision of service without disclosure to consumers is a deceptive trade practice: *SB 6745, CH 91 (1988)
- Drugs, wire-tapping, one-party consent law changed: SSB 5070, SB 5362
- Exchange area boundaries, alteration, procedure: SB 6611
- Fiber optic transmission lines, installation standards to be adopted by WSDOT: SB 6704
- Information delivery services regulated: *HB 1796, CH 123 (1988)
- Lifeline telephone service, repeal program: SB 6326
- Lifeline telephone service replaced with voluntary program: SB 6566
- Phone-sex services, study how to limit access to minors: *HB 1796, CH 123 (1988)
- Regulation, maximum price/noncompetitive services, minimum price/competitive services: SB 6095, SSB 6095
- Regulation reestablished over all telecommunications companies: SB 6596
- Repairman time of arrival must be specified: SB 5485
- 976 numbers, access regulated: *HB 1796, CH 123 (1988), SB 6676, SSB 6676

TERRORISM

- Penalties enhanced: SB 6250

TESHABAEV, FATTAH

- President of Uzbek society for friendship and cultural relations with foreign countries, introduced p. 90

TESTIMONY (See WITNESSES)**TEUTSCH, DELORES E.**

- Reappointed member, higher education facilities authority, GA 9121, confirmed pp. 158, 162, 222

THE EVERGREEN STATE COLLEGE

- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

THEFT

Criminal sentencing revised: SB 6428
 Livestock, penalties revised: *SB 6608, CH 218 (1988)

THORP, MICHAEL R.

Member, Puget Sound water quality authority, GA 9188,
 confirmed pp. 17, 589, 1364

THURSTON COUNTY

Animal traps prohibited in low elevation areas of Pierce, King, and Thurston
 counties: SB 5543
 Hotel/motel special tax: *HB 2057, CH 1 E1 (1988)

TIMBER

Closed forest lands, all entry closed: SB 6241
 Closure of state lands and associated roads, posting, hearings: SB 6242
 Criminal and civil penalties for hindering logging: HB 1888, SB 6195, *SSB 6195,
 CH 224 (1988)
 Resource management account loans, retire to the forest development account:
 *SB 6313, CH 70 (1988)
 Special fuel reporting requirements, farmers and loggers exempt: SB 6399, *SSB
 6399, CH 51 (1988)
 State lands, auction sale requirements of low-valued sand, gravel, etc., exempt:
 *SHB 1562, CH 136 (1988)
 Sustainable harvest, determinations modified: SB 5563

TIPS

Tips are wages only for income tax purposes: SB 5409
 Wages only to the extent reported for federal income tax: *HB 1396, CH 161
 (1988), SB 6354

TIRES

Criminal penalties for waste tire violations: *SB 6720, CH 250 (1988)
 Management of waste tires: *SB 6720, CH 250 (1988)

TITLE ONLY - HOUSE

Bonded act of 1988: HB 2044
 Capital budget act of 1988: HB 2041

TITLE ONLY - SENATE

Bond ceiling allocation: SB 5805
 Bridge foundation investigation: SB 6060
 Capital projects act of 1988: SB 6770
 Compensation for school district employees: SB 5802
 Consumer protection: SB 5793
 Consumer protection and regulation of professionals: SB 5810
 Convention center act of 1988: SB 6765, SB 6766
 Distressed areas: SB 5803, SB 5804
 Economic development: SB 5817, SB 6044
 Education: SB 6159, SB 6160, SB 6161
 Employment security: SB 5796
 Fire service: SB 5798
 Fiscal act of 1988: SB 6769
 Franchises: SB 5818
 Government reorganization: SB 5809
 Health studios: SB 5794
 Housing: SB 5815
 Housing trust funds: SB 6045
 Labor and industries: SB 5797
 Licensing agreements: SB 5813
 Lottery proceeds: SB 5795
 Nonprofit/competition: SB 5812
 People of disability: SB 5811

TITLE ONLY - SENATE—cont.

- Promotion of Washington products: SB 5792
- Public facilities act of 1988: SB 6767
- School construction act of 1988: SB 6763, SB 6764
- Small business: SB 5816
- State government: SB 5807, SB 5808, SB 5912
- State government act of 1988: SB 6768
- Storage tanks: SB 6741
- Tourism: SB 5791
- Unemployment compensation: SB 5799, SB 5800
- Venture capital for small business: SB 5806

TMJ

- Health care insurance coverage: SB 6129
- Study coverage: *2SHB 318, CH 248 (1988)

TOBACCO

- Chewing tobacco and snuff, purchase by minors is a misdemeanor: SB 5092
- Retailers' license required, revokable for sale to minors: SB 5092
- Schools, students or staff may not use on school property: SB 6460

TONNAGE

- Updating tonnage purchase revisions: *HB 1471, CH 55 (1988)

TORTS

- Emergency medical care, first responders: SB 5262
- Government officials are not liable for discretionary decisions: SB 5262
- Mental health, immunity for release by public institution: SB 5262
- National guard, immunity for acts done while training or during duty: SB 5262
- Personal injury actions, disclosure to trier of fact of tax consequences: SB 6694
- Risk management liability account, risk management property account: SB 6226, SSB 6226
- Sports, nonprofit sports program, immunity for services without compensation: SB 5262
- Workers, third-party contractors: SB 5262

TOURISM

- Joint legislative study on trade, tourism, and investment: SCR 8432, SSCR 8432
- Local excise tax to fund tourism promotion: SB 6659

TOW TRUCKS

- Insurance for continued registration: HB 1630

TOWNE, CHARLES P.

