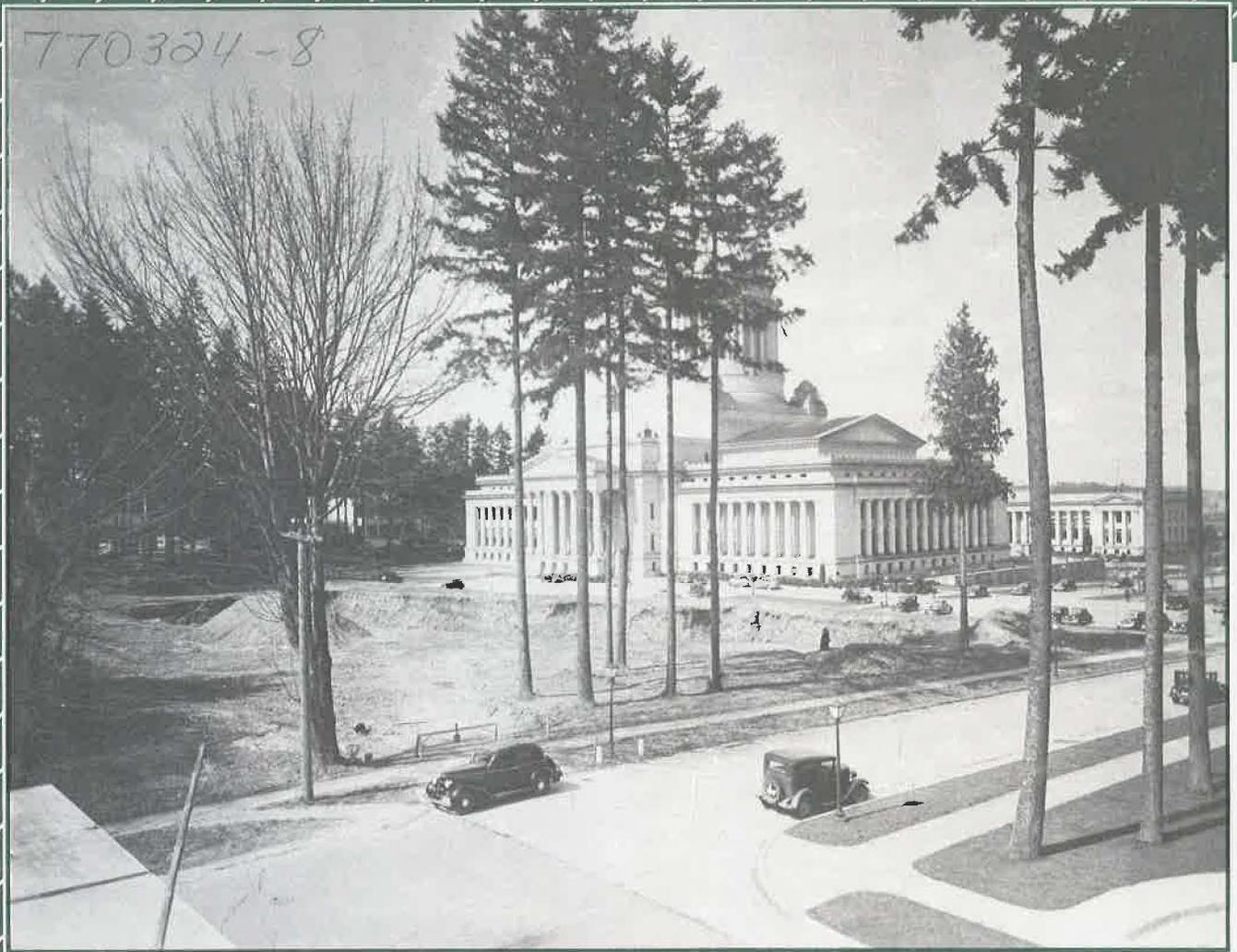
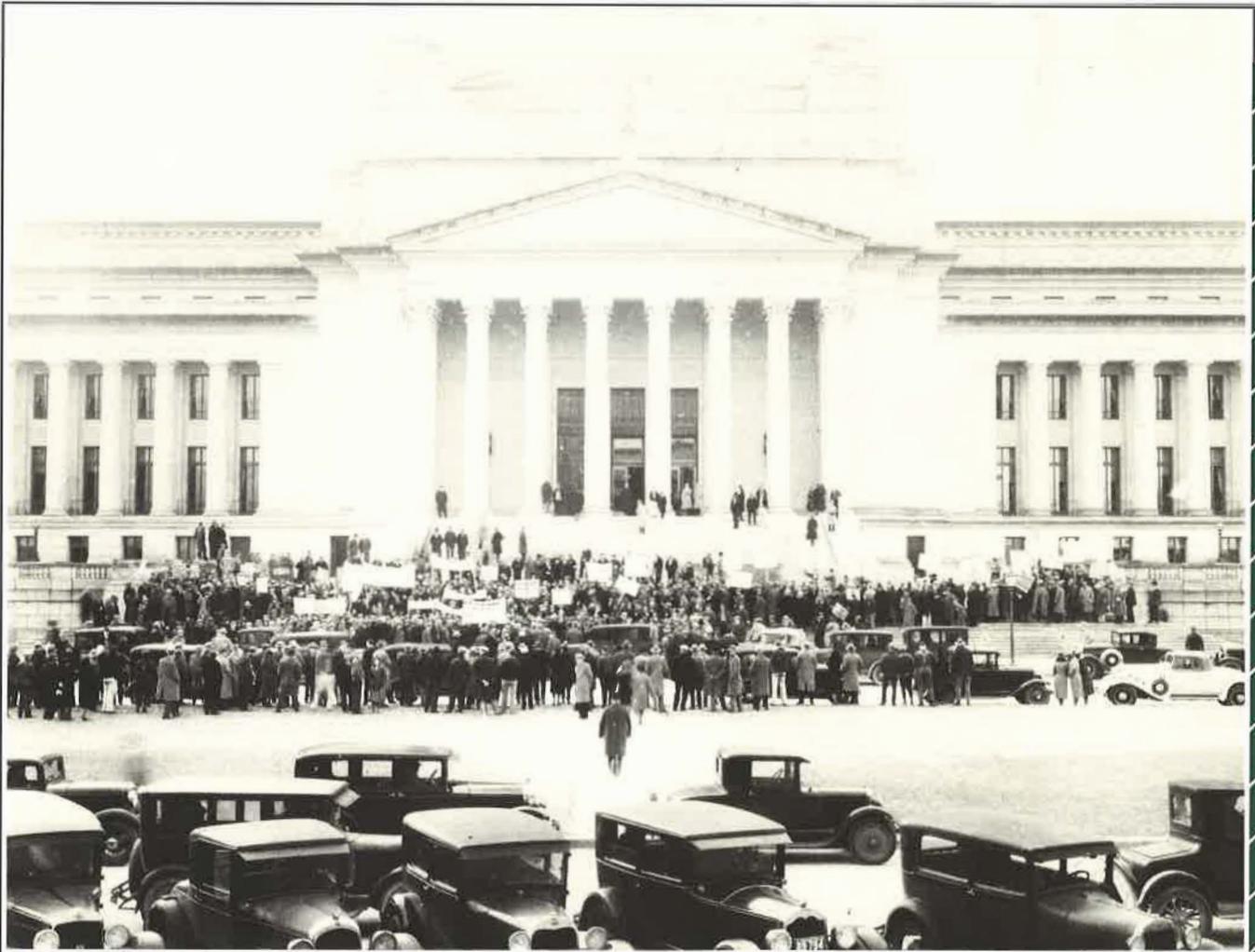


FINAL LEGISLATIVE REPORT



**FORTY-NINTH
WASHINGTON STATE LEGISLATURE
1985 Regular and 1st Special Sessions**

FINAL LEGISLATIVE REPORT



Hunger marchers descended on the Capitol in 1932 to protest the depression-era policies of Governor Roland Hartley.

© 1932 Vibert Jeffers, courtesy Susan Parish Collection.

**FORTY-NINTH
WASHINGTON STATE LEGISLATURE
1985 Regular and 1st Special Sessions**

This final edition of the 1985 **Legislative Report** is available from:

THE LEGISLATIVE BILL ROOM

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For more detailed information regarding this legislation, contact:

The House Office of Program Research

205 House Office Building
Olympia, Washington 98504
{206} 786-7100

Senate Committee Services

101 John A. Cherberg Building
Olympia, Washington 98504
{206} 786-7400



WASHINGTON STATE LEGISLATURE

Senate • House of Representatives • Legislative Building • Olympia, Washington 98504

June, 1985

TO: Lieutenant Governor John A. Cherberg, and
Members of the Washington State Legislature

This final edition of the **Legislative Report** is a summary of legislative action during the 1985 Regular and Special Sessions of the 49th Legislature. It provides summaries of legislation which passed the Legislature, budget highlights and a record of all gubernatorial actions.

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

Sincerely,

R. Ted Bottiger
Senate Majority
Leader

Wayne Ehlers
Speaker of the
House of Representatives

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EDITOR'S NOTE

VIBERT JEFFERS PHOTOGRAPHER 1905 — 1975



Vibert Jeffers self-portrait.

© 1934 Vibert Jeffers, courtesy Susan Parish Collection.

During the thirties, Vibert Jeffers promoted his fledgling photography business by driving around Olympia in a bright yellow roadster emblazoned with the depression-era slogan of Jeffers Studio: "If there's beauty we take it, if there isn't we make it."

Vibert Jeffers was dashing, daring and debonair — a child of the jazz age. He looked more like Clark Gable or Errol Flynn than a photographer from a small, conservative town in the Northwest.

He was a quiet yet colorful man, who spent most of his life taking black and white photographs.

Born in Olympia in 1905, Vibert spent his formative years at the side of father Joseph, the founder of Jeffers Studio. Joseph became a photographer in the late 1800's and he began his own business around the turn of the century.

Vibert enjoyed watching his father work, but he had absolutely no interest in becoming a commercial photographer himself. He was more at home hiking or fishing than he was standing behind a bulky box camera coaxing hesitant subjects to look natural.

In the summer of 1924, tragedy decided Vibert's destiny. He and his father were on a photographic expedition in the Olympic Mountains. During their descent of the east side of Mt. Olympus, Joseph slipped and fell 800 feet to his death.

Although badly shaken, Vibert managed to find his way back to Olympia. After some soul-searching, he and his mother, Opal Prigmore Jeffers, decided to continue the business Joseph Jeffers had worked so hard to build.

Haunted by the memory of his father, Vibert threw himself into the day to day operation of the studio at a relentless pace. When he finally retired in 1971, he left behind a legacy of almost 50,000 photographic negatives.

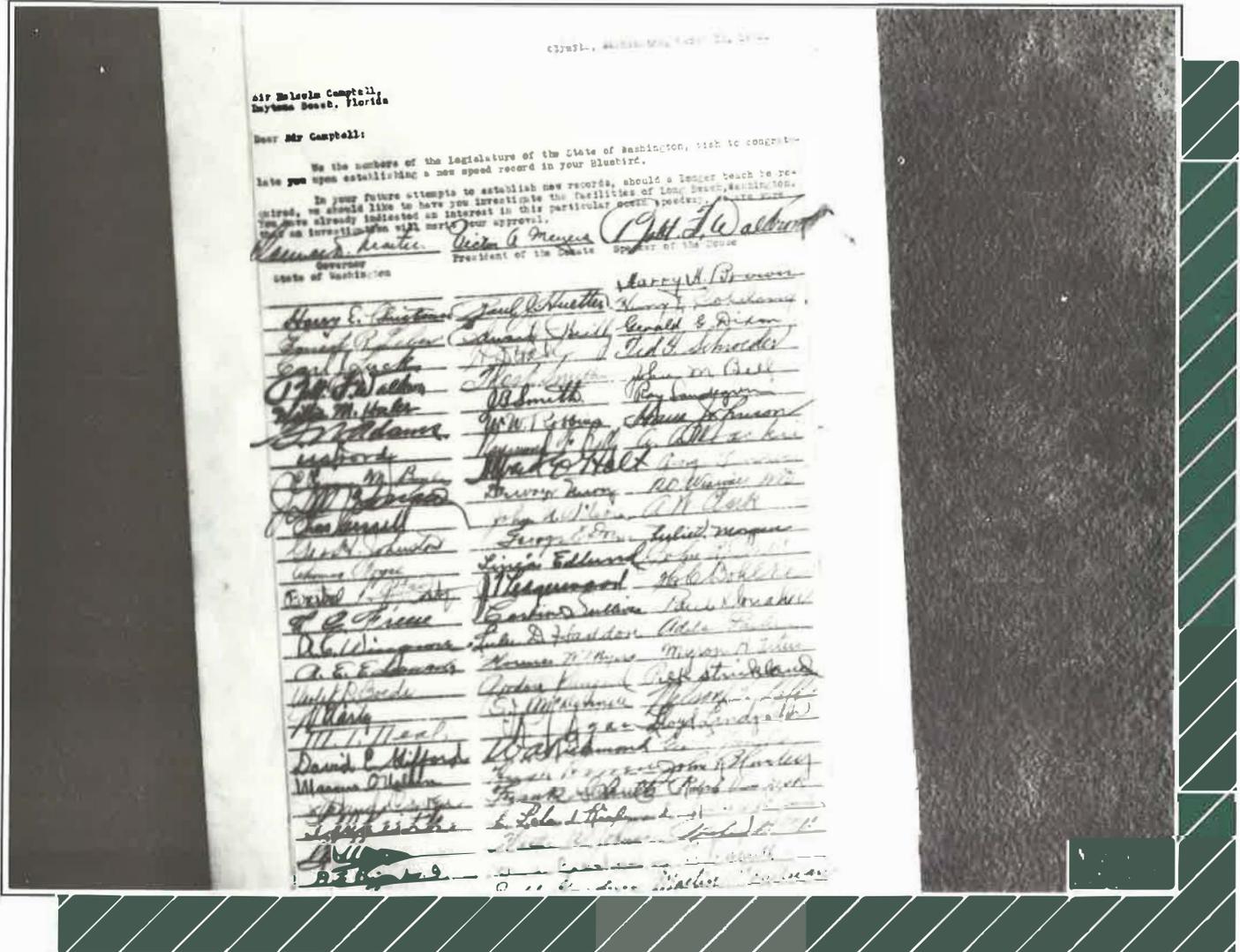
Much of his work over the years focused on the Washington State Legislature. From the mid-twenties until the early seventies, Vibert Jeffers was the official portrait photographer of the House and Senate. He also was called on by various Governors to photograph events and people in and around the Capitol.

In this Legislative Report, you'll find a sampling of some of Vibert Jeffers' legislative photographs from the twenties and thirties. Also included is his 1931 image of Fifth Avenue in downtown Olympia.

Reprints of these and other photographs from The Jeffers Collection are available by contacting Susan Parish at First Light Media, 317 Fourth Avenue, Suite 100, Olympia, Washington 98501; (206) 786-8484.

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© 1935 Vibert Jeffers, courtesy Susan Parish Collection.

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REGULAR AND FIRST SPECIAL SESSIONS
OF THE
49TH LEGISLATURE

Bills Before Legislature					
	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
1985 REGULAR SESSION (January 14 – April 28)					
House	1,325	236	3	27	233
Senate	1,441	242	4	24	238
1985 FIRST SPECIAL SESSION (June 10 – June 11)					
House	5	3	0	0	3
Senate	0	3	0	1	3
LEGISLATURE	2,771	484	7	52	477

Joint Memorials, Joint Resolutions and
Concurrent Resolutions Before the Legislature

	Introduced	Filed with Secretary of State
1985 REGULAR SESSION (January 14 – April 28)		
House	91	10
Senate	80	17
1985 FIRST SPECIAL SESSION (June 10 – June 11)		
House	2	2
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	Referred	165
	Confirmed	113
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	Referred	2
	Confirmed	0

Statistical Summary

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Governor Clarence Martin (center) after he was adopted into the Lummi Indian tribe during negotiations of hunting and fishing rights in 1934.

© 1934 Vibert Jeffers, courtesy Susan Parish Collection.

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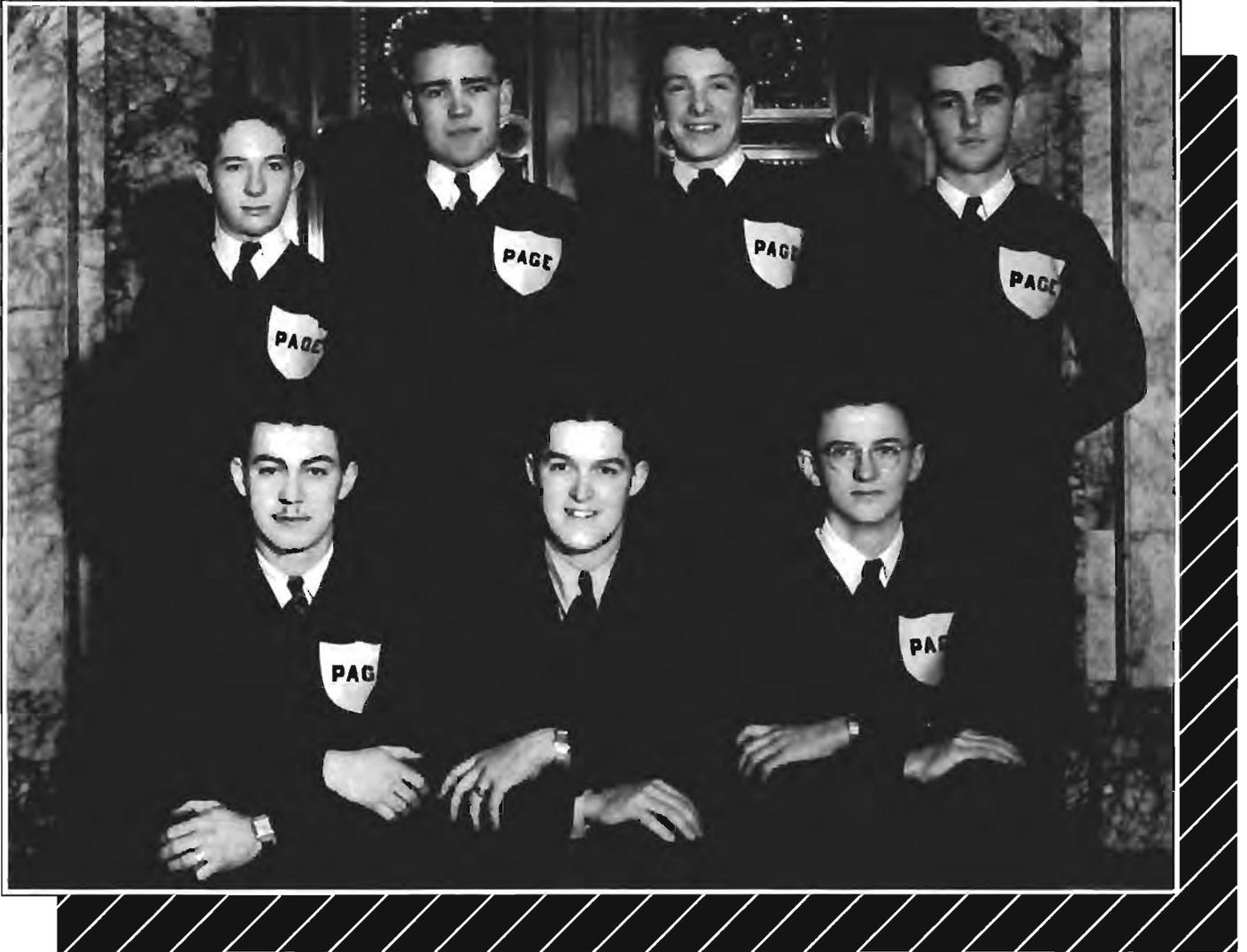
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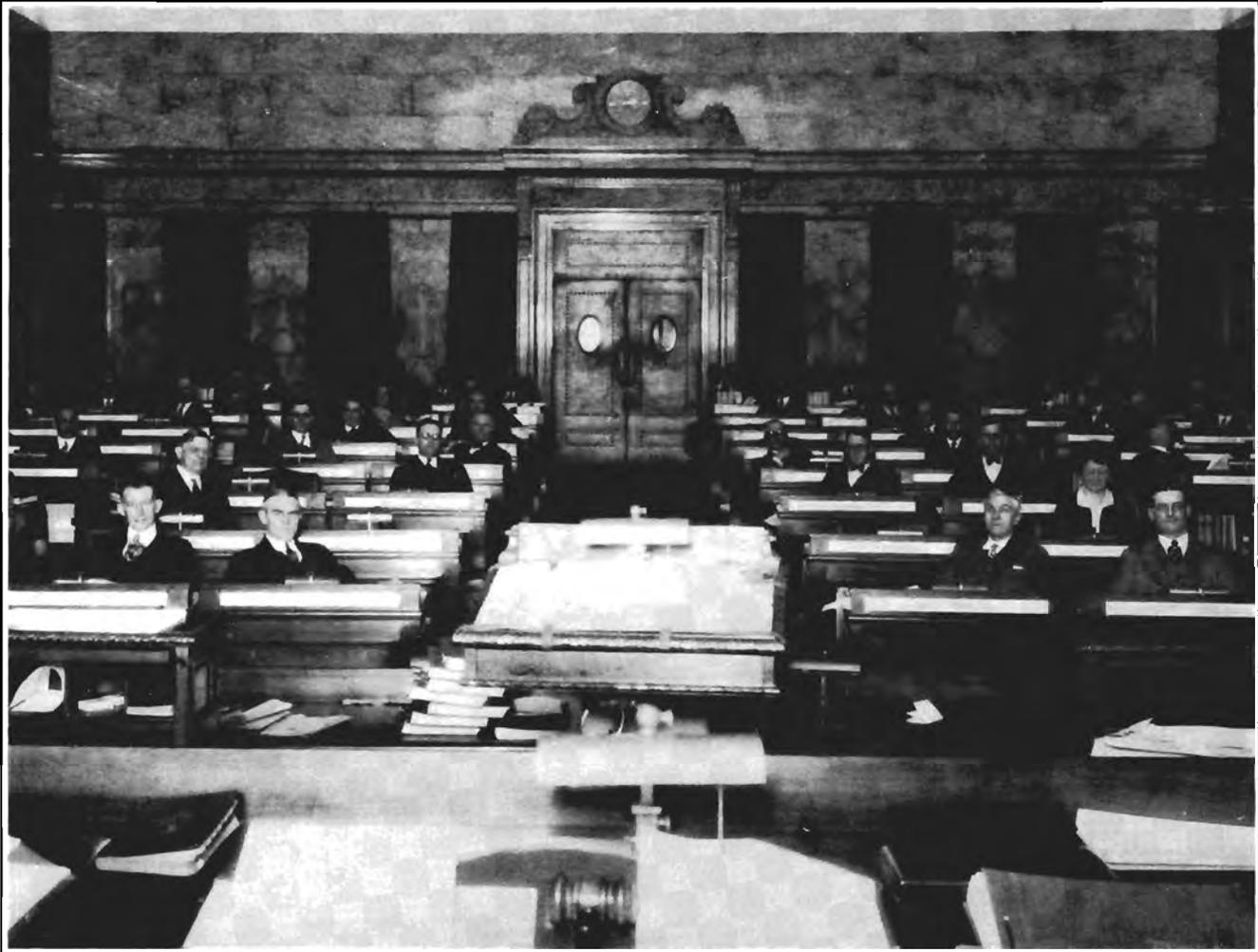
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House members preparing for floor action, 1929.