- Past national commander, American ex-prisoners of war, introduced, addressed senate and presented plaque of appreciation to Senator Rasmussen p. 623

TOXICOLOGY LABORATORY

- Study regarding combining crime lab, toxicology lab, and examiner system: SB 6215

TRACER/INCENDIARY AMMUNITION

- Prohibiting the sale, possession, or transportation: SB 5187

TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

- Agricultural trade complex, capital budget: *SSB 6763, CH 2 E1 (1988)
- Business and job retention program: SB 6050
- Business and job retention program, DTED, advisory committee, service delivery regions, survey: SB 6277, SSB 6277
- Business and job retention program, state-wide, reliance on locally based teams: SB 6624
- Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)
- Export development authority established: SB 6635

TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF—cont.

- Foreign trade, state trade fair fund, 1 million dollars may be spent each fiscal biennium: HB 744
- Industrial incentive zone board: SB 5743
- International trade and investment information program established: SB 6223, SSB 6672
- International trade, comprehensive strategies to be developed: SB 6672, SSB 6672
- Labor-management cooperation program: SB 6615

TRADE SHOWS

- B & O tax deductions revised: SB 6643

TRAFFIC FATALITIES

- Markers along highway: *SHB 1740, CH 98 (1988)

TRAFFIC OFFENSES

- Failure to comply with traffic infraction laws, accumulation of notices to appear: SB 6252, *SSB 6252, CH 38 (1988)
- Nonresident and resident equalized: SB 6303

TRANSPORTATION BENEFIT DISTRICTS

- Revisions, fees or charges, program for funding improvements be established: SB 6584

TRANSPORTATION BUDGET

- Supplemental budget adopted: *SHB 1701, CH 283 (1988)

TRANSPORTATION COMMISSION

- James T. Henning, member, GA 9148, confirmed pp. 583, 598

TRANSPORTATION, DEPARTMENT OF

- Commission made advisory in department reorganization: SB 5028
- Economic development to be considered in highway construction programs: HB 1843, SB 6747, SSB 6747
- Exchange of property, authority expanded, construction of improvements: SHB 1469
- Maple street toll bridge, removal by 6/1/89, WSDOT to develop plan: SB 5095
- Maple street toll bridge, WSDOT to plan removal of tolls: SSB 5095
- Ocean beach management, temporary plans authorized: SB 6057
- Relocation assistance and realty purchase policies expanded: *SB 6291, CH 90 (1988)
- Reorganizing the department, commission made advisory: SB 5028
- Salt use on state highways prohibited: SB 6398, SSB 6398
- Secretary appointed by the governor instead of the commission: SB 5028
- Self-insurance reserve account created, casualty losses: SB 6196
- Tandem-axle vehicles, revisions: *HB 1470, CH 6 (1988)

TRANSPORTATION IMPROVEMENT BOARD

- Created, county, city, and WSDOT members: *SHB 1857, CH 167 (1988)

TRAPS

- Prohibited in low elevation areas of Pierce, King, and Thurston counties: SB 5543

TRAUMA CARE SYSTEM

- Committee to study and design: *2SHB 1713, CH 183 (1988)

TREASURE

- Ownership of abandoned property on submerged lands: *SB 6298, CH 124 (1988), SSB 6298

TREE SPIKING

- Criminal and civil penalties for hindering logging: HB 1888, SB 6195, *SSB 6195, CH 224 (1988)

TRENCHES

Public works projects with deep trenches, safety systems: SB 6670, *SSB 6670, CH 180 (1988)

TRESPASS

Criminal trespass to property defined: SB 5494
Livestock, list of possible offenders broadened: SB 6392

TREVARTHEN, MARJORIE

Trustee, state school for the deaf, GA 9175,
confirmed pp. 340, 1177

TRI-CITIES

Business and job retention team: *2SHB 1835, CH 42 (1988)
Economic diversification, DTED to begin implementation of priority goals: *2SHB 1835, CH 42 (1988)
Hanford plant closure disaster plan, retraining, etc.: SJM 8029
Liability of appointees to emergency planning committees limited: *2SHB 1835, CH 42 (1988)
Military co-dependency examined: 2SHB 1835
Nuclear facilities, use heat by-product for commercial industrial application: *2SHB 1835, CH 42 (1988)
Technology transfer from research base to local businesses: *2SHB 1835, CH 42 (1988)
Tourism, diversification of the area: *2SHB 1835, CH 42 (1988)
Washington state university, role in diversification process: *2SHB 1835, CH 42 (1988)
Wine, region as center for industry: *2SHB 1835, CH 42 (1988)

TRUCKING

Identification on certain large trucks: *SHB 1672, CH 56 (1988)
Interstate trip permits, zone where permits are unnecessary: SB 6255, *SSB 6255, CH 138 (1988)
Length restrictions revised: SB 6583, SSB 6583
Reform of present regulation system: SB 6589
Regulations decreased to reflect market place needs: SB 6233, SSB 6233

TRUCKS

Bumpers required on new pickup trucks: SB 6543
Garbage, hauling, containment required: SB 6511
Identification on certain large trucks: *SHB 1672, CH 56 (1988)
Legal loads from other states, border areas: *HB 1884, CH 229 (1988)
Length restrictions revised: SB 6583, SSB 6583
Tandem-axle vehicles, revisions: *HB 1470, CH 6 (1988)
Tonnage purchase revisions: *HB 1471, CH 55 (1988)

TRUST COMPANIES

Acquisition is to be with the approval of the supervisor of banking, process: SB 5823
Check cashing required of checks presented by pensioners and retirees: SB 5737

TRUSTS

Technical corrections, revisions: *HB 1504, CH 29 (1988)

TWIN FALLS TRUST PROPERTY

DNR land, transferred to parks and recreation commission: *HB 1616, CH 79 (1988), SB 6665

UNCLAIMED PROPERTY

Abandoned property held by counties, cities, and junior taxing districts: SB 6476
Disposition of unclaimed personal property modified: *SB 5667, CH 132 (1988)
Museums and historical societies: SB 6332, *SSB 6332, CH 226 (1988)