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2SHB 3

C 372 L 85

By Committee on Ways & Means (originally sponsored by Representatives Sutherland, Tanner, Rust and Unsoeld)

Providing for protection from radiation.

House Committee on Energy & Utilities

House Committee on Ways & Means

Senate Committee on Human Services & Corrections

Senate Committee on Energy & Utilities

BACKGROUND:

The State of Washington is an agreement state under the federal Atomic Energy Act of 1954. The Department of Social and Health Services is the state radiation control agency. The department does not have authority to set radiation emission standards under the Federal Clean Air Act, but is to advise and consult with other state agencies having the authority. The department is currently restricted by state statute from entering onto federal lands unless the federal government concurs in such action.

The Department of Ecology has authority under the Federal Clean Air Act to regulate radioactive air emissions. However, the department has not adopted any standards. Increased interest in nuclear activities on the Hanford Reservation has raised the issues of authority of the state to regulate federal nuclear facilities.

SUMMARY:

The Department of Social and Health Services shall ensure that environmental radiation monitoring programs are adequate to protect the public health and safety. The Department of Ecology shall establish and enforce air emission standards for radioactivity released from all nuclear facilities in this State, including federal facilities. The state agencies are to seek available federal funding to carry out these activities. The need for federal consent to enter upon federal lands is removed from state law.

VOTES ON FINAL PASSAGE:

House	85	13
Senate	48	0

EFFECTIVE: July 28, 1985

SHB 4

C 145 L 85

By Committee on Local Government (originally sponsored by Representatives Rayburn and Baugher)

Changing requirements for the removal of county seats.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

The Constitution restricts the submission of a ballot proposition to change the county seat of a county to not more frequently than once every four years.

SUMMARY:

A ballot proposition to change the county seat of a county may not be submitted to county voters more frequently than once every eight years. The petition requesting such a change must be filed at least six months before the election when the proposition is submitted to the voters. The county must issue a financial impact statement analyzing the impact of such a change at least 60 days before this election. A financial impact statement must consider costs arising from the proposed change of the county seat on the: (1) county government; (2) county employees; and (3) affected cities.

VOTES ON FINAL PASSAGE:

House	51	43
Senate	37	9

EFFECTIVE: July 28, 1985

HB 12

HB 12

C 76 L 85

By Representatives Tilly, Ballard, Bristow and Fuhrman

Expanding television reception improvement districts to include FM radio.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Television reception in areas distant from the station transmission point can be poor to nonexistent. Relay or retransmission equipment improves reception. To facilitate acquisition and operation of such equipment and thereby achieve good reception, television reception improvement districts were established and have operated to date with good effect. FM radio has similar transmission characteristics as TV. Desire has been expressed to allow the districts to improve FM radio signals also. Little added equipment is required.

SUMMARY:

Television reception improvement districts are authorized also to improve FM radio reception.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	42	3

EFFECTIVE: July 28, 1985

SHB 14

C 174 L 85

By Committee on Natural Resources (originally sponsored by Representatives Sutherland and Sayan)

Modifying provisions relating to salmon angling licenses.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

Washington and Oregon have passed laws providing for a reciprocal agreement between Oregon and Washington wherein each state will recognize the others' salmon angling licenses in the Columbia River and coastal waters. Washington recognizes Oregon licenses five nautical miles into Washington and Oregon recognizes Washington licenses for five nautical miles into Washington.

SUMMARY:

The boundaries within which Washington and Oregon have reciprocal agreements regarding salmon angling licenses are changed. Oregon anglers can fish north up to Leadbetter Point (approximately twenty-seven statute miles north of the Washington-Oregon boundary). The new reciprocity becomes effective when Oregon accepts valid Washington salmon angling licenses as far south as Cape Falcon (approximately thirty-three statute miles). Until that time, the existing five nautical mile boundary remains in effect.

The new Washington boundary coincides with an existing fisheries management unit boundary.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	42	1

EFFECTIVE: July 28, 1985

SHB 15

C 80 L 85

By Committee on Local Government (originally sponsored by Representatives Fisch, Winsley, Wang, Gallagher, Hankins, Belcher, Allen, Isaacson and Sayan)

Modifying provisions relating to security for the payment of the prevailing wages under public works contracts.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

State law requires that an amount equal to five percent of the value of a contract for any public

improvement be retained by the government as a trust fund to provide some assurance that payments will be made to subcontractors, material suppliers, or laborers, and the state for taxes. These protected parties have liens on this retainage. The state lien for taxes on contracts of \$20,000 or more is superior to all other liens.

SUMMARY:

First priority lien status on the retainage under contracts for public improvement projects is changed from the state for taxes to employees of contractors who are not paid the prevailing wage.

VOTES ON FINAL PASSAGE:

House 98 0
Senate 43 4

EFFECTIVE: July 28, 1985

SHB 16

C 15 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Sayan, R. King, Patrick, Wang, Winsley, Sutherland, Fisch, Gallagher, Isaacson, Belcher, Hankins, Allen and Baugher)

Modifying provisions relating to payment of the prevailing wage.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Contractors on public works projects must pay prevailing wages to their employees. If the Department of Labor and Industries, after a hearing, determines that prevailing wages were not paid, the amount of the unpaid wages will constitute a first priority lien against the contractor's bond. In general, the contractor's bond (six thousand dollars for general contractors, and four thousand dollars for specialty contractors) is too small to satisfy unpaid wage claims.

Public agencies which enter into public works contracts are authorized by law to retain a portion

of the contract amount, up to five percent, for protection of workers and material suppliers. The statute does not make clear whether unpaid wages may be satisfied out of the retainage, or what priority such claims would have.

SUMMARY:

A procedure is established for enforcing the prevailing wage law. Any interested party may bring a complaint to the Director of Labor and Industries who will investigate the complaint to determine whether prevailing wages have been paid. If the director determines that a violation may have occurred, a hearing will be conducted. If prevailing wages have not been paid, the public agency which awarded the contract must withhold the amount of the unpaid wages from the retainage or any contract progress payments due to the contractor, and the director may proceed against the contractor's bonds, according to a specified order of priority. In addition, a contractor may be assessed a civil penalty of one thousand dollars, or twenty percent of the total prevailing wage violation, whichever is greater, for each contract on which it is determined that prevailing wages were not paid. The civil penalty does not apply to inadvertent errors.

Clarifying changes are made in the statutory requirements regarding the filing of false prevailing wage statements by contractors and in the prohibitions against bidding on public works contracts when a second violation has occurred within five years.

VOTES ON FINAL PASSAGE:

House 85 12
Senate 34 10

EFFECTIVE: July 28, 1985

HB 21

C 36 L 85

By Representatives Vekich, C. Smith, Rayburn, Chandler, Tilly and Sayan

Revising provisions relating to horticultural nursery dealers.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

State law requires horticultural nursery dealers to be licensed and establishes an annual licensing fee of \$100. The Director of Agriculture is authorized to adopt grades or classifications for horticultural plants or cut plant materials, rules for inspecting and certifying such plants and materials, and fees for conducting inspections. License and inspection fees are to be deposited in the Nursery Inspection Fund of the state treasury for use in the administration and enforcement of the nursery statutes.

Persons making casual or isolated sales are exempt from licensure requirements. A garden club or charitable nonprofit association conducting not more than three sales annually, each for not more than four consecutive days, is required to pay a permit fee of \$2 in lieu of having to obtain a regular license. A place of business where gross sales does not exceed \$500 annually is not required to be licensed.

SUMMARY:

A separate schedule of fees is created for wholesale licenses and for retail licenses for nursery dealers. For a retail license, the annual fee is: (a) \$25 if gross business sales of horticultural plants and turf do not exceed \$2,500; (b) \$50 if such sales are between \$2,500 and \$15,000; and (c) \$100 if such sales are \$15,000 or more.

For a wholesale license, the annual fee is: (a) \$50 if such sales are less than \$15,000; and (b) \$100 if such sales are \$15,000 or more.

A retail nursery dealer license must be secured for a place of business conducting both retail and wholesale sales of horticultural plants and turf if retail sales exceed wholesale sales. A wholesale nursery dealer license must be secured if the wholesale sales exceed retail sales.

Deleted from law is an exemption from licensure requirements provided for a place of business where sales do not exceed \$500 per year. Added as entities that qualify for a \$2 permit in lieu of having to obtain a license are educational organizations associated with private or public secondary schools. Persons making casual or isolated sales are exempt from licensure only if such sales do not exceed \$100 annually. Sales of cut plant

materials and vegetable plants are no longer governed by the nursery dealer licensing statutes.

A civil penalty of up to \$200 is established. The penalty is in lieu of other penalties for acting as a nursery dealer without the required permit or license. The penalty may be imposed by the Director of Agriculture and is subject to appeal in accordance with the Administrative Procedures Act. Monies collected from the recovery of such penalties are to be deposited in the state's general fund.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	43	3	(Senate amended)
House	96	1	(House concurred)

EFFECTIVE: July 28, 1985

SHB 23

C 330 L 85

By Committee on Local Government (originally sponsored by Representatives Haugen, Allen, Miller and Rayburn)

Providing regulations for compensation for members of special district governing bodies.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

State law specifies for each type of special district whether members of the special district governing body are eligible to receive compensation for their activities, and if they are eligible, the maximum amount of the compensation. Little similarity exists concerning compensation allowed for members of special district governing bodies.

SUMMARY:

Per day rates of compensation are raised to \$50 for members of the governing bodies of fire districts, sewer districts, water districts, public hospital districts, public utility districts, and port districts. Members of metropolitan councils who are not full-time elected officials, and who are not the chairman or committee chairmen, have their per day rates of compensation raised to \$50.

An annual ceiling on per day compensation for these officials is established at \$4,800. However, commissioners of port districts, that have annual operations income of over \$25 million, have an annual ceiling of \$5,800 and commissioners of public utility districts have an annual ceiling of \$7,000 (in addition to their monthly compensation).

Any governing body member may refuse to accept compensation.

VOTES ON FINAL PASSAGE:

House	84	12	
Senate	32	14	(Senate amended)
House	60	16	(House concurred)

EFFECTIVE: July 28, 1985

HB 27

C 106 L 85

By Representatives Haugen, Brough, Lundquist, P. King and Rayburn

Authorizing a reduction in councilmanic offices in certain code cities.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

The size of a city council in a noncharter code city is determined by the population of the city. A code city with a population of less than 2,500 must have a council with five members. A code city with a population of 5,000 or more must have a council with seven members. A code city that had a population from 2,500 to less than 5,000 prior to 1983 must have a council with seven members. A code city that increased its population after 1983 to 2,500, but less than 5,000, has the option of a council with either five or seven members.

SUMMARY:

Any noncharter code city with a seven member council and a population of less than 5,000 is allowed to reduce the size of its council to five members. Such a city can reduce its council by

adopting an ordinance, at least six months before a municipal general election, that specifies which two positions that are up for election at that election should be eliminated.

VOTES ON FINAL PASSAGE:

House	93	1	
Senate	37	7	

EFFECTIVE: July 28, 1985

SHB 28

C 175 L 85

By Committee on Local Government (originally sponsored by Representatives Haugen, Brough, P. King, Crane and Rayburn)

Authorizing biennial municipal budgets.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Cities and towns are required to adopt budgets each year. Statutes specify in detail how city and town budgets are adopted, altered, and controlled.

SUMMARY:

An optional procedure is provided by which any city or town may adopt budgets on a biennial basis.

Provisions are made for a one time, mid-term, revision of a biennial budget and for emergency revision of a biennial budget. Provision is also made for quarterly reports on expenditures, receipts and liabilities for each appropriated amount.

VOTES ON FINAL PASSAGE:

House	76	18	
Senate	46	1	(Senate amended)
House	77	15	(House concurred)

EFFECTIVE: July 28, 1985

HB 31

HB 31

C 147 L 85

By Representatives Haugen, Lundquist, B. Williams, McMullen and K. Wilson

Removing restrictions on the taking of salmon by use of monofilament gill net webbing.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

In gill netting, a mesh net is stretched in a line, up to 1,500 feet long. Fish swim into the net, and are captured when their body size prohibits them from moving forward through the net and their gills stop them from backing out.

Gill net webbing is fabricated from either multi-strand light weight cord or monofilament, a nearly transparent, single strand, material. Washington fishermen are prohibited from using monofilament. Fisheries regulations permit gill net fishing from one hour prior to sunset to one hour after sunrise. Purse seiners may fish the same location during the balance of the day. At dark, or in muddy water, monofilament webbing has an advantage over multi-strand webbing due to its reduced visibility.

SUMMARY:

The prohibition against fishing for salmon using monofilament gill net webbing is repealed. However, before monofilament may be used on the Columbia River, Washington and Oregon must agree upon rules regarding its use.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	32	12

EFFECTIVE: July 28, 1985

HB 34

C 119 L 85

By Representatives Smitherman, Lewis, Wang, Zellinsky, Thomas, Winsley, Ebersole, Tanner, Kremen, Hargrove, Haugen and Isaacson

Modifying the regulation of water heater temperatures.

House Committee on Commerce & Labor

Senate Committee on Energy & Utilities

BACKGROUND:

The state building code establishes maximum temperatures for water heaters. The maximum temperature rule applies to two cases: (a) sales or leases of new heaters offered in Washington and (b) residential rentals to new tenants when there is an accessible, individual water heater.

SUMMARY:

Multiple-unit residences supplied by central water heater systems are exempted from the state building code temperature restrictions.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	46	0

EFFECTIVE: July 28, 1985

SHB 36

C 260 L 85

By Committee on Judiciary (originally sponsored by Representatives Patrick, Locke, Van Luvan, McMullen, Padden, Armstrong, Tilly, Schoon, West, R. King, Lundquist, P. King, Fisch, Crane, Scott and G. Nelson)

Authorizing law enforcement officer to intercept telephone communications in a hostage or barricade situation.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The state Privacy Act makes it generally illegal for any person to intercept or record a conversation without the consent of all parties to the conversation. Under prescribed circumstances, court permission may be obtained to intercept or record conversations. Other exceptions to the general prohibition exist for emergency, threatening, anonymous or repeated telephone calls.

Law enforcement officials are authorized to cut, reroute or divert telephone lines in order to control communications in an area where hostages are being held.

SUMMARY:

The authority of police officials to control telephone lines is extended to situations involving "barricaded persons" as well as "hostage holders." A hostage holder is defined as one who abducts or unlawfully imprisons another. A barricaded person is defined as one who has established an exclusive perimeter and who also is committing or fleeing from the commission of a violent felony, is threatening suicide or a violent felony, or presents the likelihood of serious physical harm to himself or to others or their property.

The Privacy Act is amended to create an exception to the general prohibition against intercepting or recording conversations. Phone calls may be intercepted if they relate to communications by a hostage holder or barricaded person.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	44	0	(Senate amended)
House	79	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 39

C 264 L 85

By Committee on Financial Institutions & Insurance
(originally sponsored by Representatives Lux,
Winsley, Zellinsky, Prince and P. King)

Making miscellaneous changes to the insurance code.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Records and insurance filings kept by the Insurance Commissioner are required to be available for public inspection.

Foreign and alien insurance companies are required to appoint the Insurance Commissioner as their attorney to receive service of all legal process against the companies.

The purchase of ocean marine and foreign trade insurance, insurance on risks outside Washington, railroad insurance and aircraft insurance from insurance companies not authorized to conduct business in Washington are currently exempt from statutory provisions governing unauthorized insurers.

No person selling insurance under a temporary license may receive a commission from the sale of insurance to himself.

The Commissioner is authorized to regulate multiple employment trusts providing health care benefits.

Statutorily required deposits from insurance companies may be held by trust companies or banks having trust powers.

Reciprocal insurers are required to maintain \$300,000 on deposit with the Insurance Commissioner prior to transacting business.

An insurance company must give the policyholder 20 days' notice prior to canceling a property-casualty insurance policy, including auto insurance policies. Insurers must give 20 days notice prior to nonrenewal of an auto policy.

Life insurers are required to pay interest on policy proceeds from the date of death of the insured until payment of proceeds, in an amount based on Moody's Corporate Bond Rate.

SUMMARY:

Various amendments are made to the Insurance Code to correct internal statutory references, to clarify ambiguous terms and to replace certain words or phrases with more accurate words and phrases.

In addition to these technical changes, the commissioner is required to withhold from public scrutiny the proprietary information received from insurance companies during rate and form filing reviews.

Mandatory service of process upon the commissioner is amended to conform with other statutes requiring service of process upon the Department of Labor and Industries for contractor bonds.

A broker selling insurance from insurance companies which are unauthorized but are exempt from regulation as unauthorized insurer must ascertain the financial condition of the insurers.

Statutes prohibiting temporarily licensed agents from receiving commissions on the sale of insurance to themselves are repealed.

The commissioner's authority to regulate multiple employer trusts is expanded to include life insurance, annuities and loss-of-time coverage offered by multiple employer trusts.

The Insurance Commissioner may permit statutorily required deposits from insurers to be held by federally insured financial institutions domiciled in Washington.

Reciprocal insurers are required to meet the capital and surplus requirements that are required for insurance companies.

Property and casualty insurance policies cannot be cancelled prior to 45 days' notice to the policyholder. Any premium refund must be mailed to the policyholder by the effective date of cancellation.

The 20-day cancellation notice requirement for private passenger auto insurance policies is applicable to policies wholly or partially written to cover private passenger autos.

Current statutory provisions applicable to the renewal of private passenger auto insurance policies are applied to all other commercial and personal property and casualty insurance policies that are subject to statutory cancellation notice requirements. Such policies must be renewed unless 20-days' notice of nonrenewal is given by the insurer, the insured fails to pay the renewal premium, or the insured's agent or broker has obtained other insurance acceptable to the insured prior to the expiration date of the policy.

Life insurers must pay interest on policy proceeds from the date of the death of an insured who was

a resident of Washington at the time of death, until the proceeds are tendered to the beneficiary. The rate of interest that must be paid is the rate paid by the insurer for policy proceeds left on deposit with the insurer, but not less than eight percent. If the insurer has not offered the proceeds to the beneficiary within 90 days of a receipt of proof of the insured's death, the insurer must pay an additional interest rate of three percent beginning with the ninety-first day.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	46	2	(Senate amended)
House	95	1	(House concurred)

EFFECTIVE: July 28, 1985
May 10, 1985 (Sections 17-22)

SHB 46

C 401 L 85

By Committee on Judiciary (originally sponsored by Representatives Armstrong and Kremen)

Clarifying the intent of the consumer protection act.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The Consumer Protection Act, generally patterned after federal antitrust legislation, prohibits unfair methods of competition and deceptive acts or practices in the conduct of any trade or commerce. The act also prohibits conspiracies, contracts or other arrangements which serve as a restraint on trade and eliminate competition.

The act provides that Washington courts are to be guided by relevant federal law in construing the provisions of the act. It also provides, however, that it is not to be construed as prohibiting acts or practices which are reasonable in relation to the development and preservation of business or which are not injurious to the public interest. A recent state Supreme Court case held that this legislative directive requires a narrower interpretation of the act than would otherwise be required. That language, the court held, requires that a

court must weigh the public interest in prohibiting anticompetitive conduct against the Legislature's recognition that businesses need some latitude within which to conduct their trade. It is unclear whether this balancing test will be applied to certain acts or agreements, which because of their pernicious effect on competition, are generally regarded as per se unreasonable and therefore illegal. Traditionally, practices which are deemed to be unlawful per se are price fixing, division of markets, group boycotts, and tying arrangements.

SUMMARY:

The Consumer Protection Act shall not be construed to authorize those acts or practices which unreasonably restrain trade or are unreasonable per se.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	47	0	(Senate amended)
House	86	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 48

C 100 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives R. King, Patrick, Fisch, Hargrove, Lux, Leonard, Todd, Vekich, Day, Sayan, Winsley, Ebersole, Wang, Fisher and Basich)

Adding life support technicians to employees covered by uniformed personnel collective bargaining procedures.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

"Paramedic" is a generic term used to describe many classes of emergency life support technicians who have received advanced training. Some fire departments employ paramedics who are also considered to be "firefighters". These "firefighter-paramedics" fall within the definition of "uniformed personnel" in the Public Employees'

Collective Bargaining Act and are subject to the binding arbitration provisions of that act.

Other paramedics who are employed by cities and counties are not considered to be firefighters. Therefore, they do not fall within the definition of uniformed personnel and are not subject to binding arbitration.

SUMMARY:

Paramedics employed by cities, counties, and other political subdivisions of the state, other than public hospital districts, are subject to the Public Employees' Collective Bargaining Act binding arbitration provisions that are applicable to uniformed personnel.

VOTES ON FINAL PASSAGE:

House	85	10
Senate	26	19

EFFECTIVE: July 28, 1985

SHB 50

C 100 L 85

By Committee on Judiciary (originally sponsored by Representatives Fisher, Armstrong, Brekke, Padden, Sayan, Baugher, Rayburn and Taylor; by Department of Social and Health Services request)

Making certain reimbursements for social security assistance retroactive.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

In 1983, the legislature amended the law to allow for direct payment of fees to attorneys in certain cases of successful application for supplemental security income (SSI). Payment of the fees is made by the Department of Social and Health Services (DSHS) out of federal funds. The federal money comes to DSHS as reimbursement for state general assistance payments made to the SSI applicant.

The 1983 amendment took effect August 23, 1983. The Department of Social and Health Services has ruled that direct payment of attorney fees under the amendment will be made only for certain SSI

SHB 50

cases. Those cases are ones in which the applicant and DSHS have entered into an agreement after August 23, 1983 for reimbursement of general assistance payments. As part of a class action lawsuit, DSHS has stipulated to an agreement which requires DSHS to seek legislation to clarify the application of the 1983 amendment.

SUMMARY:

The 1983 law that allows payment of attorneys' fees in successful appeals of denials of supplemental security income (SSI) is made applicable to any qualifying SSI case which meets the following two criteria: (1) federal reimbursement to the state for general assistance payments made during the appeal must have been received after August 23, 1983, the effective date of the 1983 law; (2) the attorney seeking a fee from the reimbursement must have undertaken the SSI case after August 23, 1983.

VOTES ON FINAL PASSAGE:

House	92	0
Senate	48	0

EFFECTIVE: April 22, 1985

SHB 52

PARTIAL VETO

C 185 L 85

By Committee on State Government (originally sponsored by Representatives Niemi, Belcher, Hankins, Vekich, Baugher and Walk)

Revising provisions relating to the human rights commission.

House Committee on State Government

Senate Committee on Judiciary

BACKGROUND:

The Human Rights Commission, established in 1949 as the Washington State Board Against Discrimination, is responsible for the elimination and prevention of discrimination based on race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental or physical handicap. The Commission's jurisdiction extends to unfair practices in: 1) employment, 2) places of

public accommodation, 3) real property transactions, 4) credit transactions, 5) insurance transactions, 6) certain labor union activities, 7) retaliation against a person who has assisted the Commission or opposed a practice of discrimination, and 8) aiding and inciting violation of the law against discrimination.

The Commission consists of five members appointed by the Governor, with advice and consent of the Senate. It is authorized to: 1) appoint staff, 2) adopt rules and regulations, 3) receive, investigate, and pass upon complaints, 4) hold hearings and subpoena witnesses, and 5) create advisory councils.

The majority of complaints filed with the Commission involve unfair practices in employment. Racial and sexual discrimination comprise the largest percentage of these complaints. When a complaint is filed and found to be within the Commission's jurisdiction, a fact-finding conference is scheduled. Settlement is encouraged, but if no agreement can be reached the Commission launches a full investigation. If the result of the investigation is a finding that there is reasonable cause to believe discrimination exists, the Commission attempts to eliminate the unfair practice by means of a conciliation agreement which is signed and processed as a Commission order. Only when this conciliation attempt is unsuccessful does the case require a hearing before an administrative law judge (ALJ). Either party may appeal the decision of the ALJ.

When a party, against whom a decision has been rendered by an ALJ, ignores the order and fails to appeal the decision, the Commission may file a petition for enforcement of the order in superior court. The same process is required for enforcement of ignored conciliation agreements and pre-finding settlements. The Commission must go through an appeal-type review of the entire agency proceeding to get the order enforced. The agency must file in court the entire record of the administrative proceeding, including the pleadings and testimony, and the court must review the facts. The court has the discretion to allow either party to introduce additional evidence. The court's enforcement decision may be appealed to the supreme court or court of appeals.

SUMMARY:

The enforcement of Human Rights Commission and Administrative Law Judge orders is streamlined.

Issues that can be raised on appeal generally may not be raised during the enforcement proceeding, unless the party gives a valid reason for failing to comply with the administrative order and gives a valid excuse for failing to use the appeals process. The only issues that can be raised in the enforcement proceeding are: 1) whether the order is regular on its face; 2) whether the order has been complied with; and 3) whether the party has a valid reason why the order should not be enforced, whether this reason could have been raised on appeal, and if so, whether the party has a valid excuse for failing to use the appeals process.

The chief administrative law judge is authorized to appoint administrative law judges to the Commission's cases. A respondent is required to file a written answer and appear at the hearing before the administrative law judge. Upon issuing a final order, the administrative law judge is required to give notice to the parties of their right to obtain judicial review of the order and of the thirty-day time limitation.

The jurisdiction of the Law Against Discrimination is changed in four areas. First, discrimination by an employer against any person because of the race of another person, such as the person's spouse or child, is made an unfair practice. Second, when a labor union has a policy of referring unemployed nonmembers from its hiring halls, such a union's discriminatory refusal to refer an unemployed nonmember is explicitly made an unfair practice by extending protection to any person to whom a duty of representation is owed. Third, the coverage in the retaliation section is extended to apply to any person who has assisted the Commission or has opposed a practice of discrimination, thus bringing under Commission protection those persons who have opposed unfair practices in places of public accommodation and real property, credit, and insurance transactions. Finally, the Commission's jurisdiction regarding age discrimination is brought into conformance with case law and administrative rules by limiting its application to persons between the ages of 40 and 70 and making compliance with a related labor statute a defense to any charge of age discrimination.

To the extent possible, vacancies on the Human Rights Commission are to be filled so as to guarantee that the membership of the Commission is

representative of the state's geographical diversity. The Commission is expressly given the authority to cooperate and act jointly with federal, state, and local Washington agencies when such action involves unfair practices as defined by Washington law. The Commission may also be reimbursed for such services. The Commission is given the authority to foster good relations between minority and majority population groups through such means as seminars, conferences, and educational programs, a power the Commission's advisory councils already possess. The Executive Secretary of the Human Rights Commission or the Director of the Department of Labor and Industries may establish reasonable minimum and/or maximum age limits with respect to employment that requires extraordinary physical effort or training.

The Human Rights Commission is placed under the Washington State Sunset Act. The Commission is given a termination date of June 30, 1989, and the Commission's authorizing statutes are repealed as of June 30, 1990 if the Commission is not reauthorized by the legislature.

Technical changes include the following: the clause relating to the record on appeal has been superseded by the Rules of Appellate Procedure and is deleted; the parts of the appeals process that have been superseded by the Administrative Procedure Act are eliminated; the partial listing of the jurisdictional bases upon which the Commission is empowered to investigate complaints is eliminated; age is added to the section empowering advisory councils to study discrimination; the name of the Washington State Board Against Discrimination is changed to the Washington State Human Rights Commission, and gender-specific language is corrected.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	44	5	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The partial veto deletes the requirement that the membership of the Human Rights Commission be representative of the geographical diversity of the state. (See VETO MESSAGE)

SHB 53

SHB 53

C 110 L 85

By Committee on State Government (originally sponsored by Representatives Belcher, Unsoeld, Addison, Hastings, Kremen, R. King, Sayan, P. King, Miller, Hankins and Peery; by Department of Community Development request)

Reauthorizing the Center for Voluntary Action.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

The State Center and Council for Voluntary Action, established by the legislature in 1982, are currently scheduled for sunset review and possible termination. Unless the legislature reauthorizes the Center and Council, they will terminate on June 30, 1985.

The State Council for Voluntary Action is made up of 19 members who have been selected by the governor to be representative of the state's geographical diversity. The Council advises the governor, proposes and evaluates the Center's activities, and delivers an annual report to the governor and legislature on the Center's activities.

The State Center for Voluntary Action is authorized to: 1) Provide information about volunteer program, activities, and resources; 2) sponsor recognition events for outstanding volunteers and organizations; 3) facilitate business, labor, industry, and government support for volunteer efforts; 4) organize or help to organize workshops and conferences; 5) publish and distribute schedules of significant events, lists of published materials, accounts of successful programs, and other information on volunteerism; and 6) review state laws and regulations to recommend appropriate changes to improve volunteer efforts.

The Center is staffed by two full-time persons, including a coordinator and an administrative secretary. The center is housed in the Department of Community Development. Under the Washington State Sunset Act, the Department of Community Development is scheduled for sunset review and possible termination on June 30, 1989.

SUMMARY:

The State Center and Council for Voluntary Action are reauthorized for a period of four years, and a new termination date of June 30, 1989 is established. The Center and Council are scheduled to undergo sunset review and possible termination at the same time as the Department of Community Development. If the legislature fails to reauthorize the Department of Community Development in 1989, the Department's authorizing statutes and those of the State Center and Council for Voluntary Action will be repealed on June 30, 1990.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	44	1

EFFECTIVE: April 22, 1985

HB 54

C 275 L 85

By Representatives Armstrong, D. Nelson, Van Luven, Jacobsen, Nealey, Long, Sutherland, Lundquist, Gallagher and Wang

Defining the tort liability of operators of radioactive waste repositories.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

The Federal Price-Anderson Act provides "no fault" liability insurance for the federal government and its contractors for "nuclear incidents" up to \$560 million. This Act expires on August 1, 1987. Moreover, its applicability to radioactive waste operations is uncertain. Liability of the federal government is determined under the Federal Tort Claims Act (FTCA). The FTCA defers to state tort law to ascertain whether recovery should be allowed. The state is now under active consideration for the nation's first high level radioactive waste disposal facility. This state, however, has no statutory provisions which allow recovery for the negligent handling of radioactive waste.

SUMMARY:

The transporter or disposer of radioactive waste is presumed to be negligent if any damage is caused by the transportation or disposal of radioactive waste. This presumption may only be rebutted by clear and convincing evidence that the transporter or disposer was not negligent.

VOTES ON FINAL PASSAGE:

House	87	5
Senate	39	6

EFFECTIVE: July 28, 1985

HB 58

C 265 L 85

By Representatives P. King, West and Wang

Modifying procedures for making arbitration awards.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The law authorizes persons to enter into arbitration agreements and provides a procedural framework for the arbitration proceeding. Unless otherwise provided in the arbitration agreement, the arbitrator must make an award within 30 days from the closing of the proceeding. Awards made after the thirty days have no legal effect, unless an extension of time or ratification of the award is agreed to in writing by the parties.

Courts have authority to confirm, vacate, or modify arbitration awards under certain circumstances. Arbitrators may not modify their own awards once an award has been made.

The law provides for mandatory arbitration of civil actions in counties where the majority of superior court judges vote to authorize mandatory arbitration. Civil actions where the sole relief sought is a money judgment, and where no party asserts a claim in excess of \$10,000, or if approved

by the county superior court judges, \$15,000, are subject to mandatory arbitration.

Actions to establish, terminate, or modify maintenance or child support payments are not subject to mandatory arbitration.

SUMMARY:

An arbitrator's failure to make an award within the time period specified by law does not divest the arbitrator of jurisdiction to make the award. If the arbitrator fails to make an award when required, a court, upon motion and hearing, shall order the arbitrator to enter an award within a time period fixed by the court and may impose sanctions or terms.

Arbitrators may modify or correct an award where there is an evident miscalculation of figures, or an evident mistake in the description of any person, thing or property, referred to in the award, or where the award is imperfect in a matter of form, not affecting the merits of the controversy. An application for an arbitrator to modify an award must be made within ten days of delivery of the award to the parties. An award modified by an arbitrator may still be confirmed, vacated, or further modified by a court.

The superior court of a county, by a two-thirds or greater vote of the judges on the court, may require arbitration for claims of up to \$25,000.

If approved by the majority vote of the superior court judges of a county which has authorized arbitration, all civil actions where the sole relief sought is the establishment, termination, or modification of maintenance or child support payments are subject to mandatory arbitration. The arbitrability of the action is not affected by the amount or number of payments involved.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	37	9	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 61

SHB 61

FULL VETO

By Committee on Financial Institutions & Insurance
(originally sponsored by Representatives
Dellwo, Lux, Fisch, Hine and Basich)

Revising provisions relating to health insurance
for public employees.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

The law permits local governments of the state to establish and fund plans designed to provide hospital and medical care benefits for employees.

SUMMARY:

Retired or disabled employees of local governments of the state are permitted to continue participation in a group plan for hospital and medical benefits which is provided by the local government. The retired or disabled employee must pay for such participation, but the rate or premium shall be at the group rate for all participants in the plan. The local government is required to lower plan benefits and premiums for retirees eligible for federal Medicare. School districts, government entities participating in a State Employees Insurance Board plan, and law enforcement and firefighter plans are exempt from the provisions of the act.

No retired and disabled employee may participate in the group plan if, after a 90 day open enrollment period after the effective date of the act, the employee allows such group coverage to lapse. No retired and disabled employee may enroll in such a plan if the employee was given the option under a similar plan offered before the effective date of the act and failed to enroll in such plan, unless the employer chooses to permit the employee to enroll.

Premiums for retired and disabled employee participation in the group plan may be assigned to the insurer from pension benefits or may be paid to the employer so that the insurer does not have to collect the premiums individually.

The benefits granted by this act are not a matter of contractual right and should the legislature,

county, municipality, or other political subdivision of the state revoke or change any benefits, the employee is not entitled to receive benefits granted prior to the change or revocation.

The employer may provide a plan different from the active employee plan, for retired employees so long as the retiree benefits do not exceed active employee benefits.

If the employer terminates the group plan, the retired or disabled employees do not have a right to continue under the old plan but if the employer obtains a new group plan, the employees must be included under the new plan.

An employer may adopt terms or conditions necessary to administer a plan to the extent the terms and conditions do not conflict with the act.

The act applies to contracts entered into or expiring on or after January 1, 1986.

VOTES ON FINAL PASSAGE:

House	72	26	
Senate	35	12	(Senate amended)
House	91	5	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 62

C 236 L 85

By Committee on Environmental Affairs (originally sponsored by Representatives Valle, Allen, Rust, Patrick, Sommers, Isaacson, Haugen, Silver, Lux, Nealey, D. Nelson, Lewis, Leonard, Holland, Appelwick, Ebersole, Brekke, Sanders, Jacobsen, Bond, Unsoeld, Braddock, R. King, Wineberry, Todd, Chandler, Dellwo, Locke, Grimm, Brough, Van Luven, Betrozoff, Long, Dobbs and Tanner)

Prohibiting smoking in certain public places.

House Committee on Environmental Affairs

Senate Committee on Commerce & Labor

BACKGROUND:

Smoking in public places is regulated by the State Board of Health under regulations found in chapter 248-152 of the Washington Administrative Code. These health regulations are enforced by

the willingness of the general public to abide by their provisions and to request others to do so. No penalties exist for failure to adhere to the smoking regulations.

SUMMARY:

Smoking is prohibited in public places, except in designated areas. Smoking areas may not be designated in elevators, most buses, streetcars, taxis unless otherwise designated by the owner, public areas of retail stores, lobbies of financial institutions, office reception areas and waiting rooms of publicly owned buildings and in aisles and seating areas in entertainment facilities. Hallways and waiting rooms of health care facilities (except nursing homes) and lobbies of entertainment facilities may not have designated smoking areas if the smoking areas are not physically separated from nonsmoking areas.

Bars, restaurants, taverns, bowling alleys and tobacco shops may designate their entire business as a smoking area if signs are posted at entrances to inform the public of their policy.

Owners and lessees of public places must make every reasonable effort to prohibit smoking by posting appropriate signs. Boundaries between nonsmoking and smoking areas must be clearly designated.

Local law enforcement agencies together with local fire departments and health departments are responsible for enforcement. Violations of the act are enforced by citations under the traffic infraction procedures and are punishable by a civil penalty up to \$100. Penalties collected are paid to the city or town bringing the action.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	39	9	(Senate amended)
House	78	5	(House concurred)

EFFECTIVE: July 28, 1985

HB 66

C 465 L 85

By Representatives R. King, Patrick, Wang, Gallagher and Crane

Establishing a training certificate for plumbing construction work contractors.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

State law authorizes apprenticeship programs for the training of persons in trades and crafts. Such programs must include not less than 2,000 hours of employment and 144 hours of supplemental (classroom) instruction per year. There is currently no requirement that on-the-job training programs have any particular ratio of journeyman trainers to apprentices or trainees.

SUMMARY:

Plumbing apprentices or trainees are required to obtain a plumbing training certificate from the Department of Labor and Industries. Apprentices and trainees must carry the certificate while performing plumbing work. The certificate is to be renewed annually. Upon renewal, the apprentice or trainee must report who his or her employers were and how many hours he or she worked during the previous year.

Apprentices and trainees are required to be supervised on the job site a minimum of seventy-five percent of the working day. The ratio of journeyman plumbers to apprentices or trainees on the job site must be as follows: (1) one certified plumber for every three apprentices or trainees through June 1988; (2) after June 1988, one certified plumber for every two apprentices or trainees when working as a specialty plumber, and (3) one certified plumber for every apprentice or trainee when working as a journeyman plumber.

The department is authorized to set fees to cover the cost of administering the act.