UNDERGROUND FACILITIES

Excavators who comply with location process are not liable for damages other than repair costs: SB 6703, *SSB 6703, CH 99 (1988)

Fiber optic transmission lines, installation standards to be adopted by WSDOT: SB 6704

One-number locator service, all owners of facilities within area to subscribe: SB 6703, *SSB 6703, CH 99 (1988)

UNDERGROUND PETROLEUM STORAGE

Study, joint select committee: *SSB 6741, CH 215 (1988)

UNDERGROUND STORAGE

Regulated: SB 5942

UNEMPLOYMENT

Relocation, termination, or sale of businesses, employer obligations established: HB 1552

Services for the unemployed, funding: SB 5619

UNEMPLOYMENT COMPENSATION

Administrative rulings, applicability to other legal actions limited: *SB 6537, CH 28 (1988)

Agriculture labor covered: SB 5616

Agriculture labor, threshold revised: SB 5440

Backpay, benefit impact: SB 5617

Benefits, additional 13 week period: SB 5851

Benefits relating to marital status or domestic responsibilities: HB 1454

Catastrophe, employer liability limited: SB 6536, *SSB 6536, CH 27 (1988)

Claims, retaliation by employer for employee claims prohibited: HB 36

Contribution rate tax schedule modified: SB 5619

Contributory fault, willful disregard of safety by employer: SB 5491

Dislocated worker, displaced by new machinery, modernization, or equipment of businesses receiving manufacturing deferrals: SB 6689

Employer immunity, third-party defendants, willful disregard of safety: SB 5491

Experience rating, employee contributions: SB 5618

Labor dispute disqualifications revised, no benefits for certain strikes or lockouts: *SB 6243, CH 83 (1988)

Marital status or domestic responsibilities, benefit requirements revised: HB 1454

Multiple employers, provisions revised: SSB 5436

Nurses as independent contractors, coverage revised: SB 6755

Overpayments, procedures and penalties modified: SB 5617

Plant closures, experience rating accounts not charged: *SSB 6536, CH 27 (1988)

Reporting and taxation system, unified system for business identification, reporting, and compliance: SB 5585

Retaliation by employer for employee claims prohibited: HB 36

Shared work benefits prohibited during labor dispute: SB 6539

Start own business, assistance to be given: SB 6004

UNFAIR PRACTICE (See CONSUMER PROTECTION)**UNIFORM COMMERCIAL CODE**

Agricultural products, central filing system, and new requirements: SB 6334

Secured transactions, revisions: HB 1502

UNIFORM DISCIPLINARY ACT

Limited subsidy for professions governed by UDA: SB 6702

Revised: SB 5162

UNIFORM LAWS

Condominium act: SB 5884

Condominiums, uniform act, 1988: SB 6719

Criminal history records act, adopting: SB 5681

Liens, uniform federal lien registration act: *SB 6563, CH 73 (1988)

UNIFORM LAWS—cont.

Records retention act: SB 6655

Seed law: SB 6176, SSB 6176

UNION STATION

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

UNIVERSITY OF WASHINGTON

AIDS appropriation, clinical laboratory: 2SSB 6221, SB 6335

AIDS, assist DSHS AIDS office with materials and training: SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)

AIDS, center for education, not intended for research: SSB 6221, *2SSB 6221, CH 206 (1988)

AIDS, establish a center for research and education: SB 6221

AIDS, supplemental operating budget: *SHB 1312, CH 289 (1988)

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

Cedar River, sockeye salmon protected, spawning channel, study: SB 6189, SSB 6189

Early entrance or transitional program, basic education money allocated to UW by SPI: SB 6693, SSB 6693

Mediation, committee for mediation created, natural resource disputes: SHB 12

Natural resource disputes, committee for mediation created: SHB 12

UNIVERSITY OF WASHINGTON, BOARD OF REGENTS

Mary M. Gates, reappointed member, GA 9200,

confirmed pp. 19, 590, 1453

H. Jon Runstad, member, GA 9156, confirmed pp. 158, 605, 721

W. Hunter Simpson reappointed member, GA 9158,

confirmed pp. 158, 185, 366

UNJUST DISCHARGE

Arbitration procedures for private sector employees: SB 5965

URINE TESTS

Drug and alcohol testing limited: SHB 1876

USS MISSOURI

Please base in Bremerton: SJM 8032

U.S.S.R.

First deputy to the prime minister, Ismail Dzhurabekof,

introduced and addressed senate p. 90

UTILITIES

Banded tariff rates permitted for electric services and natural gas: *HB 1581, CH 166 (1988), SB 6438, SSB 6438

Electricity, customer billings, tax breakdown required: SB 6342, *SSB 6342, CH 228 (1988)

Electricity hookups by private contractors in first class cities: SB 6263, SSB 6263

Landlord tenant situations, liens against landlords prohibited: SB 5966

Public health, tax on utilities: SB 6662

Public utility and transportation corridors, revising authority: SB 5147, *SSB 5147, CH 16 (1988)

Radio communication services may be offered by districts: HB 1579

Rate reduction for low income disabled citizens: SB 6200, *SSB 6200, CH 44 (1988)

Removal of dangerous overhead or underground vegetation: SB 6497, SSB 6497

Repairman time of arrival must be specified: SB 5485

Tax by counties on retail sales authorized, rate differentials allowed: SB 6683

Tax, privilege tax on electricity to fund childrens trust account, CFS and K-12 funding: SB 6619

UTILITIES AND TRANSPORTATION COMMISSION

- A. J. "Bud" Pardini, member, GA 9164,
 confirmed pp. 107, 136
 Banded tariff rates permitted for electric services and natural gas: *HB 1581, CH
 166 (1988), SB 6438, SSB 6438
 Motor freight carrier brokers regulated: SB 5844
 Passenger charter carriers, revisions, certificate required: *SB 5451, CH 30 (1988)
 Telecommunications regulation reestablished over all telecommunications com-
 panies: SB 6596
 Trucking, reform of present regulation system: SB 6589

UTILITY LOCAL IMPROVEMENT DISTRICTS

- Assessments, may be made monthly, and may use credit cards: SB 6198
 Forced signing of petitions prohibited: SB 5307

**UZBEK SOCIETY FOR FRIENDSHIP AND CULTURAL RELATIONS WITH FOR-
 EIGN COUNTRIES**

- President Fattah Teshabave and members introduced p. 90

VANDERKOLK, BARBARA

- Reappointed member, state board of pharmacy, GA 9021 p. 74

VANITY PLATES (See LICENSE PLATES)**VASSEL, JUDGE GEORGE**

- Department commander of American ex-prisoners
 of war introduced p. 623

VEHICULAR CRIMES (See MOTOR VEHICLES)**VENUE**

- District court, civil actions, revisions, place of employment may substitute for resi-
 dence: SB 6402, *SSB 6402, CH 71 (1988)

VERNIER, HARVEY

- Trustee, Central Washington University, GA 9140,
 confirmed pp. 158, 589, 597

VESSELS (See BOATS; PILOTS)**VETERANS**

- Agent orange, study claims of veterans: HJM 4035
 Definition of veteran revised for preference purposes, military retirement pay
 threshold increased: SSB 5292
 Department of veterans affairs, sunset removed: *HB 1354, CH 216 (1988)
 Health care information system to be established: SB 6737
 Hunting and fishing licenses free for disabled veterans: SB 5653, SSB 5653
 Indigent, study nursing care for indigent veterans: *HB 1354, CH 216 (1988)
 Nursing care for indigent veterans to be studied: *HB 1354, CH 216 (1988)
 Park passes, provisions revised, classifications and categories modified: SB 6727
 Property tax relief extended to disabled veterans who are at least 50% disabled:
 SB 6469
 Retired veterans, employment preference modified: SSB 5292
 Sunset of department of veterans' affairs repealed: SB 6450
 Tax on real property for assistance, assessment increased from 1/8 to 1/4 mil: SB
 6368
 Viet Nam veterans' bonuses, extending time period for payment: SB 6478

VETERANS AFFAIRS, DEPARTMENT OF

- John Reynolds, director, GA 9117, confirmed pp. 185, 298

**VICE PRESIDENT PRO TEMPORE (See also SENATOR ELLEN CRASWELL;
 also PARLIAMENTARY INQUIRES; also RULINGS AND REPLIES)**

VICTIMS/WITNESSES OF CRIMES

- Commercialization by criminal, after 5 years proceeds in escrow are divided between perpetrator and crime victims fund: *SHB 1279, CH 155 (1988)
- Federal constitutional amendment giving rights requested: SJM 8021
- Reenactment of crimes, after 5 years proceeds in escrow to be divided between perpetrator and crime victims fund: *SHB 1279, CH 155 (1988)
- Restitution by offenders to victims, supervision by department: SHB 1279
- Rights, constitutional rights at criminal trials created: SJR 8228, SSJR 8228
- Rights of victims, survivors of victims, and witnesses, established: SB 6551, SSB 6551
- Trial time, place, etc., notice to be given by prosecuting attorney to victims or survivors: SB 6068

VISITATION

- Bill of rights for the sexually abused child: SB 6506
- Restricted between abusive parent and child: SHB 1523
- Rights limited if have a history of child abuse: SB 6179, SSB 6179
- Sexually abused children, policies to be considered by judges, attorneys, courts, etc.: SSB 6506
- Withhold child support if court-ordered visitation not given: SB 5087

VITAL RECORDS

- Transmittal of registration by local registrar, revisions: SHB 1331

VOCATIONAL EDUCATION

- Apprenticeship program instructors, certification: SSB 6160
- BA and MA degree equivalency standards for certification: SSB 6160
- Business and job retention program, commission to assist DTED: SB 6050
- Business and job retention program, DTED, advisory committee, service delivery regions, survey: SB 6277, SSB 6277
- Competitive bidding, voc-tech institutes exempt in cases of sole source suppliers: HB 1786
- Instructor certification for voc-tech institutes, BA & MA equivalency standards required: SB 6580
- Instructors exempt from state patrol background checks: SB 6581, SSB 6581
- SPI to adopt standards regarding eligibility for funds: SSB 5263
- Student teacher ratio revised: SB 5263, SSB 5263
- Supplemental program instructors, certification: SSB 6160

VOCATIONAL REHABILITATION

- Benefit increases up to \$6,000 if authorized by superior: SB 6626, SSB 6626
- Joint select committee established: SCR 8407

VOGNILD, SENATOR LARRY L.

- Second nomination of Gordon A. Golob as secretary of the senate p. 8
- Appointed member rules and ways and means committees pp. 14, 15
- Parliamentary inquiry, signatures on introduction of bills p. 25
- Remarks, SEIB preliminary report p. 304
- Motion to advance to ninth order to refer four bills p. 332
- Parliamentary inquiry, privilege to speak on suspension of rules p. 416
- Parliamentary inquiry, amendment to SSB 6605 p. 474
- Parliamentary inquiry, votes needed to pass SSJR 8229 p. 479
- Point of order, unable to find amendments in floor books, SSB 6277 p. 503
- Remarks on final passage, SB 6674 p. 530
- Parliamentary inquiry, time of day p. 565
- Point of order, order of considering bills p. 566
- Point of order, motion properly before senate p. 651
- Remarks, sponsor of amendments to ESHB 1312 p. 803

VOGNILD, SENATOR LARRY L.—cont.