VOTES ON FINAL PASSAGE:

House	57	41	
Senate	27	21	(Senate amended)
House	53	36	(House concurred)

EFFECTIVE: July 28, 1985

SHB 68

C 402 L 85

By Committee on Social & Health Services (originally sponsored by Representatives Dellwo, Padden, Day, Taylor, Scott, Brekke, Braddock, Silver, Barrett, Belcher, West and Isaacson)

Providing additional requirements for the storage and cremation of human remains.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

State requirements for the embalming or cremation of human remains do not address the storage of bodies prior to cremation, nor the cremation of more than one body at the same time. A situation arose in a funeral home whereby a number of bodies of deceased persons which had not been embalmed were stored in an unrefrigerated room for a lengthy period of time, and multiple cremations were done without the knowledge and consent of the families of the deceased.

SUMMARY:

It is a gross misdemeanor for funeral directors, embalmers or crematories to fail to refrigerate or embalm bodies within 24 hours of receipt unless buried or cremated, except under written authorization from proper state or local authorities. Where no refrigeration is available and the family or representative declines embalming, embalming shall be provided free of charge where the body is to be held later than 24 hours.

It is a gross misdemeanor to cremate more than one body at a time without written permission of the family survivors of the deceased.

It is a misdemeanor to operate a crematory or conduct a cremation without a permit or endorsement from the Cemetery or Funeral Directors and Embalmers Boards. Crematories owned or operated on property of the funeral establishment are regulated by the Funeral Directors and Embalmers Board, otherwise by the Cemetery Board. These boards shall consult each other in the promulgation of rules regulating cremations and

establishing fees and permit requirements, and they have authority to promulgate rules for the disposition of unclaimed human remains.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	42	0	(Senate amended)
House	85	1	(House concurred)

EFFECTIVE: July 28, 1985

SHB 69

C 436 L 85

By Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Valle, Brekke, R. King, Lux, Unsoeld, D. Nelson and Isaacson)

Requiring solid waste facilities to establish trust funds.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

Landfill disposal facilities are subject to the same pollution control regulations after they are closed as when they are open. This requires continual monitoring as well as treatment and pollution prevention measures. The cost of these procedures can be very high, particularly for large disposal facilities. There are no provisions to ensure adequate funding for post-closure operations and monitoring of solid waste disposal facilities.

The Utilities and Transportation Commission is charged with regulating the state's garbage haulers. Haulers that collect and dispose of garbage within the state's borders are presently subject to this regulation. Companies that collect garbage in Washington but dispose it in another state claim they are exempt from regulation. This claim is currently being litigated.

SUMMARY:

By July 1, 1987 anyone operating a landfill disposal facility must establish a reserve account for the eventual costs of closing the facility. By July 1, 1986, the Department of Ecology will adopt rules to implement the reserve account requirement. The

rules will require that, whenever feasible, the reserve account be generated by user fees. However, businesses that operate their own solid waste landfills may provide an alternative form of financial assurance in lieu of the user-fee generated reserve account.

The Utilities and Transportation Commission shall regulate all garbage haulers conducting business in the state.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	41	5	(Senate amended)
House	88	3	(House concurred)

EFFECTIVE: July 28, 1985

HB 73

C 165 L 85

By Representatives Kremen, Thomas and Lundquist; by Department of Transportation request

Permitting designees of certain agency directors to serve on the commission on equipment.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Washington State Commission on Equipment was originally established by enacting legislation in 1927 to establish rules and regulations for vehicle equipment operated on the highways of the state. The Commission has the duty to adopt, apply and enforce such rules and regulations for (1) proper types of vehicles hauling passengers, commodities, freight and supplies; (2) vehicle equipment; and (3) enforcement of rules and regulations necessary for the public welfare and safety. The Commission is authorized to adopt by regulation federal standards relating to motor vehicles and motor vehicle equipment issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966.

The composition of the Commission includes the Director of Licensing, the Chief of the State Patrol, and the Secretary of the Department of Transportation or their duly designated deputy director,

deputy chief, or assistant secretary, respectively. The Chief of the State Patrol is designated as the chairman of the Commission.

The Department of Transportation, with support of the Department of Licensing and the State Patrol, is requesting authority to permit the members of the Commission on Equipment to designate an administrative staff person to serve as their representative on the Commission.

SUMMARY:

Members of the Commission on Equipment are permitted to designate an administrative staff person to serve as their representative on the Commission.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	47	0

EFFECTIVE: July 28, 1985

HB 77

C 176 L 85

By Representatives Walk, S. Wilson, Schmidt, Valle, Fisch and Haugen; by Department of Transportation request

Removing the performance requirements for high-speed passenger ferries from the 1977 bond authorization.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

In 1977 the Legislature enacted a \$135 million bond authorization for a long range ferry acquisition and terminal improvement program for the Washington State Ferries. The remaining \$20 million in bonds will be sold during the 1985-87 biennium.

The 1977 statute specifically authorizes the acquisition of four high-speed passenger-only vessels if the state can obtain federal matching funds. The 1977 statute also imposed stringent performance criteria for the vessels to be purchased which, in practice limits consideration to vessels manufactured by Boeing Hydrofoil.

HB 77

SUMMARY:

The stringent performance requirements for high-speed passenger-only vessel acquisition contained in the 1977 bond authorization statute are deleted.

VOTES ON FINAL PASSAGE:

House	95	1
Senate	47	0

EFFECTIVE: July 28, 1985**HB 80**

C 177 L 85

By Representatives Walk, Schmidt, Valle, Betrozoff and J. Williams; by Department of Transportation request

Updating state highway routes.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Housekeeping changes in existing state highway route descriptions are needed periodically to reflect new routes or termini adjustments on existing routes. Every two years or so, the Department of Transportation prepares legislation to revise the statutory description of state highway routes.

SUMMARY:

Seven state highway route descriptions are updated to more accurately reflect recent changes in highway alignments due principally to new construction and reconstruction. The updated descriptions are as follows:

Section 1. State Route 12 from Prosser to Pasco becomes co-terminant with State Routes (Interstate) 82 and 182. This results in a turnback of approximately 10.5 miles to Benton County (from Benton City to the Richland Wye). Of the remaining mileage, a portion will be signed as both SR 12 and I-82 or I-182. The balance becomes an extension of SR 240.

Section 2. State Route 14 from Plymouth to Kennewick is dropped from the state system. The

affected mileage becomes the new alignment for I-82, as well as for U.S. 395.

Section 3. State Route 240 is extended from the Richland Wye to Kennewick (a section of the previous SR 12).

Section 4. State Route 395 is redefined as being co-terminant with I-82 from the Oregon border at Plymouth, to Pasco. (The previous alignment becomes exclusively SR 12.)

Section 5. A new SR 730 is established, beginning at the Oregon border to a junction with SR 12 (previously a section of SR 395).

Section 6. The descriptions for two existing routes are repealed: 1) SR 143, from the Oregon border to Plymouth (now a portion of I-82), and 2) SR 920, which becomes an extension of SR 520 between Bellevue and Redmond.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	48	0

EFFECTIVE: July 28, 1985**SHB 84**

C 277 L 85

By Committee on Ways & Means (originally sponsored by Representative Grimm)

Authorizing school districts to self-fund their employees' loss of time and health benefits.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Under present law, school districts are authorized to provide disability and health care insurance for their employees. However, local governments, including school districts, are prohibited from entering into group self-insurance agreements, other than for liability insurance.

Recently some school districts and educational service districts have entered into a joint agreement to fund employee disability and health care benefits. Under this agreement the districts: (1) pool their employees' monthly payroll contributions to pay for employee disability and health

care benefits; (2) hire third party professional personnel to handle claims under the group plan; and (3) purchase a joint excess loss insurance policy to cover any costs which may be incurred beyond the amounts which are pooled by the districts. Some questions have been raised whether this agreement is a form of group self-insurance which is prohibited by present law.

SUMMARY:

School districts are authorized to join together to "self-fund" employee disability and health care benefits. The "self-funding" agreement must: (1) meet standards set by the Superintendent of Public Instruction; (2) be administered by a competent and independent third party; and (3) be fully covered by an excess loss insurance policy to cover any costs which may be incurred beyond the amounts which are pooled by the districts under the agreement. The agreements are also made subject to certain insurance code provisions and to audit by the State Auditor.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	46	0

EFFECTIVE: July 28, 1985

SHB 86

C 178 L 85

By Committee on State Government (originally sponsored by Representatives Walk, Schmidt, S. Wilson, Gallagher, J. Williams and Fisch)

Directing civil service exemption for certain positions within the department of transportation.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

There are two methods by which an employee may be exempted from the State Civil Service Law. They are as follows:

1) Certain exemptions are specifically provided for by statute. Examples of such specific exemptions include: Members and employees of the legislature; judges and employees of the courts;

directors, confidential secretaries and statutory assistant directors in all state agencies; and officers and employees of the Fruit, Apple, Dairy Products and Tree Fruit Commissions.

2) In addition to the specific statutory exemptions described above, the State Personnel Board may approve additional exemptions at the request of the Governor or an elected official. State law limits the total number of exemptions which can be granted at the Governor's request or at the request of elected officials to 175 and 25, respectively.

State Civil Service Law sets forth two criteria for the State Personnel Board to use in determining whether or not a position should be exempt. These criteria are as follows: a) The position should be one "involving substantial responsibility for the formulation of basic agency or executive policy", or b) the position should be one which involves "directing and controlling program operations of an agency or a major administrative division thereof". These criteria are not applied to confidential secretaries and some positions specifically exempted by statute.

There are 29 exempt positions within the Department of Transportation (DOT) excluding the Transportation Commission and its administrator. Twenty-eight of these positions are specifically exempted by statute and one position, the public affairs officer, has been exempted by the State Personnel Board. The twenty-nine exempt positions within the DOT are as follows: secretary of transportation, deputy secretary, administrative assistant to the secretary (if any), one assistant secretary for each division, one confidential secretary for each of the above, twelve ferry system management positions, and the public affairs officer.

The 1984 legislature required the Office of Financial Management (OFM) and the Department of Personnel (DOP) to study DOT's administrative and managerial positions and to make recommendations regarding which additional positions should be exempt from civil service.

Using the criteria set forth in law and considering such things as organizational level and reporting relationships, OFM and DOP identified twenty-four positions which appear eligible for exemption. These positions are as follows: state aid engineer and secretary, personnel manager and secretary, state project development engineer and secretary, state construction engineer and secretary, state maintenance and operations engineer and

SHB 86

secretary, district No. 1 administrator and secretary, district No. 2 administrator and secretary, district No. 3 administrator and secretary, district No. 4 administrator and secretary, district No. 5 administrator and secretary, district No. 6 administrator and secretary, legislative liaison, and the secretary to the public affairs officer.

SUMMARY:

Thirty positions within the Department of Transportation are made exempt from civil service in addition to those currently exempted. These include twenty-four positions recommended by OFM and DOP and up to six additional administrators and confidential secretaries. The additional exemptions are as follows: state aid engineer and secretary, personnel manager and secretary, state project development engineer and secretary, state construction engineer and secretary, state maintenance and operations engineer and secretary, six district administrators and one confidential secretary for each, legislative liaison, confidential secretary for the public affairs officer, and up to six additional new administrators or confidential secretaries designated by the DOT and approved by the State Personnel Board.

When the Personnel Board approves exemptions for the Department of Transportation, such approval is to be based upon the criteria set forth in state civil service law.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	39	8	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 91

C 393 L 85

By Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, Sayan, Fisch, Nealey, Prince, Haugen, Schoon, Brough, C. Smith, Tanner and Isaacson)

Providing a public benefit system for approving for classification and valuing open space land with no current use.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

In 1970, the Legislature passed the "Open Space Law" which under certain circumstances authorizes current use taxation of land. Assessment practices were to be designed to permit the continued availability of open space lands. Generally, a five-acre minimum parcel size was established. Valuation of forest property and open space property excludes the potential uses of the property. Only the current use may be used in the assessment.

Individuals may withdraw parcels from under the provisions of the Act. However, in the first ten years, an additional tax must be paid. The tax is equivalent to the differences between the taxes paid and taxes due for the past seven years, if the land had been valued at its highest and best use, plus interest. Certain exceptions are provided.

SUMMARY:

County planning commissions are permitted, but not mandated, to set open space priorities and adopt an open space plan and public benefit rating system. The plan and rating system become effective if adopted by the county legislative authority. The plan and rating system, if adopted, may apply to taxes payable in 1986. The county shall use recognized sources in adopting the open space plan, such as information available from state agencies familiar with natural, archaeological, recreational, and historical resources. If outside experts are used to verify facts, their findings must receive approval by the appropriate local or state agency prior to transmittal to the county legislative authority.

Factors impacting the general welfare which may be taken into consideration in granting or denying an application for open space classification are specified. They include: conserving and enhancing resources; protecting aquatic and wetland resources; protecting soils and unique or critical plant and wildlife habitat; promoting conservation principles; enhancing the value of nearby parks, preserves, sanctuaries, etc; and preserving historic and archaeological sites.

The county legislative authority shall rate property according to the public benefit rating system (if one has been adopted) and may consider the shift

in revenue caused by granting the application. Any property existing open space denied application under the public benefit system shall be retained under the open space clarification and may be valued according to the adopted rating system.

The Department of Revenue shall prepare a biennial report categorizing open space applications accepted. County assessors shall provide this information to the Department.

VOTES ON FINAL PASSAGE:

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

EFFECTIVE: July 28, 1985

HB 92

C 77 L 85

By Representatives K. Wilson, Lundquist, Sutherland and Brekke

Authorizing designees of state officials to sit on the interagency committee for outdoor recreation.

House Committee on Natural Resources

Senate Committee on Parks & Ecology

BACKGROUND:

The Interagency Committee for Outdoor Recreation (IAC) includes by statute the Directors of Game, Fisheries, Parks and Recreation, and the Commissioner of Public Lands, and five members of the public. IAC members make decisions regarding distribution of outdoor recreation account funds to projects requested by state agencies and local governments. Decisions are made at quarterly, all-day meetings.

A member of the committee unable to attend a committee meeting is not authorized to appoint a designee to serve in his or her absence.

SUMMARY:

An agency head serving on the IAC may designate a representative to attend and vote at an IAC meeting at which the agency head is absent.

VOTES ON FINAL PASSAGE:

House	94	2
Senate	39	8

EFFECTIVE: July 28, 1985

SHB 94

C 124 L 85

By Committee on Local Government (originally sponsored by Representatives Winsley, Ebersole, Gallagher, Smitherman, Wang, Walker, and Fisher)

Changing the method of appointing a public health director.

House Committee on Local Government

Senate Committee on Human Services & Corrections

BACKGROUND:

A combined city-county health department may be established by a city with 100,000 or more population and the county in which the city is located. Two combined city-county health departments have been created - the Seattle-King County Health Department, and the Tacoma-Pierce County Health Department.

The director of public health in a combined city-county health department, where the city has a population of less than 400,000, is appointed by the mayor of the city. The director of public health in a combined city-county health department, where the city has a population of 400,000 or more, is appointed by the county executive and city mayor, subject to confirmation by both the city and county legislative authorities.

SUMMARY:

The director of public health in every combined city-county health department is to be appointed and removed in the same manner as follows: (1) the director is appointed by both the mayor and county executive, and subject to confirmation by both the city and county legislative authorities; and (2) the director is removed by the county executive, after consultation with the mayor and a filing of reasons with both legislative authorities. These appointment and removal procedures

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apply, notwithstanding the provisions of a city or county charter to the contrary.

The minimum qualifications in state law for a person to be appointed as the director of public health in a combined city-county health department apply, notwithstanding the provisions of a city or county charter to the contrary.

Details of state law on combined city-county health departments are deleted concerning when a department is created.

The director of public health in such a department possesses the powers of the local health officer, instead of the powers of the county health officer and city health officer.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	45	1

EFFECTIVE: July 28, 1985

HB 99PARTIAL VETO

C 148 L 85

By Representatives Zellinsky, Smitherman, Thomas, Haugen, Schmidt, Walk, Vander Stoep, Fuhrman, Hastings, G. Nelson, P. King, R. King and Nealey

Exempting fish farming from excise taxation.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Fish farming is the business of raising fish in confined rearing areas. In the large trout operations, these rearing areas are usually big, open concrete tanks similar to those found in fish hatcheries. There are also large salmon growing concerns where fish are confined to net-pens in Puget Sound.

Fish farmers are currently paying business and occupation taxes under the "extractor" category at a rate of .484 percent. This is the same rate paid by persons harvesting timber, Christmas trees or engaged in mining.

Fish farmers are also subject to sales and use taxes on the feed used in their operations.

SUMMARY:

Persons raising fish in confined rearing areas are made exempt from the business and occupation tax. In addition, a sales and use tax exemption is provided for the feed used in rearing fish. These exemptions are similar to the exemptions presently received by persons engaged in agriculture.

VOTES ON FINAL PASSAGE:

House	86	10
Senate	46	0

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

A provision is eliminated which stated that the exemptions contained in the act did not imply that the products were taxable before. This veto was aimed at not weakening the state's position regarding contested taxes. (See VETO MESSAGE)

SHB 101

C 473 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Patrick and S. Wilson)

Revising requirements for chance drawings by in-state grocery retail outlets.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Gambling is prohibited in Washington unless specifically allowed by law.

Promotional drawings by retail outlets are allowable under these conditions: The drawing is limited to one per year with a duration not to exceed seven consecutive days; if the sponsor has multiple outlets in Washington, all its outlets must run the drawing simultaneously. An exception for multiple outlet organizations allows promotional drawings at the initial opening of an outlet.

SUMMARY:

Various technical changes are made in the gambling law.

In addition, changes are made to the rules on promotional contests of chance. Retail grocery outlets may hold promotional contests of chance if the contests do not exceed one per calendar year, and do not exceed fourteen days in duration. In addition, if a sponsor has more than one outlet in Washington, such promotions must be run simultaneously in all the sponsor's Washington outlets. The rule on multiple outlets does not apply to promotions at the initial opening of an outlet. Finally, ongoing promotional contests are permitted if the total awards do not exceed thirty dollars per day or a cumulative five thousand dollars per year.

The rules on retail grocery outlets' promotional contests do not apply to manufacturers.

Radio and television broadcasting is expressly declared preempted by any applicable federal statutes or rules. Broadcast programming including advertising is authorized.

VOTES ON FINAL PASSAGE:

House	60	38	
Senate	32	16	(Senate amended)
House	52	45	(House concurred)

EFFECTIVE: July 28, 1985

HB 107

C 327 L 85

By Representatives Crane, P. King, Armstrong, Dellwo, Sutherland, Zellinsky, Barnes, Locke, West and Padden

Expanding and clarifying the crime of interference with official proceedings.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

State law makes it illegal to intimidate a juror or a witness. Intimidation involves threatening a current or prospective juror or witness in order to influence the juror's or witness' actions in an official proceeding. Intimidation may include direct

or indirect threats of harm with respect to any person's health, property, safety, business, financial condition or personal relationship. Intimidating a juror or witness is a class B felony. The crime of intimidation does not include threats made in retribution for past actions of a juror or witness. There is no crime of intimidating a judge.

SUMMARY:

The new crime of intimidating a judge is created. The elements of the crime are the same as those of intimidating a juror or witness. The crime of intimidating a judge is a class B felony. The crime of intimidation, as it applies to judges, jurors and witnesses, is expanded to include threats made because of past actions of those individuals.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	44	1	(Senate amended)
House			(House refused to concur)
Senate	44	1	(Senate receded)

EFFECTIVE: July 28, 1985

HB 116

PARTIAL VETO

C 461 L 85

By Representatives Belcher, Niemi, Unsoeld, Vekich, Walk, Peery, Kremen, McMullen, Fisch and Rayburn

Requiring that seniority determine salary increases, layoffs, and rehiring of state employees; that ratio of management and direct service employees be maintained; and providing mobility between personnel systems.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

In 1982, the Legislature enacted extensive changes in the state's civil service laws. Some of those changes linked performance evaluations with salary increases and reductions in force.

PERFORMANCE EVALUATIONS. Performance evaluations apply to all classified and exempt personnel except for agency heads, heads of higher

educational institutions, academic personnel, and commissioned officers of the State Patrol. The Department of Personnel, the Higher Education Personnel Board, and institutions of higher education are required to develop rules for linking salary increases to performance.

The State Personnel Board, the Higher Education Personnel Board (HEPB) and the institutions of higher education are required to develop standards, procedures, and forms to be used in evaluating employee performance. The performance evaluation is to measure employee performance in at least five performance rating categories. In addition, the evaluating authorities are to ensure that there will not be unrealistic concentrations in any of these rating categories.