Motion to suspend rule 52, ESHB 1312	pp. 853, 857
Parliamentary inquiry, votes needed to pass amendment to committee amendment, ESHB 1312	p. 856
Point of order, motion not properly before senate, ESHB 2038	p. 1030
Parliamentary inquiry, question considering other bills	p. 1030
Motion to defer SHB 1684 and consider EHB 1273	p. 1169
Point of order, House amendments to SB 6675	p. 1304
Parliamentary inquiry, question quick ruling by president pro tempore	p. 1306
Parliamentary inquiry, votes needed to return disputed bill to second reading, ESHB 2038	p. 1467
Parliamentary inquiry, which house requests conference, EHSB 2038	p. 1469
Parliamentary inquiry, rules for call of senate	p. 1556
Parliamentary inquiries, clarification of motion before senate	p. 1571
Parliamentary inquiry, measure on desk twenty four hours, ESHB 1312	p. 1591
Motion to suspend rule 15	p. 1598
Remarks, thanks president for good job in conducting senate	p. 1660

VOLUNTEERS

Center of voluntary action, authorized to provide AIDS information: SB 6204, SB 6221, SSB 6221, *2SSB 6221, CH 206 (1988)

von REICHBAUER, SENATOR PETER

Appointed financial institutions and insurance, chair; transportation, vice chair; and higher education committees	pp. 14, 15
Statement for the journal, regarding vote on GA 9166, HB 1819 and ESSB 5229	pp. 999, 1235

VOTING

Registration, invalid, county auditor may investigate and cancel: SB 5048
 Registration periods, revisions, 1st 15 of 30 day period: SHB 22
 Write-in voting procedures revised, declarations of candidacy: *HB 1341, CH 181 (1988)

WAGES (See also PREVAILING WAGE)

Backpay, unemployment compensation benefit impact: SB 5617
 Labor and industries, compliance and investigations, procedures: SB 5613
 Minimum wage, adjustments L&I according to various guidelines: HB 1544, SB 6529
 Minimum wage, exempt employers revised, agriculture exemption removed: HB 1544, SB 6529
 Minimum wage, increased \$3.35: SB 6674
 Minimum wage, state minimum wage increased and age thresholds revised: HB 1544, SB 6529
 Minimum wage to be tied to federal poverty level: SHB 709
 Nursing home services, minimum wage adjustments: SB 6011
 Prevailing wages, procedures for public works revised: SB 5690
 Reporting to work yet not put to work or given less time, partial pay required: SB 6568, SSB 6568
 Tips are wages only for income tax purposes: SB 5409
 Tips are wages only to the extent reported for federal income tax: *HB 1396, CH 161 (1988), SB 6354

WALDO, DR. ROBERT

- Executive director, council of presidents, introduced and
addressed senate, SFR 1988-8731 pp. 1206, 1207
Wife and family introduced p. 1207

WALLA WALLA COMMUNITY COLLEGE, DISTRICT NO. 20

- Jean H. Adams, reappointed trustee, GA 9176,
confirmed pp. 15, 163, 373

WALLACE FALLS TRUST PROPERTY

- DNR land, transferred to parks and recreation commission: *HB 1616, CH 79
(1988), SB 6665

WALTON, JAMES G.

- Trustee, Spokane community college district no. 17,
GA 9189 p. 17

WARNKE, SENATOR FRANK J.

- Appointed member economic development and labor, and
ways and means committees pp. 14, 15
Point of order, privilege to speak on scope and
object, SB 6571 p. 308
Point of order, amendment to HB 280 p. 665
Point of order, committee amendment to HB 1649 p. 741
Point of order, amendment to HB 1649 p. 940
Motion to consider ESHB 709 and EHCR 4451 p. 1593

WARRANTIES

- Mobile homes, enforcement of installation and service standards by counties and
cities: *SHB 1690, CH 239 (1988)

**WASHINGTON ALLIANCE OF HEALTH, PHYSICAL EDUCATION, RECRE-
ATION AND DANCE**

- Members introduced, SFR 1988-8705 p. 147

WASHINGTON COLISEUM (See SPOKANE COUNTY)**WASHINGTON, MISS**

- Sharon Dean introduced and addressed senate p. 201
Scholarship pageant candidates and Phylliss Goldhammer,
executive director, introduced p. 20

WASHINGTON, NAT

- Member, wildlife commission, GA 9123,
confirmed pp. 62, 73, 116

WASHINGTON RESEARCH FOUNDATION

- Budget: *SHB 1312, CH 289 (1988)

WASHINGTON SCHOLAR'S AWARD

- Grants to those attending private institutions: SHB 1800
Private school attendance, allowed: *SSB 5558, CH 210 (1988)
Tuition and fee waivers for private schools: SB 5558

WASHINGTON SCHOLARS PROGRAM

- Supplemental operating budget: *SHB 1312, CH 289 (1988)

WASHINGTON STATE UNIVERSITY

- Construction budget, fine arts building: *SSB 6763, CH 2 E1 (1988)
ESU, transferring to WSU: SB 5445
Prosser well, DOE to sell its interest for fair market value: SB 6217, *SSB 6217, CH
137 (1988)
Rainier farm, state treasurer no longer custodian of revolving fund: *HB 1813, CH
57 (1988), SB 6562
Tri-Cities diversification: *2SHB 1835, CH 42 (1988)
Wine and grape research, liquor revolving fund: SSB 5070

WASHINGTON STATE UNIVERSITY, BOARD OF REGENTS

- Richard R. Albrecht, member, GA 9198,
 confirmed pp. 19, 589, 1370
 Kate B. Webster, reappointed member, GA 9199,
 confirmed pp. 19, 164, 449

WASTE

- Household waste reduction, DOE may provide educational materials: SHB 1784,
 SB 6446, *SSB 6446, CH 175 (1988)
 Reduction, office of waste reduction created: *SHB 1340, CH 177 (1988)

WASTE DISPOSAL

- Boaters, oil dump and holding tank information to be provided to boaters: SHB
 1391
 Environmental excellence awards for solid waste reduction and recycling: SB
 6265
 Hauling, containment required: SB 6511
 Hazardous materials, land disposal and other terms defined: SB 6237
 Hazardous materials, land disposal fees, waivers to encourage priorities, alter-
 native: SB 6237
 Incineration, operator certification: SHB 1670
 Incinerator siting, new solid waste burners and energy recovery facilities, regu-
 lating: SB 6415
 Incinerators, record retention: HB 1636
 Infectious wastes, management report required: SB 6264, *SSB 6264, CH 171 (1988)
 Joint city/county plans encouraged: SB 6604
 Permit conditions: SB 6639
 Tires, management of waste tires: *SB 6720, CH 250 (1988)

WASTE EXCHANGE

- DOE to operate an exchange of dangerous wastes between industries: SHB 332

WASTEWATER

- Testing laboratories, DOE to certify labs: SB 5590

WATER

- Efficiency study: *SHB 1594, CH 45 (1988), SB 6380, SSB 6380, 2SSB 6380
 Emergencies, providing for water supply emergencies: SB 6513, SSB 6513, *2SSB
 6513, CH 46 (1988)
 Minimum water flows, DOE's authority revised: SB 6724, SSB 6724, *2SSB 6724, CH
 47 (1988)
 Model water use plans: SB 6579
 Offshore resources, state-wide policies by DOE for managing the offshore envi-
 ronment: SB 5820
 Violations of environmental protection laws, penalties increased: SB 6009
 Violations of water pollution statutes, class C felony: HB 516, SB 5591
 Water resource policies, evaluate, DOE's authority revised: SB 6724, SSB 6724,
 *2SSB 6724, CH 47 (1988)
 Water use efficiency study: *SHB 1594, CH 45 (1988), SB 6380, SSB 6380, 2SSB 6380
 Well construction, reconstruction, and abandonment, penalties, license revisions:
 SB 5211, SSB 5211

WATER DISTRICTS

- Annexation, territory within the county or counties: SHB 1510, SB 6557
 Authority to construct buildings and facilities: SB 6559, SSB 6559
 Boundary review board does not exist, ramifications: *SHB 1511, CH 162 (1988),
 SSB 6559
 Fluoridation authorized: *HB 1514, CH 11 (1988)
 Formation proposal in area where no boundary review board exists, notice and
 hearing procedure: *SHB 1511, CH 162 (1988), SSB 6559
 Islands, annexation of islands: *SHB 1511, CH 162 (1988)
 Merger with sewer districts, impact on commissioners: *SHB 1511, CH 162 (1988)

WATER DISTRICTS—cont.

Sale of district property, procedure for auction: *SHB 1511, CH 162 (1988), SB 6559, SSB 6559

Secondary sewage treatment, waiver allowed when certain conditions met: SB 5044

Treasurers, designated treasurer's have same restrictions as actual treasurer: *SHB 1511, CH 162 (1988)

WATER POLLUTION CONTROL FACILITIES

Capitalization grants from the federal government for financing facilities: SB 6235, SSB 6235, *2SSB 6235, CH 284 (1988)

Water pollution control revolving fund: SB 6235, SSB 6235, *2SSB 6235, CH 284 (1988)

WATER QUALITY

Drinking water, DOE authority: HB 1327, SB 6238, *SSB 6238, CH 279 (1988)

Estuary program, DOE to exercise authority jointly with PSWQA: *HB 1325, CH 220 (1988), SB 6236

Federal clean water act, DOE authority: *HB 1325, CH 220 (1988), SB 6237

Minimum water flows, DOE's authority revised: SB 6724, SSB 6724, *2SSB 6724, CH 47 (1988)

Puget Sound, disposal of materials limited: SB 5575

Violations of water pollution statutes, class C felony: HB 516, SB 5591

Water quality account, grants to have a minimum 50% state share: SB 6616

Water resource policies, evaluate, DOE's authority revised: SB 6724, SSB 6724, *2SSB 6724, CH 47 (1988)

WATER RIGHTS

Minimum water flows, DOE's authority revised: SB 6724, SSB 6724, *2SSB 6724, CH 47 (1988)

Water resource policies, evaluate, DOE's authority revised: SB 6724, SSB 6724, *2SSB 6724, CH 47 (1988)

WATKINS JR., JACK

Reappointed trustee, Pierce community college district no. 11, GA 9190, confirmed pp. 18, 164, 438

WEBB, ANDIE

Secretary, future farmers of America, introduced p. 631

WEBSTER, KATE B.

Reappointed member, board of regents, Washington State University, GA 9199, confirmed pp. 19, 164, 449

WEEDS

Lakes, jurisdiction for weed control may be with superior court: *HB 1278, CH 133 (1988)

WELLS

Construction, reconstruction, and abandonment, penalties, license revisions: SB 5211, SSB 5211

WENATCHEE VALLEY COMMUNITY COLLEGE, DISTRICT NO. 15

Grace L. Lynch, trustee, GA 9167, confirmed pp. 158, 606, 1119

Howard H. Pryor, reappointed trustee, GA 9186, confirmed pp. 17, 163, 438

WEST, SENATOR JAMES E.