The newly developed performance evaluation system is to be implemented and applied to salary increases as follows:

- o Management Personnel: Starting July 1, 1984, salary increases for management personnel are to be based upon performance according to rules established by the appropriate board.
- o Nonmanagement Personnel: Starting July 1, 1985, merit or incremental increases for nonmanagement personnel are to be awarded as follows:
 - (a) Salary increases may be awarded from the beginning of the salary range to the midstep based upon seniority if the employee receives other than the lowest performance rating category;
 - (b) From the midstep of the salary range based upon satisfactory performance. However, if the employee receives a rating of less than satisfactory, the increase granted as a result of the prior performance evaluation is to be withdrawn; and
 - (c) A single step salary increase above the end of the range may be awarded if the employee's performance is rated superior. This step may only be retained by continued superior performance.

The implementation of performance pay has been somewhat impeded by a legal dispute regarding a partial veto of SHB 1226 (1982). SHB 1226 (1982)

required that the Legislature approve the administrative rules adopted to implement performance pay before those rules could take effect. The Governor vetoed the section requiring legislative approval of the rules and all references to it. The Governor's veto was challenged in court by the Washington Federation of State Employees. This issue was resolved in May, 1984 when the State Supreme Court held that the veto was valid, thus paving the way for implementation of performance pay without additional legislative action.

REDUCTION-IN-FORCE/RE-EMPLOYMENT. Reduction-in-force is to be based on a combination of seniority and performance, effective June 30, 1985 for management employees; and June 30, 1986 for non-management employees. Re-employment from lay-off is to be based upon seniority and the certification of names using the rule-of-five.

LEGISLATIVE ACTIVITY SINCE 1982. The Legislature has considered and approved legislation during the 1983 and 1984 sessions which would have repealed the 1982 performance pay provisions of law and would have resulted in basing salary increases upon seniority as they were prior to 1982. The 1982 changes pertaining to reduction-in-force and re-employment would also have been repealed. Both bills were vetoed by the Governor.

SUMMARY:

Laws concerning step salary increases, lay-offs, and re-employment of employees under the jurisdiction of the State Personnel Board and the Higher Education Personnel Board are altered. In addition, changes are made in existing law pertaining to appeals and interagency mobility of employees.

PERFORMANCE EVALUATIONS. The State Personnel Director is to implement a standardized performance evaluation procedure for all classified employees and for exempt employees whose salaries are set by the Personnel Board.

The Department of Personnel, the Higher Education Personnel Board, and institutions of higher education are no longer required to develop a system to link pay increases to performance. Instead, step salary increases are to be based on seniority and are to be granted to all employees whose standards of performance are such to permit them to retain job status in the classified service.

The State Personnel Board and the Higher Education Personnel Board are directed to adopt rules designed to terminate the employment of employees whose performance is inadequate (employees whose performance is inadequate are to be given an opportunity to demonstrate improvement). Similarly, rules are to be adopted to remove from supervisory positions those supervisors who tolerate the continued employment of employees whose performance is inadequate.

REDUCTION-IN-FORCE/RE-EMPLOYMENT. The Department of Personnel, the Higher Education Personnel Board and institutions of higher education are no longer required to develop a system to link employee lay-offs to performance. Lay-offs and re-employment are to be based on seniority.

INTERAGENCY MOBILITY OF EMPLOYEES. The State Personnel Board and the Higher Education Personnel Board are required to adopt rules ensuring that employees under the jurisdiction of either board will be eligible for employment, re-employment, transfer and promotion into positions under the other board. The Higher Education Personnel Board is to adopt rules ensuring that employees of any given institution of higher education will be eligible for employment, re-employment, transfer and promotion into positions in other institutions of higher education.

APPEALS - COST OF TRANSCRIPTS. When decisions of the Personnel Appeals Board are appealed, an employee may request a transcript of all proceedings. In such cases, payment for the transcript is to await determination of the appeal and is to be made by the employing agency if the employee prevails. An appropriation of twenty-five thousand dollars is made for the period from July 1, 1985 through June 30, 1987 from the Department of Personnel Service Fund to the Personnel Appeals Board to carry out hearings on appeals and to provide transcripts of proceedings to employees.

VOTES ON FINAL PASSAGE:

House	56	42	
Senate	26	21	(Senate amended)
House	56	40	(House concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The partial veto deletes the requirement that the performance evaluation procedures developed

by the personnel boards apply to exempt personnel. (See VETO MESSAGE)

SHB 124

C 217 L 85

By Committee on State Government (originally sponsored by Representatives O'Brien, Belcher, Unsoeld and Isaacson; by Department of Community Development request)

Authorizing the defense, payment, or settlement of claims against volunteers of the state.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

The Attorney General is authorized to defend state officers, which includes state elected officials and employees, in actions brought against them regarding their good faith performance of official duties. Whenever an action for damages is instituted against any state officer, arising from his or her acts or omissions while performing, or in good faith purporting to perform his or her official duties, the officer may request that the Attorney General authorize the defense of the action. If the request is granted by the Attorney General, the defense of the action or proceeding is carried out at the expense of the state.

After the officer's request for defense has been made, the Attorney General will grant the request if the Attorney General finds that the officer's acts or omissions were, or were purported to be, in good faith, within the scope of his or her official duties. In 1977 the Washington Supreme Court held that the Attorney General is the sole judge as to whether an employee has acted or has purported to act in good faith within the scope of his or her duties.

Payment of claims against such an officer whose defense is authorized by the Attorney General is paid out of the Tort Claims Revolving Fund. Such payment is only made where collectible liability insurance has been exhausted and the claim is pursuant to: 1) a final judgment in a court of competent jurisdiction, or 2) settlement by an agency head or the Attorney General.

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Currently, the Attorney General is only authorized to defend state officers. State law does not clearly extend this protection to persons volunteering for the state. Similarly, payment of claims against volunteers out of the Tort Claims Revolving Fund is not explicitly authorized. According to the Interagency Committee on Volunteerism, state agencies utilize approximately 36,690 volunteers per year. In practice the Attorney General does ultimately defend cases against volunteers because the plaintiffs name the state as a co-defendant. In such a case, the state is also liable on any claim as a co-defendant.

SUMMARY:

The Attorney General is authorized to defend volunteers of state agencies in actions brought against such volunteers regarding their good faith performance of authorized duties. Payment of claims against such volunteers who are defended by the Attorney General is authorized out of the Tort Claims Revolving Fund. For the purposes of such defense and payment of claims, volunteer is given the same definition as is used in industrial insurance laws.

VOTES ON FINAL PASSAGE:

House	95	1
Senate	43	3

EFFECTIVE: July 28, 1985**SHB 127**

C 155 L 85

By Committee on Natural Resources (originally sponsored by Representatives Sutherland and McMullen)

Empowering wildlife agents and fisheries patrol officers to enforce state traffic and criminal laws.

House Committee on Natural Resources

Senate Committee on Governmental Operations

Senate Committee on Natural Resources

BACKGROUND:

The Fish and Game Codes strictly limit Fisheries' patrol officers and wildlife agents to enforcement of laws and rules. They have the authority to perform searches, seizures, make arrests, and issue citations.

In addition to enforcing the Fish and Game Codes, they may enforce some other state laws in certain circumstances. First, when authorized by the sheriff, they may enforce state laws. The sheriff has the leeway to limit the authority given. Between 20 and 30 percent of the Game and Fish enforcement staff have this authority. Second, when a felony occurs in their presence, they may make an arrest.

All new Fisheries' patrol officers receive training with other peace officers at the Criminal Justice Training Center. This consists of 440 hours of schooling covering twelve areas.

Game agents receive training on a contractual basis from the Criminal Justice Training Center and from staff who have received training there. These courses emphasize Criminal Justice Training Center procedures but are conducted in the environment in which the agents often operate.

Fisheries' has about 45 officers who work in the field. Game has about 90 field FTE's associated with enforcement.

California Fish and Game agents have had the authority to enforce general state laws for about 15 years. In Oregon, the State Patrol enforces fish and game laws.

SUMMARY:

Fisheries patrol officers and wildlife agents are given the authority to enforce all criminal laws of the state. They may exercise this authority only when the offense occurs in their presence and if the officer has completed either the basic law enforcement training course offered by the Criminal Justice Training Commission or a supplemental course approved by the Commission.

VOTES ON FINAL PASSAGE:

House	51	47
Senate	29	17

EFFECTIVE: July 28, 1985

HB 132

C 179 L 85

By Representatives Tanner, L. Smith, Sutherland,
Nutley, Peery, J. King and Hastings

Repealing the laws authorizing a county tax on
nonresidents of the state employed in the county.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The 1984 Legislature authorized counties to impose an excise tax on persons residing out of the state who are employed in the county. The tax is for the privilege of using local government services in the county. The authority to impose this tax takes effect July 1, 1985. Counties imposing this tax are required to allocate to cities the amounts of these taxes imposed on such persons who are employed in the cities.

SUMMARY:

The county excise tax on out of state residents is repealed.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	45	0

EFFECTIVE: June 30, 1985

SHB 133

C 142 L 85

By Committee on Transportation (originally sponsored by Representatives Dellwo, Taylor, Padden, Day, Silver, Barrett and Kremen)

Revising placement restrictions and listing requirements on highway information panels.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Businesses established on major highways that existed prior to construction of the Interstate Highway System frequently experience reductions of business activity due to the re-routing of traffic that occurs when a new interstate highway is constructed.

Despite state and federal efforts to provide adequate directional signs for motorist services (gas, food, lodging or camping), businesses adversely affected by the new highway alignment sometimes do not qualify for a sign on the new interstate highway because of various state requirements governing minimum hours of operation, distance from the roadway, and ability to serve the volume of people using the highway.

Information panels for food, lodging and camping services may include a maximum of four logo signs. Gas service panels may include a maximum of six logo signs. These limits are set administratively.

SUMMARY:

Specific information panels (logo signs) are authorized on all state highways within the corporate limits of cities and towns, and within commercial or industrial areas if their locations conform to national standards prescribed by the U.S. Department of Transportation in accordance with federal law.

The present administratively set limit of four logo signs permitted on each specific information panel for food, lodging, and camping services is increased to six logo signs. This is the same number which is the currently permitted for each "gas" services panel.

To be eligible for a sign, a business must meet one of the following criteria: (1) on a fully controlled limited access highway, gas, food or lodging facilities must be located within three miles (this is the federal maximum). Camping activities are to be within five miles; or (2) on highways with partial or no access controls, eligible businesses shall be located within five miles, except that up to 15 miles (the federal limit) may be permitted if no eligible business of a type being considered for a sign (gas, food, lodging, or camping) is located closer to the highway.

A federal severability clause nullifies any provision of the bill that is determined by the Secretary

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of the USDOT to be in violation of federal requirements that are a prescribed condition to the allocation of federal funds.

VOTES ON FINAL PASSAGE:

House 88 10
Senate 44 3

EFFECTIVE: July 28, 1985

HB 139

C 246 L 85

By Representatives Locke, Sommers, Brough and Haugen

Authorizing cities to be responsible for enforcement of uniform fire code in air navigation facilities.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

The municipal airport law provides that when a municipality owns an airport, this municipality has jurisdiction over the airport no matter where the airport is located. The state building code act provides that cities and towns enforce the state building code, including the uniform fire code, within their boundaries.

SUMMARY:

A municipality operating an airport may agree to have another municipality, in which the airport is located, enforce the fire code in the airport.

VOTES ON FINAL PASSAGE:

House 97 0
Senate 47 0 (Senate amended)
House 91 0 (House concurred)

EFFECTIVE: July 28, 1985

2SHB 141

C 403 L 85

By Committee on Ways & Means (originally sponsored by Representatives Ebersole, Betrozoff, Cole, Holland, Valle, Schoon, Walker, Long, Hastings, P. King, Tanner, Isaacson, van Dyke, Dobbs, May and Crane; by Superintendent of Public Instruction request)

Providing for a tenth grade achievement test.

House Committee on Education

House Committee on Ways & Means

Senate Committee on Education

BACKGROUND:

In 1984, the Legislature began to outline a program for educational excellence. The Superintendent of Public Instruction was directed to study the need for annual assessment testing of all tenth grade students.

The Superintendent of Public Instruction in its report recommends implementation to aid in assessment of individual student achievement, assessment of district goals, and statewide achievement.

Currently students are tested in grades 2,4,8 and randomly selected for testing in grade 11. Achievement testing is required in grades 4 and 8.

SUMMARY:

The Superintendent of Public Instruction shall prepare and conduct a standardized achievement test annually of all tenth grade students.

The test shall cover, but not be limited to, reading, language arts and mathematics. The test is also to include a career interest inventory. Results shall be compared to other students within the district, state and nation. Results shall also be used to identify weaknesses of individual students and to develop and plan to address these weaknesses.

The Superintendent of Public Instruction shall compile results to be made available annually to the local district and ultimately to the parents of children tested. Results of the test shall be reported as they relate to selected demographic variables.

If specific funding for this act is not provided in the omnibus appropriations act for fiscal year beginning July 1, 1985, this act is null and void.

VOTES ON FINAL PASSAGE:

House	61	32	
Senate	36	11	(Senate amended)
House	74	11	(House concurred)

EFFECTIVE: This act takes effect when legislation providing funding takes effect.

HB 142

C 82 L 85

By Representatives Rayburn, Dellwo, Ballard and Baugher

Revising provisions relating to marriage licenses.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

An application for a marriage license must be made at least three days before the license is issued. At least one witness must affirm the validity of certain information provided by the applicants in the marriage license application form.

SUMMARY:

Marriage licenses may be issued at the time of the application for the license, but may not be used until three days after the date of application. Certain information that used to be required in an application is deleted, and the requirement for a witness to affirm to the validity of information in the application is deleted.

VOTES ON FINAL PASSAGE:

House	93	5
Senate	35	12

EFFECTIVE: July 28, 1985

HB 149

C 83 L 85

By Representatives Nutley, B. Williams, and Haugen

Clarifying under what conditions a county treasurer shall prepare distraint papers.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

County assessors and treasurers are required to distrain, or seize, personal property of a person owing delinquent taxes on personal property, whenever, in the judgment of the assessor or treasurer, it appears that the person is about to remove the property from the state or dissipate the property.

SUMMARY:

County assessors and treasurers are authorized to distrain personal property of a person owing delinquent taxes on personal property when, in the judgment of the assessor or treasurer, the personal property is about to be disposed of or removed from the county so as to jeopardize the collection of taxes.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	40	3	(Senate amended)
House			(House refused to concur)
Senate	41	4	(Senate receded)

EFFECTIVE: July 28, 1985

SHB 150

PARTIAL VETO

C 396 L 85

By Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Zellinsky, May, Allen, Nutley, Isaacson and Jacobsen)

Providing uniform procedures for the creation, elections, and operations of various special purpose districts.

SHB 150

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Different types of special districts can be created to provide diking, drainage and flood control improvements. These special districts are characterized by: (1) voting rights that are restricted to property owners; and (2) their facilities and activities that are funded by the imposition of special assessments.

Most of the laws relating to these special districts were enacted in the 1890's and early 1900's. These laws provide for varying procedures.

SUMMARY:

The laws of various special districts that provide diking, drainage and flood control improvements are altered to provide somewhat uniform provisions concerning: (1) how they are created; (2) how elections are held; (3) the governing bodies; and (4) voting rights.

The authority of these special districts to provide diking, drainage, and flood control improvements is clarified.

Any of these special districts existing at the effective date of this act may, at their option, conform with new provisions relating to: (1) the measurement, imposition and collection of special assessments; and (2) the preparation of budgets. Any of these special districts created after the effective date of this act must conform with the provisions relating to special assessments and budgets. This new assessment and budget procedure involves the county establishing a system of special assessments for these special districts, which they use to generate moneys for their activities and facilities.

Provisions of law relating to the department of ecology's assistance in the operations of flood control districts are altered so that the county within which the major portion of the flood control district is located performs the assistance.

The special districts affected by the bill include: (1) diking districts; (2) drainage districts; (3) diking or drainage improvement districts; (4) intercounty diking and drainage districts; (5) consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts and (6) flood control districts.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	36	1	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The partial veto corrects a technical error. (See VETO MESSAGE)

HB 152

C 180 L 85

By Representatives Grimm, Sommers, Vander Stoep and Basich

Increasing the amount of the initial biennial advance permitted each community college treasurer.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

In order to enable community colleges to make timely vendor payments, the law authorizes them to receive an advance from the state treasurer at the beginning of each biennium. The advance is equal to ten percent of the college's average monthly allotment for vendor payments as certified by the office of financial management. The ten percent advance is not adequate to provide sufficient funds to pay all vendors.

SUMMARY:

At the beginning of a biennium, the state treasurer shall grant to each community college an advance of 17 percent of their average monthly allotment for vendor payments, as certified by the office of financial management. This is an increase from the ten percent advance currently authorized.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	47	0	

EFFECTIVE: July 28, 1985

HB 153

C 276 L 85

By Representatives Armstrong, Crane, Brekke, Long, Schmidt, P. King, Winsley, S. Wilson, Bond, Van Luven, Isaacson, Ballard, Hastings, May, Holland, Hankins, Doty, Brough, Wang, J. Williams and Tanner; by Department of Social and Health Services request

Revising the enforcement of child support obligations.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Congress recently enacted the Child Support Enforcement Amendments of 1984. The federal act requires states to adopt numerous support enforcement programs, such as an administrative wage withholding system, and to make these programs available in interstate cases. Washington State already has in place the basic programs required by the federal law. However, under state law, requests for support enforcement services from out of state cannot be processed under the administrative system operated by the Office of Support Enforcement (OSE), but can only be processed through the judicial system under the Uniform Reciprocal Enforcement of Support Act.

Federal law requires that an employee may not be discharged or disciplined as a result of a wage withholding action. Current state law allows an employer to discharge an employee if more than three administrative withholding orders are served on that employer within a 12 month period.

Federal law requires that wage assignments or garnishments for child support be given priority over any other wage assignment or garnishment. State law provides this priority for judicially based assignments or garnishments for support, but does not provide the same priority to administratively imposed assignments or garnishments.

State law provides that an employer is liable for the amount of a support debt if the employer fails or refuses to honor an administrative order to withhold wages. The Attorney General may go to court for OSE to obtain and collect a judgment against the employer, but OSE does not have

authority to utilize administrative enforcement remedies against the employer.

SUMMARY:

The Office of Support Enforcement (OSE) is authorized to accept and process requests for child support enforcement services from other states. OSE may utilize the administrative process to establish and enforce support obligations against obligor parents residing in Washington, on behalf of custodial parents in other states.

No employer may discharge or discipline an employee or refuse to hire a person as a result of an OSE wage withholding action. An employer who violates these restrictions is liable to the employee for double the amount of lost wages, other damages suffered, and costs, including a reasonable attorney fee. An employer shall also be subject to a civil penalty of up to \$2,500, and may be ordered to reinstate the aggrieved individual.

An administrative wage withholding action issued by OSE has priority over other assignments or garnishments that are not related to the collection of child support.

Any employer or other person required to withhold and deliver the earnings of a support debtor may deduct a processing fee from the debtor's earnings, even if the earnings would otherwise be exempt. The fee may not exceed ten dollars for the first disbursement and one dollar for each subsequent disbursement under the order.

OSE is authorized to take administrative action to establish or enforce a debt against an employer for failure to honor administrative collection mechanisms.

Minor changes in state law are made to conform to federal requirements regarding the time period OSE is required to continue to provide support enforcement services on behalf of public assistance recipients after the assistance is terminated. The method of distribution for support collections is required to be done in accordance with federal law.

VOTES ON FINAL PASSAGE:

House	95	3	
Senate	44	0	(Senate amended)
House	94	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 155

SHB 155

C 156 L 85

By Committee on Judiciary (originally sponsored by Representative P. King)

Changing requirements relating to notaries.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The law relating to notaries public has remained unchanged in many respects since before the turn of the century. Some references to qualifications and duties of notaries are anachronistic. Notaries are authorized, among other things, to perform "such duties as pertain to that office by the custom and laws of merchants."

Notaries are appointed by the governor to four-year terms. Applicants must be qualified as "electors" and endorsed by at least ten "freeholders." They must post a \$10,000 bond, pay a ten dollar fee, procure a stamp or seal and take an oath of office. Fees chargeable by notaries are set out in statute. Charges for travel by notaries of up to 25 cents per mile are authorized. The secretary of state's office is given the duty of registering and commissioning notaries.

The current regulation of notaries (chapter 42.28 RCW) is scheduled for termination in 1987 under the Sunset Act.