Appointed financial institutions and insurance, vice chair; economic development and labor, health care and corrections, and rules committees p. 14

Point of order, amendment (withdrawn) to SB 6757 p. 1025

WESTERN WASHINGTON UNIVERSITY

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

Children's services staff training academy, implementation plan by DSHS and WWU: SB 5554

Distinguished faculty award: *2SHB 1640, CH 125 (1988)

WETLANDS

Wetlands management committee: SHB 1572, SB 6384, SSB 6384, 2SSB 6384

WHATCOM COMMUNITY COLLEGE, DISTRICT NO. 21

Anna-Greta Boice, trustee, GA 9197,

confirmed pp. 19, 246, 1370

WILDLIFE

Arctic national wildlife refuge coastal plain, request that the area be opened to exploitation: SJM 8015

Capital budget, supplemental: *SSB 6763, CH 2 E1 (1988)

Disposal of wildlife, director authority regarding skins and furs being sold at auctions revised: SB 6673

Endangered species conservation act, endangered, threatened, and sensitive species: SHB 1451

Hydraulic permits, agriculturally related stream stabilization projects, revisions: SB 6024, *SSB 6024, CH 272 (1988)

Lower Columbia recreational fishing area clarified: SB 6572

Migratory waterfowl art committee, sunset: *SHB 1382, CH 186 (1988)

Obstructing the taking of fish or wildlife, unlawful: *SB 6480, CH 265 (1988)

References revised: *SB 6375, CH 36 (1988)

Senior citizen salmon and steelhead bank fishing recreation area: SB 6571

Steelhead, limited \$5 punchcard: SB 6259

Steelhead, Lower Columbia recreational fishing area clarified: SB 6572

Steelhead, marine mammal protection requested: SJM 8018, SSJM 8018

Trophy trout program at Mossyrock: *SHB 1312, CH 289 (1988)

WILDLIFE COMMISSION

John C. McGlenn, member, GA 9136, confirmed pp. 73, 95, 132

Nat Washington, member, GA 9123, confirmed pp. 62, 73, 116

WILLIAMS, SANDI

Vice president, future farmers of America, introduced p. 631

WILLIAMS, SENATOR AL

Appointed member economic development and labor, energy and utilities, and ways and means committees pp. 14, 15

Remarks, colloquy to EHB 1581 p. 675

Points of order, amendments to committee amendment, SHB 1754 pp. 781, 782, 783, 784

WILLS

Natural death act, major revisions: SB 5696

Technical corrections, revisions: *HB 1504, CH 29 (1988)

WILSON, MAJEL A.

Reappointed trustee, Edmonds community college district no. 23, GA 9215 p. 611

WINE

Advertising must carry warning of hazards: SB 5207

Reciprocity for out-of-date wine shipments: SB 5358

Research, liquor revolving fund: SSB 5070

Tri-cities, wine industry to be evaluated, region as center for industry: *2SHB 1835, CH 42 (1988)

Vinifera grape growers' assessment implemented: SB 6178, *SSB 6178, CH 257 (1988)

WINE COMMISSION

Director is ex officio nonvoting member: *SSB 6344, CH 254 (1988)
 Industry member, nonvoting member: *SSB 6344, CH 254 (1988)

WINN, NORMAN L.

Reappointed member forest practices appeals board, GA 9114,
 confirmed pp. 61, 72, 115

WINSTON, VIVIAN

Reappointed member, higher education coordinating board,
 GA 9141, confirmed pp. 158, 163, 327

WINTER RECREATION

Liability of parks and recreation commission limited: SB 6574
 Sunset of commission: *SHB 1382, CH 186 (1988)

WIRETAPPING (See ONE-PARTY CONSENT/WIRETAPPING)**WISEMAN, JUDITH**

Member, higher education coordinating board, GA 9191,
 confirmed pp. 18, 589, 1365

WITNESSES

Child sex abuse, child's testimony to be recorded and admissible as evidence,
 limited to children under 10: SHB 1534
 Children testifying on their own behalf regarding sex offenses, admissible in all
 proceedings: SSB 6506
 Crimes, reporting requirements revised to include CPS: SB 6172, SSB 6172
 Rights of victims, survivors of victims, and witnesses, established: SB 6551, SSB
 6551

WOJAHN, SENATOR R. LORRAINE

Appointed member health care and corrections, rules,
 and ways and means committees pp. 14, 15
 Point of order, speak on motion to divide
 question, SB 6675 p. 1376

WOOD STOVES

Advisory committee, sunset: *SHB 1382, CH 186 (1988)
 Opacity limitations revised: SB 6603, *SSB 6603, CH 106 (1988)
 Prohibitions on solid fuel lifted, restrictions relate to emission standards or opacity
 levels: SB 6481

WORK

Dislocated worker, displaced by new machinery, modernization, or equipment
 of businesses receiving manufacturing deferrals: SB 6689
 Drug and alcohol testing limited: SHB 1876
 Drug testing, false positive results, employer liability: SB 6224
 Family independence program established to reduce poverty: SB 5471
 Hanford plant closure disaster plan, retraining, etc.: SJM 8029
 Immigration, worker documentation certification: SB 6294, SSB 6294
 Labor market computer information system: SB 6538, SSB 6538
 Medical interns and residents, hours of labor regulated: HB 1458
 Relocation, termination, or sale of businesses, employer obligations established:
 HB 1552
 Reporting to work yet not put to work or given less time, partial pay required: SB
 6568, SSB 6568
 Reproductive rights, hazardous substances: SB 6360
 Smoking in the workplace regulated: SHB 13
 Smoking pollution control act, if nonsmokers cannot be accommodated then
 smoking is prohibited: SHB 13, SB 5399
 Smoking, state agencies, no smoking if a satisfactory accommodation between
 smokers and nonsmokers cannot be reached: SSB 5399

WORK—cont.