SUMMARY:

The entire notary public law is replaced. Although some features of the prior law are retained, many new provisions are added. A more detailed and modern explanation of the qualifications, duties and authority of notaries is provided.

The director of the department of licensing (DOL) is made the appointing authority for notaries. A notary must reside or work in the state, be at least 18 years old, and read and write English. An applicant for appointment as a notary must be nominated by at least three people eligible to vote. The applicant must post a \$10,000 bond and sign a declaration that his or her application is complete and correct. The fee for an application to be a notary is to be set by DOL.

Specific enumerated and defined powers of notaries are set forth. Notaries may take an acknowledgment, administer an oath, verify an oath, witness or attest a signature, certify a copy, note a protest of a negotiable instrument, or perform any other act authorized by law. Formats that may be used by notaries are provided.

Fees chargeable by notaries are to be set by DOL. A notary is not required to charge any fee for his or her services.

It is made unlawful to possess a notary seal or stamp without first being authorized to do so by the department.

Several provisions are added to facilitate interstate and international transactions.

The commissions of prior notaries are not affected by this 1985 act.

Sunset provisions that would have ended the regulation of notaries are repealed.

VOTES ON FINAL PASSAGE:

House	87	9	
Senate	45	0	(Senate amended)
House	78	15	(House concurred)

EFFECTIVE: Sections 1 through 19, 21, 23 through 26 take effect on January 1, 1986
Remainder takes effect on July 28, 1985

HB 156

C 157 L 85

By Representatives Winsley, Dellwo, Schoon, May, Holland and Wang; by Department of Licensing request

Revising provisions relating to driver's financial responsibility.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Whenever a person has been convicted of certain violations of the Motor Vehicle Code (e.g., reckless driving, DWI), has failed to pay a judgment arising out of an automobile accident, or has posted security to pay for an automobile accident, the

person must comply with the "Proof of Financial Responsibility for the Future" section of the Financial Responsibility Act. Failure to comply will result in suspension of the person's driver's license.

A person may comply with the "future responsibility" provisions by purchasing automobile liability insurance, by posting a bond, by depositing securities or certificates of deposits (e.g., bank account), or by complying with and qualifying for self-insurance provisions. If the person has purchased an automobile liability insurance policy, the insurance company must notify the Department of Licensing at least 10 days before the policy is cancelled. Similarly, a bond cannot be cancelled without 10-days' notice to the department. Generally, proof of "future responsibility" must be maintained for three years.

Recently, a district court held that the department had no authority to suspend a person's license when the person terminated his or her insurance or other proof of financial responsibility.

SUMMARY:

Whenever the Department of Licensing is notified of the cancellation or termination of a person's proof of future financial responsibility, the department is required to suspend the person's driver's license.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	0

EFFECTIVE: July 28, 1985

HB 158

C 211 L 85

By Representatives Winsley, Dellwo, P. King, Schoon and Isaacson; by Department of Licensing request

Requiring payment of a fee for reinstatement of a driver's license suspended for a financial responsibility violation.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Department of Licensing is required to suspend the driver's license of an individual who fails to comply with the state's driver financial responsibility law. The suspension remains in effect until the individual takes the actions needed to meet the requirements of this law.

The Department of Licensing currently does not have explicit statutory authority to impose a fee for the reinstatement of a driver's license that was suspended for non-compliance with the driver financial responsibility law. However, the Department has been imposing a \$20.00 fee. This fee is the standard fee that is required by state law for the reinstatement of drivers' licenses that have been suspended for violations of other driver-related laws.

Based on a recent analysis of its authority to impose fees, the Department believes that explicit statutory authority is required to charge a reinstatement fee for drivers' licenses that have been suspended for non-compliance with the driver financial responsibility law.

SUMMARY:

A \$20.00 fee is charged for the reinstatement of a driver's license that was suspended for failure to comply with the state's driver financial responsibility law.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	0

EFFECTIVE: July 28, 1985

SHB 163

C 101 L 85

By Committee on Social & Health Services (originally sponsored by Representatives Leonard, Allen, Walk, Brekke, Barrett, Jacobsen, Cole, R. King, Walker, Valle, Fisch, Winsley, Braddock, Kremen, Bond, Van Luven, K. Wilson, G. Nelson, Ballard, May, Holland, Hankins, Tanner, Miller, Brough, Silver, Tilly, Basich and Taylor)

Restricting the issuance of drivers' licenses to persons evaluated as alcohol or drug abusers.

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House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

Presently, the laws that govern the Department of Licensing's (DOL) authority to deny drivers' licenses are confusing, especially regarding the reinstatement of persons with drug abuse problems. The law permits reinstatement of an offender if he or she is participating in an alcoholism recovery program, but it is silent regarding drug abuse. Therefore, courts are often forced to order a drug abuser to attend an alcoholism program, not because it is needed therapeutically, but because it is a statutory condition of reinstatement. A similar problem occurs with individuals who have both alcohol and drug problems.

SUMMARY:

Present law does not permit the court to order drug treatment for DWI drug abusers as a condition of the reinstatement of one's driver's license. Instead, the offender must participate in an alcoholism treatment program, even when inappropriate. The law is changed to permit courts to order drug treatment as a condition of driver's license reinstatement.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	47	0

EFFECTIVE: July 28, 1985

SHB 166

C 152 L 85

By Committee on Higher Education (originally sponsored by Representatives Sayan, Sommers, Belcher, Prince and Jacobsen)

Changing provisions relating to public university and college construction bids.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

The public four-year universities and colleges must follow public bid and publication requirements for specified capital projects whose estimated costs equal or exceed \$17,500. When the estimated cost is less than \$17,500, the schools may perform the work "in-house." Building, construction, renovation, remodeling, and demolition projects are covered by these requirements. However, ordinary maintenance and equipment repairs are not covered.

SUMMARY:

The \$17,500 "in-house" limit applicable to the four-year universities and colleges is changed in the following respects: (1) the limit is raised to \$25,000, and (2) all maintenance and repairs are exempt from the requirements.

The public four-year colleges and universities are authorized to use a small works roster for projects whose estimated cost is less than \$50,000.

VOTES ON FINAL PASSAGE:

House	84	14	
Senate	34	14	(Senate amended)
House	78	18	(House concurred)

EFFECTIVE: July 28, 1985

HB 168

C 266 L 85

By Representatives R. King, Jacobsen, Fisch and Appelwick

Exempting UW printing craft employees from state higher education personnel law.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The State Higher Education Personnel Act provides a civil service system of personnel administration for classified employees at higher education institutions. Certain employees are not covered. First, the act exempts executive and confidential employees; academic personnel; and student, part-time or temporary employees. Second, the act allows an institution's governing board to

make a "permissive" exemption for employees engaged in listed activities, including: research, counseling, continuing education, and graphic arts and publication.

The graphic artists and other printing craft employees in the University of Washington department of printing are "permissively" exempt from the higher education personnel law by action of the University's Board of Regents.

SUMMARY:

Printing craft employees at the University of Washington department of printing are provided statutory exemption from the higher education personnel law.

VOTES ON FINAL PASSAGE:

House	74	21
Senate	29	18

EFFECTIVE: July 28, 1985

HB 169

C 168 L 85

By Representatives Hine, Sayan, Patrick, Basich, Vekich, Barnes, Hargrove, Holland, Crane and Todd

Revising the use of and rent payments for certain public lands.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Three community colleges (Highline, Green River, and Grays Harbor) lease lands belonging to the Common School Construction Trust which is administered by the Department of Natural Resources. Prior to 1983, the community colleges were able to pay the annual lease costs from their operating appropriations. During 1982 and 1983 the trust lands were reappraised and the rents adjusted accordingly. The annual rental costs for these sites increased between 200 percent and 9,500 percent (rents increased from \$17,585 to \$249,487 in total).

Because of the magnitude of the increases, the Legislature made supplemental appropriations to

the community colleges to partially offset the higher rental payments. As of July 1, 1985 a total of \$696,740 is due as back rent with the annual lease amount set at \$252,660. The DNR has extended the leases through FY 1985 subject to the Legislature providing funds for the deferred rent and reaching an agreement for the purchase or exchange of these lands to the community colleges.

In 1968, the DNR authorized a land exchange which permitted the Purdy Treatment Center to use CEP & RI grant lands rent free. This agreement needs legislative authorization.

SUMMARY:

The Board of Natural Resources is directed to exchange common school trust lands leased by the state board for community colleges as sites for the Green River, Grays Harbor and Highline Community Colleges for land of equal value granted to the state for the support of charitable, educational, penal, and reformatory institution (CEP & RI) purposes. The community colleges are not to be charged rent for the use of the CEP & RI land after the exchange is completed. The sum of \$696,800 is appropriated from the CEP & RI account for deferred rent. In addition, the Department of Corrections is not to be charged rent for the Purdy Treatment Center site which is located in CEP & RI grant lands.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	46	0

EFFECTIVE: April 25, 1985

2SHB 174

C 399 L 85

By Committee on Ways & Means (originally sponsored by Representatives Valle, Barrett, Winsley, P. King, Ebersole, Rayburn, Appelwick, Allen, Armstrong and Wang)

Establishing the beginning teachers assistance pilot program.

House Committee on Education

House Committee on Ways & Means

2SHB 174

Senate Committee on Education

BACKGROUND:

The Superintendent of Public Instruction in a study of teacher excellence, has determined that an important step in the development of a teacher is the transition from a theoretical to practical application of educational theory. To aid new teachers in making this important transition, the Superintendent of Public Instruction requested legislation establishing a Mentor Teacher Program to allow experienced teachers to support and aid in the development of new teachers. Districts have also attempted to develop methods to recognize and honor outstanding employees.

SUMMARY:

The Superintendent of Public Instruction will adopt rules for a beginning teachers assistance program. The program will provide assistance to beginning teachers by providing an experienced teacher to support the beginning teacher both in and outside the classroom.

The mentor teacher, who is an experienced superior teacher based on his or her evaluation and who holds a valid continuing certificate, will receive a stipend, participate in a training workshop and is allowed to use substitutes for the mentor teacher and beginning teacher so they may work together and allow the mentor teacher to observe the new teacher. Participating teachers will be selected to represent a reasonable distribution throughout all educational service districts.

A pilot program for 100 mentor teachers will be carried out in 1985-86. In the 1986-87 school years, the program will be increased to cover 1,000 mentor teachers. The Superintendent of Public Instruction will report to the Legislature in January, 1988 on the results of this program.

Local districts are permitted to grant non-monetary awards to outstanding classified and certified employees.

The mentor teacher program will be null and void unless funds are appropriated for implementation by July 1, 1987.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	40	3	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 175

C 118 L 85

By Representatives Belcher, Hankins, Unsoeld, Allen, Baugher, Todd, Dellwo, Niemi, Smitherman, Peery, Locke, Leonard, K. Wilson, Prince, Lewis, Sayan, P. King, B. Williams, Schoon and Addison; by Department of Personnel request

Extending the career executive program.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

The Career Executive Program (CEP) was established in 1980 for the purpose of identifying, developing, and mobilizing well qualified mid-level managers for the administration of state services. The objective of the CEP is to enhance the current performance of each career executive through such means as seminars, conferences and guest speakers. The State Personal Board is authorized to establish policies for the operation of the CEP separate from those established under State Civil Service Law. The Department of Personnel is responsible for the day-to-day administration of the CEP.

The number of employees participating in the program cannot exceed one percent of the employees subject to State Civil Service Law, and no employee may be placed in the CEP without his or her consent. Any classified employee participating in the CEP has the right to return to his or her regular civil service job. As of December 1984, there were 301 participants in the Career Executive Program, representing 29 state agencies.

In 1984 the Legislative Budget Committee conducted a performance audit of the Career Executive Program and made the following recommendations:

The Department of Personnel review the distribution of career executive positions among the state agencies for the purpose of achieving a more even balance.

The Department of Personnel prepare and submit to the State Personnel Board a proposed modification to the Merit System Rules to provide for entry of new participants to replace individuals who have been in the program for a number of years.

The Department of Personnel prepare a detailed planning supplement to its General Work Plan for fiscal year 1985 which schedules specific tasks with completion dates to resolve six major problem areas.

The Department of Personnel analyze contract projects performed by outside consultants for state agencies to determine if any of those projects could have been performed equally well or better at less cost by selected Career Executive Program personnel.

The Career Executive Program not be terminated on June 30, 1985, but that the program be given the opportunity to mature and then be re-evaluated.

SUMMARY:

The Career Executive Program is re-authorized for a period of four years and a new termination date of June 30, 1989 is established. The program is placed under the Washington State Sunset Act and given a wind-down period of one year after termination before its authorizing statutes are repealed on June 30, 1990.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	45	2

EFFECTIVE: June 30, 1985

SHB 177

C 181 L 85

By Committee on Local Government (originally sponsored by Representatives Ebersole, Taylor, Vekich, Basich, Hankins, Sutherland, Patrick, Sanders, Fisch, Winsley, S. Wilson, Kremen, Schoon, Bond, G. Nelson and Isaacson)

Increasing funds available to veterans organizations for hall rental.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Any post of a national organization of veterans that has qualified to accept relief from the county indigent soldiers' relief fund, may draw upon that fund for up to \$180 per year to pay rent for its regular meeting place held on private property.

SUMMARY:

The maximum amount that nationally organized veterans groups can draw from county monies, to be used for rental payments for their regular meeting places held on private property, is altered from \$180 per year to a reasonable amount the county legislative authority specifies in its budget. The name of the county fund from which such draws are made is clarified to be the veterans' assistance fund.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 178

C 442 L 85

By Committee on State Government (originally sponsored by Representatives Belcher, Hankins, Unsoeld, Allen, Baugher, Todd, Dellwo, Niemi, Smitherman, Prince, Locke, Peery, O'Brien, Leonard, Wang, K. Wilson, Wineberry, Lewis, Fisher, Sayan, P. King, Isaacson and Basich; by Secretary of State request)

Establishing the Washington state internship program.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

Washington State has a long but rather sporadic history regarding internship programs. Records of the Department of Personnel indicate that various state agencies have operated summer internship programs off and on for at least the last twenty

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years. However, with the exception of the period lasting from 1970 to 1980, it appears that the internship activities which existed were initiated and operated individually by the agencies involved. There were no formal procedures or guidelines for employing interns.

The Department of Personnel (DOP) did operate a centralized internship program from 1970 until about 1980. Under this program, DOP was in charge of recruitment, assisted with placement of interns and coordinated some training aspects of the intern program. Since 1980, there has been no central agency or office responsible for coordinating and encouraging the use of intern positions in agencies.

SUMMARY:

The Washington State Internship Program is established in the Office of the Governor. In administering the program, the Governor is required to encourage and assist agencies in developing intern positions, develop and coordinate a selection process and a training component of the program, and develop compensation guidelines. The selection process is to give due regard to the state's responsibilities to provide equal employment opportunities. The Governor is also required to consult with the Secretary of State, the Director of Personnel, the Director of the Higher Education Personnel Board, the Commissioner of Employment Security, institutions of higher education and representatives of labor.

The State Internship Program is to consist of two individual programs: the undergraduate Internship Program and the Executive Fellows Program. The undergraduate Internship Program consists of three to six month positions for undergraduate students and state employees who receive a letter of recommendation from their agency head. The Executive Fellows Program consists of one-year to two-year placements for students who have successfully completed at least one year of graduate level work and have demonstrated a substantial interest in public sector management. Public sector employees may qualify to participate in the program upon the recommendation of their agency head.

Intern positions are exempt from civil service, however, for the purposes of future employment, the successful completion of either of the programs above is to be considered as employment experience at the level at which the intern position was

placed. In addition, participants successfully completing the Executive Fellows Program are to be eligible for positions in the Career Executive Program.

Employees who leave classified or exempt positions in order to participate in this internship program have the right to revert to their previous position at any time during the internship or upon completion of the internship.

Intern positions are not to be counted in an agency's total allotment of full-time-equivalent positions.

Agencies may operate their own internship programs independent of the program created by this act.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	37	9	(Senate amended)
House	91	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 179

C 243 L 85

By Committee on Natural Resources (originally sponsored by Representatives Belcher, Lundquist, Bristow, Smitherman, Allen, Baugher, Lewis, Fisher, Locke, Unsoeld, Dellwo, Wang, Walker, Sayan, Jacobsen, P. King, Winsley, Sanders, May and Hankins)

Requiring a migratory waterfowl stamp to hunt migratory waterfowl.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

Hunters of migratory waterfowl (ducks, geese, brants, and swans) must purchase a hunting license and a federal duck stamp. Proceeds from hunting license sales go to the game fund. The Legislature appropriates these funds for game purposes.

Sportsmen often must purchase tags, stamps, or punchcards in addition to their hunting or fishing

license. The upland game bird stamp is an example.

Twenty-nine other states have started a state duck stamp program.

SUMMARY:

The migratory waterfowl stamp and Migratory Waterfowl Art Committee are created. Waterfowl hunters over the age of 16 must possess a stamp. The effective date for possession will be determined by the Game Department. The fee is \$5.00.

Revenue from the sale of stamps will offset the stamp production costs. Remaining funds will be used to acquire waterfowl habitat in the state. Land acquired in fee title must allow public access. On lands on which an easement or covenant is obtained, the Game Department will endeavor to obtain public access. The private landowner may restrict this access.

The Art Committee make-up is detailed as are their terms. The Committee consists of nine members, 6 appointed by the Game Department, 1 by the Governor, 1 by the Department of Agriculture, and 1 by the State Arts Commission. Members serve without compensation.

The Committee selects the stamp design and markets art work. Proceeds from art work sales will be used for waterfowl propagation projects in Washington.

The state auditor will prepare an annual audit, with copies given to the natural resources committees.

VOTES ON FINAL PASSAGE:

House	97	1	
Senate	39	1	(Senate amended)
House	96	1	(House concurred)

EFFECTIVE: May 10, 1985

HB 183

C 104 L 85

By Representatives Day, Padden, Appelwick, Madsen, Lewis, Taylor, D. Nelson, Winsley, S. Wilson, Schoon, Bond, Van Luven, Sanders, Long, R. King, G. Nelson, Isaacson, Patrick, Ballard, Hastings, Dellwo, Walker, C. Smith,

May, Addison, Holland, Hankins, Doty, Tanner, Miller, Silver, Wang, Tilly and J. Williams

Expanding the sales and use tax exemption for meals furnished to senior citizens.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

Fees charged for the provision of meals to senior citizens, disabled persons, and low-income persons through a state administered nutrition program are exempted from the sales tax. However, requested donations that are given to other providers for the provision of meals to senior citizens, disabled persons and low-income persons are only exempt from the sales tax if specific amounts are not requested.

SUMMARY:

Requested donations for a specific amount made to nonprofit corporations and charities for the provision of meals to senior citizens, disabled persons, or low-income persons are exempt from sales tax.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	48	0

EFFECTIVE: April 22, 1985

SHB 187

PARTIAL VETO

C 400 L 85

By Committee on Transportation (originally sponsored by Representatives Madsen, Sommers and Walk)

Allowing counties to make state-authorized improvements to state highways.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

State law provides for the formation of county road improvement districts (RID's) and county

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service districts as mechanisms by which local property owners who benefit from certain county road projects may help fund those projects. Currently, those districts' powers apply only to the improvement of county roads.

In certain instances, local property owners may wish to help fund improvements to state highways. Currently, this can be accomplished only through an agreement between private parties and the State Department of Transportation. There is no formal mechanism to insure the participation of every member of a group of property owners in funding a desired improvement to a state highway.

SUMMARY:

A county is authorized to utilize a county road improvement district (RID) or a county service district, with approval of the State Department of Transportation, to improve or fund the improvement of any state highway within its boundaries. An RID is also authorized to make improvements to private roads that are to become a part of the county road system as a result of the improvement district process. A county is prohibited from using any monies from the county road fund to pay for RID or service district improvements to state highways. The powers of a county service district are clarified to include those powers related to county roads which are granted to both a county or an RID.

In developing its six-year program for highways, the State Department of Transportation is prohibited from eliminating, delaying or reducing the scale of a state highway project in order to coerce or encourage a county or a service district to participate in funding a portion of an improvement to a state highway.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	42	5	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985**PARTIAL VETO SUMMARY:**

The prohibition on the Department of Transportation eliminating, delaying or reducing a state highway project, in order to coerce a county into

participating in that project, was vetoed. (See VETO MESSAGE)

SHB 188

C 78 L 85

By Committee on Judiciary (originally sponsored by Representatives Madsen, Todd and P. King)

Revising provisions to require removal of repossessed mobile homes from mobile home parks.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The purchase of a mobile home on credit is often accomplished by the buyer giving a security interest in the purchased mobile home to the seller, or to the person who makes the loan enabling the buyer to purchase the mobile home. The seller or person who made the loan is a secured party. If the buyer defaults, the secured party has a right to repossess the mobile home and sell, lease, or otherwise dispose of it. If the repossessed mobile home is on a mobile home park, the mobile home park owner is probably not receiving rent while the secured party takes possession and disposes of the collateral. The mobile home park owner may have a landlords lien for the amount of two months rent against the property in the hands of the secured party.