State employees, agencies, smoking not allowed in work areas, common areas, public access areas: 2SSB 5399

Twenty-four hour operations, franchises to maintain safety: SHB 1717

Unjust discharge, arbitration procedures established: SB 5965

Workforce training and retraining, joint select committee: SCR 8431

WORKER AND COMMUNITY RIGHT-TO-KNOW

Advisory council revisions: SB 5656

Reproductive rights: SB 6360

WORKERS' COMPENSATION (See also SELF-INSURANCE)

Agriculture labor covered: SB 5612

Apprentices, benefits, do not use apprentices' assumed wage rates, use actual rate: *SB 6396, CH 140, (1988)

Asbestos-related diseases, benefits: *SHB 1592, CH 271 (1988)

Assessment notices, appeals, revisions: SB 5583

Bad faith conduct by employers defined, damages: SB 6329

Benefits, not to exceed 100% of average monthly wage: *HB 1396, CH 161 (1988), SB 6472

Benefits, person having legal custody of children if surviving spouse does not have custody: *HB 1396, CH 161 (1988)

Benefits, 66.66% of wages at time of injury: SB 6472

Corporations, modifications: SB 5612

Death benefits, adjustment of rate to nearest whole cent: *HB 1396, CH 161 (1988)

Disability benefit rates modified: SB 5611

Distressed traditional industries, reduced premium rates: SB 6738, SSB 6738

Fire fighters and law enforcement, heart attack requirements revised: SB 6752

Fraud appeals, evidence introduction changed: SB 5216

Gainful employment, when employment is considered gainful: SB 6328

Hospital in-patient services, service contracts or other prudent cost-effective payment methods, as well as DRG: SB 5635

Immunity, third-party contractors: SB 5262

Industrial insurance reserve fund, standing: SB 6473

Industrial statistician, contract services: SB 6346

Injured worker and gainful employment, priorities revised, modification of a new job: *HB 1396, CH 161 (1988), SB 6355, SSB 6626

Investment of excess industrial insurance funds, criteria: SB 5959

Lapse or reversion of funds, preventing dividends and premiums from doing so, incentive for accident prevention: SB 6356

Lost payments, duplicate issuance authorized: SB 5866

Lost temporary total disability payments, providing for the replacement: SB 6411, SSB 6411

Medical exam of self-insurer charged to self-insurer or medical aid fund: SSB 5282

Medical examinations for permanent disabilities: *SHB 1170, CH 114 (1988)

Medical exams, claimants may have a representative present with them at exam: SB 6625, SSB 6625

Nurses working as independent contractors, coverage revised: SB 6754

Occupational disease, preexisting condition, revisions: SB 5281

Occupational diseases, rate of compensation, when it is established: *HB 1396, CH 161 (1988), SHB 1592

Part time or intermittent, determination of monthly wage: *HB 1396, CH 161 (1988), SB 6728

Permanent partial disability, maximum, exceptions deleted: *HB 1396, CH 161 (1988)

Preexisting condition, revisions: SB 5281

Rates, adjustments limited, 75% of the average monthly wage: SB 6358

Reopening claims, revisions: *HB 1396, CH 161 (1988)

WORKERS' COMPENSATION—cont.

- Reporting and taxation system, unified system for business identification, reporting and compliance: SB 5585
- Seasonal employment, determination of monthly wage: *HB 1396, CH 161 (1988), SB 6728
- Self insurance, cost of medical exam charged to self-insurer or medical aid fund: SSB 5282
- Self-insured employers' funds, reimbursement for payments made out of own fund when state benefits applicable: SB 5788
- Self-insureds to pay hospital bills within a certain time period: SB 5636
- Self-insurers may select physicians to examine industrial insurance claimants: SB 5282
- Shake/shingle mill rates frozen: SB 5964
- Temporary total disability payments, lost, payment provided for: SB 6411, SSB 6411
- Temporary total disability, when employment is considered gainful: SB 6328
- Tips are wages only to the extent reported for federal income tax: *HB 1396, CH 161 (1988), SB 6354
- Wages, determination is a fair and reasonable manner: *HB 1396, CH 161 (1988), SB 6728
- Wages, includes consideration received from the employer as part of the contract of hire: *HB 1396, CH 161 (1988)
- Wages redefined, tips are wages only for income tax purposes: SB 5409
- Wages, seasonal or part-time employment, determination of monthly wage: *HB 1396, CH 161 (1988), SB 6728

WRECKERS (See TOW TRUCKS)**WRESTLING**

- Professional wrestling act: SB 6744

WRONGFUL LIFE/BIRTH

- Causes of action, prohibiting: SB 6648

YAKIMA

- Agricultural trade complex, capital budget: *SSB 6763, CH 2 E1 (1988)

YAKIMA COUNTY

- Judges, additional superior court judge: SB 6742, *SSB 6742, CH 66 (1988)

YAKIMA GREENWAY

- Capital budget: *SSB 6763, CH 2 E1 (1988)

YAKIMA VALLEY COMMUNITY COLLEGE, DISTRICT NO. 16

- Coralee Mattingly, trustee, GA 9137, confirmed pp. 158, 605, 630
- Ted S. Semon, trustee, GA 9195, confirmed pp. 18, 607, 1366

YANG, DAVID P.

- Trustee, Clark community college district no. 14, GA 9196, confirmed pp. 19, 246, 1367

YOUTH EMPLOYMENT

- Conservation corps, waiver of age requirement for residents with handicaps: *SHB 1952, CH 78 (1988)
- Youth employment exchange, expand model to include private sector training and opportunities, internships: SB 6549, SSB 6549

ZIMMERMAN, SENATOR HAL

- Nomination of Senator Alan Bluechel as president pro tempore p. 4
- Appointed governmental operations, vice chair; rules, and ways and means committees pp. 14, 15

ZIMMERMAN, SENATOR HAL—cont.

Statement for the journal, vote on SSB 5653 p. 282

ZONING (See LAND USE PLANNING)**20:20 COMMISSION**

Budget: *SHB 1312, CH 289 (1988)

Established: HB 1593

976 PHONE NUMBERS

Access regulated: *HB 1796, CH 123 (1988), SB 6676, SSB 6676