SUMMARY:

A secured party who has a security interest in a mobile home that is located within a mobile home park and who repossesses the mobile home, is liable to the landlord for rent for occupancy of the mobile home space under the same terms the tenant was paying prior to repossession. The duty of the secured party to pay the rent does not affect the availability of a landlord's lien for rent against the mobile home.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	0

EFFECTIVE: July 28, 1985

SHB 189

C 112 L 85

By Committee on Local Government (originally sponsored by Representatives Madsen, Haugen, Brough, Ebersole, Ballard, Smitherman, Winsley and Holland)

Modifying provisions relating to property tax levies by fire protection districts.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Fire protection districts have the following regular, non-voter approved, tax levies:

- (1) All fire districts possess a tax levy of 50 cents per \$1,000 of assessed valuation;
- (2) All fire districts possess a second 50 cents per \$1,000 of assessed valuation, which is junior to tax levies imposed by other junior taxing districts.
- (3) Fire districts located in counties (Spokane and Whatcom Counties) that had townships which were disorganized possess a third 50 cents per \$1,000 of assessed valuation.

SUMMARY:

The only fire districts authorized to impose a third tax of 50 cents per \$1,000 of assessed valuation are districts that have at least one full-time, paid employee.

The authorization granted to fire districts in counties that had townships is removed from the law.

This third tax levy is clarified to be junior to the tax levies imposed by other junior taxing districts.

VOTES ON FINAL PASSAGE:

House	95	2
Senate	41	6

EFFECTIVE: July 28, 1985

SHB 190

C 340 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick and Ballard; by Department of Licensing request)

Revising provisions relating to escrow agents.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The Department of Licensing administers the escrow agent licensure program. The Department must charge fees at the rates set in statute. Examples include \$100 for the first office and \$25 for each additional office, \$25 for the examination, and \$50 for the license.

An escrow commission is created effective July 1, 1985. Nothing in the law sets out the specific nature of its advisory role to the director of the Department of Licensing.

SUMMARY:

Amounts of fees on the escrow industry are no longer set in statute. The Department administratively sets fees at rates calculated to recover the costs of regulation, including the cost of administrative support to the escrow commission.

The nature of the escrow commission's advice to the director is made explicit. The commission shall advise the director on subjects including, but not limited to, the design and conduct of tests, schedule of license fees, educational programs, and audits and investigations of the escrow profession designed to protect the public.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	45	0
House	76	0

EFFECTIVE: July 28, 1985

SHB 194

SHB 194

C 153 L 85

By Committee on Local Government (originally sponsored by Representatives Haugen, Miller, Ballard, R. King, Allen and Isaacson)

Establishing an alternative procedure for commencing withdrawal of territory from a water or sewer district.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

The process of removing territory from a water district or sewer district may be commenced by the filing of a petition requesting such action signed by either 25 percent of the voters of the area proposed to be withdrawn or owners of a majority of the land area proposal to be withdrawn.

SUMMARY:

The process of removing territory from a water district or sewer district may also be commenced by resolution of the sewer district or water district board of commissioners. However, if any portion of the area to be removed is located in a city, the city may disapprove the commencement. The process of removing territory may proceed if the city fails to take action within 60 days of being notified of the proposal.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	45	1

EFFECTIVE: July 28, 1985

SHB 199

C 280 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives R. King, Patrick, Wang, Fisch, Ebersole, Sayan, Belcher, Locke and Fisher)

Modifying provisions relating to farm labor contractors.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Under the farm labor contractors law, any person acting as a farm labor contractor must have a license issued by the Department of Labor and Industries. An applicant for a license must pay a \$10 fee and may be required by the department to deposit a surety bond. The licensee must carry and exhibit the license, comply with all conditions of employment contracts entered into with workers, and file work information with the nearest employment service office. The act prohibits misrepresentation by a licensee, either on an application or to workers regarding terms of employment. Any violation of the act is a misdemeanor, punishable by a maximum fine of \$5,000 or six months in jail.

The law requires all expenses of administering the act to be paid from a revolving fund, into which applications fees and penalties are deposited.

SUMMARY:

The farm labor contractors law administered by the Department of Labor and Industries is revised to include forestation and reforestation activities.

To apply for the required license, a farm labor contractor must submit a minimum application fee of \$35 for non-reforestation activities and \$100 for reforestation activities. An applicant must indicate whether his or her license has ever been suspended or revoked. A surety bond or other approved security of at least \$5,000 is required from each applicant. The bond may not be cancelled unless alternate security arrangements are made. The director of labor and industries may increase the required bond amount under certain circumstances.

Any person may protest the issuance of a farm labor contractor's license. The director may refuse a license if the contractor has an unsatisfied judgment in state or federal court. The face of the license must indicate whether the contractor may transport workers. The director is authorized to issue either one year or two year licenses.

The farm labor contractor is required to furnish to the worker information regarding compensation, conditions of employment, and other work-related

information. The contractor must also keep employment records.

Any person who knowingly uses the services of an unlicensed contractor is fully liable along with the contractor for violations of the act.

The director is authorized to investigate and mediate controversies. The director or other persons may seek an injunction in cases where the act is violated. A maximum administrative penalty of \$1,000 for each violation of the act is established.

Discrimination against workers for pursuing their rights under the act is made unlawful. Any person injured by a violation of the act may bring a suit in court for damages.

VOTES ON FINAL PASSAGE:

House	68	28	
Senate	42	5	(Senate amended)
House	87	4	(House concurred)

EFFECTIVE: January 1, 1986

SHB 203

C 429 L 85

By Committee on Transportation (originally sponsored by Representatives Patrick, Holland, Leonard, Brough, Schmidt, Crane, Todd, Padden, Lux, Zellinsky, Schoon, Bond, Sanders, Isaacson, May and J. Williams)

Directing the state auditor to study diversion of county road property tax revenues.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Counties are authorized to levy a regular property tax for the purpose of funding road programs. This tax is in addition to the county general property tax levy that supports current expense fund expenditures. The county road levy is imposed only on the assessed value of property located in unincorporated areas of a county. A maximum tax rate of \$2.25/\$1000 assessed value can be applied.

Although the road levy is designated as a tax for the support of road programs, counties may use revenues to fund non-road program expenditures. This "diversion" authority first was provided by the Legislature in 1971. It allows counties to use revenues from the road levy for any type of expenditure that counties are authorized to make. The only constraint on the uses of diverted revenues is that they are limited to expenditures for services provided in unincorporated areas.

The road levy is the only major source of funding for county road programs that counties can use for non-road purposes. Other major sources, including the motor vehicle fuel tax and federal highway program grants, are statutorily earmarked for road expenditures.

In 1983 the Legislature established the Rural Arterial Program (RAP) to provide state funding assistance to counties for improvements to rural arterials. In order to be eligible to receive Rural Arterial Program funds, a county must limit the uses of diverted road levy revenues to expenditures for traffic law enforcement.

SUMMARY:

The State Auditor is directed to conduct a study of road levy diversions by counties that have retained their eligibility for Rural Arterial Program funds by using diverted road levy revenues only for traffic law enforcement expenditures. The study will identify the specific traffic law enforcement functions that these counties have funded with county road levy revenues. For these counties, the study also will identify total expenditures for county departments of public safety and sources of funds for these expenditures.

For any county that has used road levy revenues to support non-road programs during the 1972-1985 period, the study also will determine the amounts of revenues that have been diverted, and the purposes for which diversions have been made.

Any class AA county which provides by local charter or ordinance for civil service for its sheriff's office in a matter consistent with provisions of state law is exempt from the system mandated by state law.

In the case of a segment of county road, not connected to the county road system, the centerline of which serves as the boundary of a city or town,

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maintenance shall be the responsibility of the city or town if requested by the county.

VOTES ON FINAL PASSAGE:

House	84	14	
Senate	47	0	(Senate amended)
House	95	1	(House concurred)

EFFECTIVE: May 21, 1985

SHB 204

C 279 L 85

By Committee on Social & Health Services (originally sponsored by Representatives Brekke, B. Williams and Tanner)

Changing provisions relating to the board of prison terms and paroles.

House Committee on Social & Health Services

Senate Committee on Judiciary

BACKGROUND:

The Sentencing Reform Act (SRA) of 1981 radically changed the state adult felony sentencing system from a modified indeterminate model to a presumptive sentencing model. Under the old system the Board of Prison Terms and Paroles (Parole Board) had broad discretion in setting sentence lengths, once the offender was committed to prison. Under the new system, effective July 1, 1984, terms are set by judges using standard sentencing ranges based on the seriousness of the crime the person was convicted for and the person's criminal history. The judge may go outside the standard range for aggravating or mitigating circumstances as long as the reasons are put forth in writing. In such cases, the prosecutor (if the sentence is shorter) and the defendant (if it is longer) may appeal.

Because the Parole Board is no longer used in the SRA, it is scheduled to be terminated on July 1, 1988, with periodic reduction of its membership from its current number of seven to five (July 1,

1985) and three (July 1, 1986). Presently, the workload of the Parole Board has not diminished as was expected.

SUMMARY:

Because the workload of the Parole Board has not diminished as was expected, the phase-out of the Parole Board is delayed one year. Therefore, membership will be reduced to five in 1986 and three in 1987. The Board will be terminated in 1988.

VOTES ON FINAL PASSAGE:

House	83	15
Senate	42	5

EFFECTIVE: May 13, 1985

HB 213

C 81 L 85

By Representatives Haugen, Smitherman, O'Brien and Isaacson

Modifying port commissioners' insurance.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

A port district that provides insurance benefits for its employees may provide business related health and liability insurance for its commissioners.

SUMMARY:

The insurance benefits that a port district may provide its commissioners is expanded to include general health and accident insurance.

VOTES ON FINAL PASSAGE:

House	96	2
Senate	43	0

EFFECTIVE: July 28, 1985

SHB 214

C 267 L 85

By Committee on Judiciary (originally sponsored by Representatives Baugher, Hargrove, Patrick, West, Tilly, Lundquist, Winsley, Lewis, Fuhrman, S. Wilson, Leonard, Hastings, van Dyke, Dobbs, Van Luven, May, Bond, Valle, Ballard, Silver, Basich, Isaacson and Schoon)

Prohibiting operation of a watercraft while under the influence of alcohol or drugs.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

There is no law that specifically prohibits operating any kind of vessel in a negligent manner or while under the influence of an intoxicating liquor or drug. The law does provide that no person may use a vessel, for which vessel registration is required, in a negligent manner so as to endanger life or property, or while under the influence of alcohol or controlled substances. A violation is a misdemeanor punishable only by a fine of up to \$100 for the first violation, \$200 for the second violation, and \$400 for a third or successive violation.

SUMMARY:

A person who operates a vessel in a negligent manner so as to endanger any person or property is guilty of a misdemeanor. The crime of operating a vessel in a negligent manner does not apply to commercial vessels which have valid marine documents as vessels of the United States and are operating in the navigable waters of the United States.

A person who operates a vessel while under the influence of an intoxicating liquor or drug is guilty of a misdemeanor. A person is under the influence of an intoxicating liquor if the person has a 0.10 percent or more by weight of alcohol in the person's blood as shown by chemical analysis of the person's breath, blood, or other bodily substance. A person cited for boating while under the influence may, upon request, be given a breath or blood test. Police officers are given the same arrest powers they have for traffic offenses.

A person convicted of operating a vessel in a negligent manner or while under the influence of

an intoxicating liquor or drug is subject to a sentence of up to 90 days in jail and by a fine of not more than \$1,000.

VOTES ON FINAL PASSAGE:

House	69	28	
Senate	46	0	(Senate amended)
House	79	12	(House concurred)

EFFECTIVE: July 28, 1985

SHB 220

C 114 L 85

By Committee on State Government (originally sponsored by Representatives Unsoeld, Belcher, Hankins, B. Williams and Isaacson; by Secretary of State request)

Modifying provisions relating to the productivity board.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

In 1982 the Legislature created the Productivity Board to administer the existing Employee Suggestion Awards Program and the newly created Incentive Pay Program. Both of these programs are designed to promote efficiency, effectiveness and economy in state government.

The membership of the Productivity Board is as follows: The Secretary of State (chairperson), the Director of the Department of Personnel, the Director of Financial Management, and three persons with experience in administering incentives with the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives each appointing one.

The State Employees' Suggestion Awards program is a cash award program for employees who make suggestions which generate a net savings to the state. Employees of agencies covered by the State Civil Service Act or the State Higher Education Personnel Law are eligible to participate in this program. Awards are calculated on a sliding-scale percentage basis in the following manner: (1) Ten percent of the first \$10,000; (2) Eight percent of the next \$20,000; (3) Six percent of the next

\$30,000; (4) Four percent of the next \$40,000; (5) Two percent of all amounts in excess of \$100,000. No award may exceed \$10,000.

Funds for the awards are to be drawn from the appropriation of the agency benefitting from the employee's suggestion.

The Incentive Pay Program is a cash award program in which any organizational unit of state government, with the exception of the legislative and judicial branches and offices of elected officials, may participate. Units wishing to participate in this program must submit an application to the Productivity Board and must have the approval of the head of the agency in which the unit is located.

To qualify for an award, a selected unit must demonstrate to the Board that it has operated during a year at less cost than the immediately preceding year with an increase in the level of services provided or with no decrease in the level of services provided. Units which qualify for the award will receive a sum of twenty-five percent of the amount determined to be saved by the state for the level of services rendered. Funds for the award are to be taken from the agency's budget.

Two percent of an agency's cost savings under both programs discussed above are to be transferred to the Department of Personnel Service Fund to cover the administrative costs of the Productivity Board. Any unexpended funds are to revert to their original fund sources at the end of the biennium.

Until June 30, 1985, the administrative expenses of the Productivity Board may not exceed \$50,000 per year (the Board has an appropriation to cover this amount). After June 30, 1985, the expenses of the Board may not exceed the revenue received from the two percent of agency savings transferred to the Personnel Service Fund for Board operations.

SUMMARY:

The membership of the Productivity Board is increased to include the Director of the Higher Education Personnel Board.

The method of calculating awards under the State Employee's Suggestion Awards Program is modified. The existing calculation based upon a sliding-scale percentage is deleted. In its place is a provision requiring that cash awards be ten percent of net savings.

Eligibility to participate in the Incentive Pay Program is extended to the offices of elected officials, except the elected officials themselves, and administrative assistants and confidential secretaries who are exempt from civil service.

The method of calculating savings for units participating in the Incentive Pay Program is modified as follows: 1) Units participating for the first time are to compare costs with: a) the preceding fiscal year expenditures, or b) the unit's historical data, or c) engineered standards used in conjunction with the unit's historical data (historical data is restricted to the period of three years or less immediately preceding the first year of participation); and 2) Units participating for more than one year are to compare costs with the costs for the immediately preceding year.

The percent of savings which is transferred to the Personnel Service Fund for payment of administrative costs under both the Suggestion Awards Program and the Incentive Pay Program is increased from two to ten percent. These funds are to be used to pay for the operations of the Productivity Board. These monies may be augmented by an appropriation obtained through the budget process.

Agencies are authorized to give employees awards, not exceeding fifty dollars, in recognition of outstanding achievement, safety performance, and longevity. Awards are to be paid for by the agency giving the award.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	2

EFFECTIVE: July 1, 1985

HB 222

C 189 L 85

By Representatives Wineberry, Niemi, Lewis, Locke, Allen, Smitherman, Addison, Wang, J. King, O'Brien, Belcher, Lux, Jacobsen, Cole, K. Wilson, Fisher, D. Nelson, Leonard, Appelwick, Unsoeld, Tilly, Holland and Valle

Creating a state holiday observing the birth of Martin Luther King, Jr.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

For employees of the state and political subdivisions of the state, including school districts, the following are holidays: Sunday, the first day of January (New Year's Day); the third Monday in February (celebrated as the anniversary of the birth of George Washington); the last Monday in May (Memorial Day); the fourth day of July (anniversary of the Declaration of Independence); the first Monday in September (Labor Day); the eleventh day of November (Veterans' Day); the fourth Thursday in November (Thanksgiving Day); the day immediately following Thanksgiving Day; and the twenty-fifth day of December (Christmas Day). In addition, the twelfth day of February (celebrated as the anniversary of the birth of Abraham Lincoln) is a holiday for employees of the state and its political subdivisions but not for school districts and specified nonclassified employees of institutions of higher education. Saturday is also a school holiday.

The 1984 Legislature established the third Monday of January as a school holiday honoring Martin Luther King, Jr.'s birthday. Recent federal legislation has also established the third Monday in January as a holiday honoring Martin Luther King, Jr.'s birthday. Celebration of the federal holiday begins in 1986.

SUMMARY:

For the state and its political subdivisions, excluding school districts, the following changes are made: The third Monday in January is declared a legal holiday for employees of the state and its political subdivisions in recognition of the anniversary of the birth of Martin Luther King, Jr. Holidays honoring the births of Abraham Lincoln and George Washington are combined into a single holiday on the third Monday in February. This latter holiday is to be known as Presidents' Day.

For school districts, the third Monday in February is no longer celebrated only as the anniversary of the birth of George Washington, but is designated as President's Day in honor of the births of George Washington and Abraham Lincoln.

VOTES ON FINAL PASSAGE:

House	86	12	
Senate	31	15	(Senate amended)
House	84	12	(House concurred)

EFFECTIVE: July 28, 1985

SHB 223

C 123 L 85

By Committee on Agriculture (originally sponsored by Representatives Nealey, Baugher, Chandler, Rayburn, Doty, Bristow, Vekich, Ballard, Tilly, Madsen, C. Smith, Lewis, Bond and Isaacson)

Establishing a study committee on the regulation of hydraulic projects.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

State law requires that a person secure the written approval of the Department of Fisheries or Department of Game to construct any form of hydraulic project or other work that will: (1) use, divert, obstruct or change the natural flow or bed of any river or stream; or (2) use any of the salt or fresh waters of the state or materials from the stream beds. For each application, the departments must mutually agree on which department is to administer the approval requirements.

In case of an emergency arising from natural conditions, oral permits are to be issued immediately upon request to a riparian owner or lessee for removing obstructions, repairing existing structures, restoring stream banks or protecting property threatened by the stream. Conditions of an oral permit must be reduced to writing within thirty days and must be complied with.

A violation of the requirement to secure an approval or of the conditions of an approval constitutes a gross misdemeanor and projects constructed without compliance may be abated as public nuisances.

A water right secured under the surface water code is a usufructuary right. Although a water right does not entail the ownership of the body of the water in the stream, this right to the use of water is a property right and is otherwise treated in the same manner as other forms of rights to property.

SHB 223

SUMMARY:

A study committee is created composed of two members of the House Agriculture Committee, two members of the Senate Agriculture Committee, three representatives of the agricultural industry, and one representative each from the: Department of Ecology; Department of Agriculture; Department of Fisheries; and Department of Game.

The committee shall study the effects of regulating the construction of hydraulic projects or works under the hydraulics code on the timely use and protection of water rights for agricultural uses of water. The results of the study, in the form of any proposed legislation, shall be submitted to the Speaker of the House and President of the Senate by December 15, 1985.

The members of the committee shall elect a chairman and shall receive compensation and travel expenses as provided by law.

VOTES ON FINAL PASSAGE:

House	81	16
Senate	46	1

EFFECTIVE: July 28, 1985**HB 228**

C 452 L 85

By Representatives Peery, Sutherland, Madsen, Nutley, J. King, Baugher, Schoon, Day, Sanders, West, Lewis, Fuhrman, Miller, G. Nelson, J. Williams, Lundquist, L. Smith, van Dyke, May, Bond, Valle, Fisch, Ballard, Taylor and Isaacson

Exempting from registration small craft used on those waters not subject to federal jurisdiction.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Prior to 1983, the Federal Boating Safety Act of 1971 required the registration of all powered vessels owned and operated in the United States. States were encouraged to establish Coast Guard-approved registration and vessel numbering systems. Boaters living in those states without Coast

Guard-approved registration and numbering systems were required to register their boats with the Coast Guard.

The 1983 Legislature enacted a state registration system for all powered vessels. However, during the summer of 1983, Congress modified the federal requirement to register all powered vessels to include only those powered vessels owned in the United States that are used, a) on waters subject to federal jurisdiction or, b) on the high seas beyond the territorial limits.

The 1984 Legislature amended the state vessel registration law enacted in 1983 to exempt from the registration requirement powered vessels less than sixteen feet in overall length that are used, a) on waters not subject to federal jurisdiction or, b) the high seas beyond the territorial limit. This exemption was vetoed by the Governor.

Among the larger bodies of water subject to federal jurisdiction, where registration of all powered vessels is still required by federal law, are the waters of the Pacific Coast, Straits of Juan de Fuca, Puget Sound, Lake Union, commercially navigable areas of the Columbia and Snake Rivers; and all rivers, lakes, and streams located in national forests and national parks.

SUMMARY:

Powered vessels which are less than sixteen feet in overall length and are powered by engines of ten horsepower or less which are not used, a) on waters subject to federal jurisdiction or, b) the high seas beyond the territorial limit, are exempted from the state registration requirement.

VOTES ON FINAL PASSAGE:

House	92	3	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 1, 1985**SHB 232**

C 453 L 85

By Committee on Environmental Affairs (originally sponsored by Representatives Ebersole, Brough, Nutley, Smitherman, Allen, Walker, Locke, Haugen, Belcher, Winsley, Wang, Crane, Lux and Unsoeld)

Establishing groundwater management plan procedures and advisory committee.

House Committee on Environmental Affairs

Senate Committee on Agriculture

Senate Committee on Parks & Ecology

Senate Committee on Ways & Means

BACKGROUND:

The Department of Ecology (DOE) is the state agency charged with protection of ground water and the allocation of water rights. DOE is presently preparing a ground water management strategy plan. There is no statutory provision for local government involvement in a ground water planning process.

SUMMARY:

The Department of Ecology (DOE) is directed to adopt rules to establish a procedure for designating ground water management areas. Specific criteria, including protection of public water supply systems and declining aquifers, shall be considered in determining ground water management areas. DOE will cooperate with other state agencies, local governments, and user groups in identifying ground water management areas.

A ground water management program shall be developed for each ground water management area. Local governments may assume the role of lead agency in developing the program. DOE will appoint a ground water management advisory committee to assist with the program. The elements of the program are specified.

DOE will hold a public hearing on each completed ground water management program. Following the public hearing, DOE and the affected local governments will be responsible for implementing the program. DOE, the Department of Social and Health Services, and local governments will be guided by the plan in considering approval of related activities.

VOTES ON FINAL PASSAGE:

House	92	4
Senate	46	0

EFFECTIVE: May 21, 1985

SHB 242

PARTIAL VETO

C 443 L 85

By Committee on Judiciary (originally sponsored by Representatives Locke, Patrick, Sanders, Winsley, Lewis, Fuhrman, Addison, S. Wilson, Miller, Tilly, G. Nelson, R. King, Van Luven, May, Bond, Silver, Taylor, Long, D. Nelson, Isaacson, Unsoeld and Schoon; by Attorney General request)

Modifying provisions concerning rights of crime victims, their survivors, and witnesses of crime.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The law provides for the recognition of the rights of crime victims and witnesses. Reasonable effort towards assuring nine enumerated rights is mandated. These rights focus on protecting and informing the crime victim or witness. Some of the enumerated rights for victims are to be afforded to family members of homicide victims.

When imposing a sentence upon a criminal defendant, courts may require that restitution be made to victims.

The crime victims' compensation program provides compensation to victims of crime for certain injuries and losses they have sustained. To be eligible for compensation, the victim must not be related to or reside with the perpetrator of the crime. A victim is ineligible for benefits if the injury was the result of the victim committing a criminal act. A crime victim must apply for benefits within one year after the date of the criminal act. Victims must pay the first \$200 of any loss suffered. Victims of sexual assault may receive individual, but not family, counseling. Benefits for burial expenses are limited to \$500.

In 1980, the legislature amended the crime victims' compensation act to provide that benefits payable under the act are to be reduced by the amount of public or private insurance available. It is unclear whether this offset mechanism applies to benefits payable after 1980 to victims injured before 1980. In 1983, survivors of victims of vehicular homicide and victims of vehicular assault

were made eligible for compensation under the act. It is not clear whether this extension applies to claims arising before the 1983 law's effective date.

The state has not established a clearinghouse to collect and distribute information on missing children. The State Patrol operates a missing person's information system, but local law enforcement agencies receiving reports of missing children are not required to provide the state system with that information.

The "good samaritans" law protects from civil liability a person who, without compensation, renders emergency care at the scene of an emergency, or who transports a person for medical treatment. The protection does not apply, however, if the person's acts constitute gross negligence or wilful or wanton misconduct.

A person who witnesses the preparation for or the commission of a violent felony is required to report that knowledge to the appropriate public officials within a reasonable time. The failure to report is a gross misdemeanor. There is no similar reporting requirement with regard to certain felony sexual offenses.

SUMMARY:

The scope of the enumerated rights for crime victims is extended to include survivors of crime victims. Additional rights are created. Victims, upon request, have the right to be notified of trial and sentencing dates. Victims have a right to submit a victim impact statement to the court, and to present a statement at the sentencing hearing for felony convictions. Victims have the right to restitution in all felony cases, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment. Courts are required to set forth the extraordinary circumstances in the record if restitution is not ordered.

Various revisions are made to the laws governing the crime victims' compensation program. Victims of crimes committed by family or household members are eligible for benefits under the program. Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, may not be a beneficiary. A victim is ineligible for benefits if the victim was engaged in the commission of a felony at the time of the injury. A crime victim must apply for benefits within one year after the date the criminal act was reported to a law enforcement agency. The \$200 deductible for

victim's compensation claims is eliminated. Victims of sexual assault and their families are eligible for counseling. The limit for benefits for burial expenses is raised from \$500 to the maximum cost used by the Department of Social and Health Services for the funeral and burial of a deceased indigent person, which is approximately \$950 under current regulations. Monetary penalties assessed against persons convicted of crimes in superior courts are increased.

The offset mechanism added to the crime victims' compensation act in 1980, whereby benefits are reduced by the amount of public or private insurance available, is clarified to explicitly apply to benefits payable after 1980 to victims injured before 1980. The provision allowing claims for victims of vehicular homicide and vehicular assault is clarified to state that both the injury and conviction must have occurred after the effective date of the act creating those specific crimes.

The State Patrol is required to establish a missing children clearinghouse to distribute information to local law enforcement agencies, school districts, the Department of Social and Health Services, and others regarding missing children. The State Patrol will maintain and operate a toll-free 24-hour telephone hotline. It will also maintain a regularly updated computer-link with national and other state missing persons systems or clearinghouses. Within 12 hours of notification of a missing child, local law enforcement agencies are required to file an official missing persons report with the state network.

The partial immunity from civil liability under the "good samaritans" law is extended to include volunteer providers of emergency or medical services who, without compensation, render emergency care or transport an injured person for medical treatment. "Compensation" is defined to not include nominal payments, reimbursement for expenses, or pension benefits.

Persons who witness the actual or attempted commission of certain felony sexual offenses are required to notify the appropriate public officials within a reasonable time. Failure to notify is a gross misdemeanor.

VOTES ON FINAL PASSAGE:

House	94	0	
Senate	42	1	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	42	1
House	94	0

EFFECTIVE: July 1, 1985

PARTIAL VETO SUMMARY:

Ambiguous sections intended to clarify the prospective nature of the act are vetoed. (See VETO MESSAGE)

HB 250

C 154 L 85

By Representatives Nutley, Brough and Miller

Extending time requirements for revision of small works roster.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Sewer district and water district work projects in excess of \$5,000 must be let by contract.

Whenever "contract projects" are less than \$25,000 in value, they may be awarded through a small works roster process. Under this process a district retains a small works roster of contractors who request to be included on the roster. When a contract is to be let, the district can solicit bids from contractors on the roster and obtain telephone or written quotations. The small works roster of contractors must be revised every six months.

"Contract projects" of \$25,000 or more in value must be let through a formal public bidding process.

SUMMARY:

A water district or sewer district need revise its small works roster of contractors every year, instead of every six months.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	0

EFFECTIVE: July 28, 1985

HB 251

C 129 L 85

By Representatives Tilly, Padden, Brooks, Lewis, Braddock, Bristow, Miller, Holland, Todd, Bond and Kremen

Prescribing penalties for fraudulent use of ski area facilities.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

It is a gross misdemeanor fraudulently to obtain food, money, credit, lodging or accommodation at a hotel, inn or restaurant. It is also a gross misdemeanor to remove one's baggage from such an establishment without the permission of the owner, after receiving such goods or services and without paying for the goods or services. In either case, if the value of the goods or services is over \$75, the crime is a felony.

Leaving an establishment without paying, or refusing to pay upon demand is prima facie evidence of fraudulent intent.

SUMMARY:

The provisions dealing with theft of goods or services from a hotel, inn or restaurant are made applicable to commercial ski areas.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	47	0

EFFECTIVE: July 28, 1985

SHB 253

C 105 L 85

By Committee on Local Government (originally sponsored by Representatives Fisch and Hargrove)

Revising authority of code cities to annex unincorporated areas.

House Committee on Local Government

SHB 253

Senate Committee on Governmental Operations

BACKGROUND:

Various procedures exist by which different types of cities may annex adjacent unincorporated territory.

A code city may annex an unincorporated area contiguous to the city that is owned by the federal government by adopting an ordinance accepting a gift, grant or lease from the U.S. government that gives the city the right to occupy, contract, improve or sublet the area for commercial, manufacturing or industrial purposes. This right of annexation does not apply to territory located more than four miles from the city's boundaries at the time of the proposed annexation.

SUMMARY:

A code city may annex any contiguous area extending less than four miles from the city that is owned by the federal government if the city adopts an ordinance acknowledging an agreement between the city and the U.S. government to such annexation. The county within which the area is located may stop the annexation if it timely adopts a resolution opposing the annexation and finding that the annexation will have an adverse fiscal impact on the county or road district.

VOTES ON FINAL PASSAGE:

House	96	2
Senate	46	1

EFFECTIVE: July 28, 1985

SHB 254

C 262 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Grimm, Walk, Wang and Hargrove)

Requiring permits and inspections for the operation of amusement rides.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Neither amusement rides that carry passengers nor amusement structures that are designed to entertain audiences are regulated for safety by the state.

SUMMARY:

Amusement rides and structures are regulated. Each operator of amusement rides or structures must obtain an annual operating permit from the Department of Labor and Industries, have an annual inspection conducted by the insurer, maintain a liability policy of at least one million dollars per occurrence and file a certificate of compliance with the sponsor of each event in which the ride or structure is used. Amusement structure is defined as an electrical or mechanical device intended to amuse or entertain audiences or viewers. Amusement ride is defined as a vehicle, boat or other mechanical device moving upon cables, rails or through the air by centrifugal force or across water to convey one or more individuals for entertainment, diversion or recreation. Amusement rides include skyrides, ferris wheels, carousels, parachute towers, tunnels of love and roller coasters.

An exemption is granted for conveyances used in recreational winter sports activities such as ski lifts, ski tows, j-bars and t-bars when those conveyances are subject to regulation under title 70.88 RCW. Other exemptions cover single passenger coin operated rides, non-mechanical playground equipment, and water slides.

The department must adopt rules to implement the chapter. The department may exempt by rule amusement rides or structures on federal land that are required to comply with federal safety standards. The department may order a cessation whenever an amusement ride or structure is operated without a valid permit or insurance.

The department may charge a maximum fee of ten dollars for each permit, such fees to be deposited into the general fund.

Operation of an amusement ride or structure without a permit or insurance is a gross misdemeanor.

Local jurisdictions are not prevented from adopting ordinances that supplement the requirements of state law.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	42	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: January 1, 1986

HB 261

C 136 L 85

By Representatives Ebersole, Betrozoff, Peery and P. King; by Superintendent of Public Instruction request

Changing certain provisions relating to school plant facilities.

House Committee on Education

Senate Committee on Education

BACKGROUND:

The Superintendent of Public Instruction has requested technical clarification and removal of obsolete provisions from the law.

SUMMARY:

Incorrect section references are eliminated from the law. Sections which shall govern allocation and distribution of funds for school facilities are clearly listed.

Sections relating to a 1963 twenty year bond issue which has been retired are repealed.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	46	0

EFFECTIVE: July 28, 1985

SHB 262PARTIAL VETO

C 341 L 85

By Committee on Education (originally sponsored by Representatives Ebersole, Betrozoff, Peery and P. King; by Superintendent of Public Instruction request)

Eliminating certain obsolete provisions from Title 28A RCW.

House Committee on Education

Senate Committee on Education

BACKGROUND:

The Superintendent of Public Instruction has identified a revised law outlining the procedures and time lines for implementing a variety of programs. The programs have been implemented and consequently the implementation procedures are obsolete.

The division of special education has been identified by a variety of names and no clearly accepted name has ever been used.

SUMMARY:

Language and time lines outlining the procedure for the implementation of programs by the Superintendent of Public Instruction which have been fulfilled are repealed.

The division of special education is renamed the division of special education for handicapped children.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	45	1 (Senate amended)
House	92	0 (House concurred)

EFFECTIVE: July 28, 1985

August 1, 1985 (Sections 4, 13)

PARTIAL VETO SUMMARY:

The intent of the state Board of Education in Section 6 was to modify and update statutory provisions to reflect the current practice of electing members of the state Board of Education biennially rather than restating the requirement of an annual election. Due to a drafting error, this desired change was not made in section 6. Therefore, this provision is vetoed to allow the state Board of Education to make the correct modification in 1986. (See VETO MESSAGE)

HB 268

C 151 L 85

By Representatives Tanner, B. Williams, Brekke, Lewis and Ebersole; by Department of Corrections request

Allowing institutional industries to purchase products and services for resale.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

Classes II, IV, and V of prison institutional industries are authorized to provide inmate services to tax-supported agencies or public agencies and non-profit organization, which assist persons who are poor and infirm. This limitation is too narrow to allow institutional industries to service other non-profit agencies such as the Boy Scouts or Girl Scouts or service clubs like the Elks or Rotary Club.

Additionally, the Class II provisions authorize the sale of products and services of institutional industries to public agencies or non-profit agencies, but do not expressly authorize the resale of purchased products and services by institutional industries.

SUMMARY:

Limitations on the type of non-profit agencies that can be served by classes II, IV and V industries are removed, thus allowing the opportunity for inmates, including those in work release facilities, to provide a service to all non-profit service organizations.

Institutional industries are permitted to purchase products and services for resale. For example, when a class II project such as open office landscaping includes such items as a special table, chair or lamp, institutional industries would be allowed to purchase and resell these items that they do not produce themselves, thus allowing a more complete service rather than a piecemeal approach.

The Department of Corrections will reimburse local governments and private agencies for their workers' compensation insurance costs attributable to their participation in the community services program.

VOTES ON FINAL PASSAGE:

House	89	2	
Senate	46	0	(Senate amended)
House	95	2	(House concurred)

EFFECTIVE: July 28, 1985

SHB 270PARTIAL VETO

C 326 L 85

By Committee on Social & Health Services (originally sponsored by Representatives Locke, Brooks, Lux, Allen, Fisch, Niemi, Wang, Appelwick, Brough, Belcher and D. Nelson)

Certifying the practice of acupuncture.

House Committee on Social & Health Services

House Committee on Ways & Means

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

BACKGROUND:

Persons practicing acupuncture in this state are required to be registered under the physician and osteopathic physician medical practice acts as acupuncture physician assistants, and are required to practice under the direction and supervision of these physicians.

SUMMARY:

Qualified individuals may become certified by the Department of Licensing as acupuncturists without practicing under the supervision of physicians.

An applicant for examination to be qualified as an acupuncturist must have: 1) two academic years undergraduate college education in general sciences and humanities; 2) a two year approved course of training in the basic sciences, acupuncture and other specified subjects; and 3) one year of clinical acupuncture training. Applicants must also develop a written plan of consultation, emergency transfers and referrals to other health practitioners. Acupuncturists are required to request immediate consultation from a physician for patients showing potentially serious disorders.

The Uniform Disciplinary Act for the health professions governs the issuance and denial of certificates and the disciplining of certificants. Acupuncturists are required to develop a form for disclosing to patients their scope of practice and qualifications.

Acupuncture physician assistants currently registered under the medical practice acts may become certified under this chapter without examination if otherwise qualified and if applying within 120 days of the effective date of the chapter.

An advisory committee of three certified acupuncturists, one physician and one public member can advise the Department on the implementation of the certification program.

Acupuncture is defined as an Oriental system of medical theory and diagnosis to promote health and treat disorders by employing acupuncture needles or electrical, mechanical or magnetic devices to stimulate acupuncture points and meridians, among other specified techniques.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	44	4	(Senate amended)
House	93	3	(House concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The requirement of an applicant for certification to practice acupuncture to have completed two academic years (or 72 quarter credits) of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program is vetoed. (See VETO MESSAGE)

HB 271

C 149 L 85

By Representatives Patrick, Walk, Betrozoff, Wineberry, Hankins, Valle, Van Luven, Gallagher, J. Williams, Prince, Baugher, Thomas, Kremen, Schmidt, McMullen, Bond, Zellinsky, Sutherland, S. Wilson, Winsley, May, van Dyke, Silver, Fisher and Day

Allowing assistance vans to stop on limited access facilities.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

It is unlawful to stop or park any vehicle or equipment within the highway right-of-way of a limited access facility. An exception allows authorized emergency vehicles, law enforcement vehicles, or vehicles stopped for emergency causes or equipment failures.

Due to the restriction on parking or stopping along limited access facilities, vehicles other than authorized emergency vehicles or law enforcement vehicles are in violation of current state statute and punishable by fine and/or imprisonment.

Assistance vehicles which are privately sponsored have been established in the Seattle area and provide aid to stranded motorists along the public highways. This aid is considered a public service and is given free-of-charge. Due to the fact that these assistance vehicles are defined neither as authorized emergency vehicles or as law enforcement vehicles, they operate along limited access facilities under a special permit issued by the Chief of the State Patrol. The permits have been issued until such time as state statutes are amended to include assistance vans as authorized vehicles permitted to park or stop along limited access highways.

SUMMARY:

Assistance vans may stop along limited access highway facilities to provide aid free of charge to disabled vehicles. Such assistance vans shall be subject to rules and regulations as deemed necessary by the Commission on Equipment.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	0

EFFECTIVE: July 28, 1985

SHB 272

SHB 272

C 404 L 85

By Committee on Judiciary (originally sponsored by Representatives Scott, Niemi, Padden, Tilly, Dellwo, Rayburn, Armstrong, Fisch, Tanner, Winsley, Taylor, Van Luven, Silver and Day)

Allowing admission of children's statements in criminal and dependency proceedings.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Hearsay statements are recountings of assertions made outside of a trial that are offered in evidence in a trial to show the truth of the assertions. In general, hearsay statements are not admissible in trial. There are, however, numerous exceptions to the hearsay rule. These exceptions are based on the fact that the circumstances of a statement or its content may provide enough reliability to give the evidence sufficient trustworthiness to allow its presentation to a judge or jury.

In 1982, the Legislature created a hearsay exception for use in criminal prosecutions for the sexual abuse of a child. That law permits admission of a hearsay statement by a child under the age of ten describing sexual abuse of the child. The statement may be admitted upon a finding by the court that the circumstances and content of the statement indicate that it is sufficiently reliable. If the child is unavailable as a witness, there must be corroborative evidence of the criminal act as well, before the statement is admissible.

Hearsay statements by a child that do not fall within the terms of this exception are inadmissible unless they fall within one of the other traditional hearsay exceptions.

SUMMARY:

The hearsay exception for statements by a child describing sexual abuse of the child is expanded. Such statements may be admissible not only in criminal cases, but also in civil "dependency" cases in which the child is being separated from his or her parents.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	48	0	(Senate amended)
House			(House refused to concur)
Senate	47	0	(Senate receded)

EFFECTIVE: July 28, 1985

SHB 279

C 166 L 85

By Committee on Local Government (originally sponsored by Representatives Haugen, S. Wilson, Ballard, Fisch, Isaacson, Leonard and Day)

Extending confidentiality privilege to cover meetings of public hospital commissions when discussing specified status of health care providers.

House Committee on Local Government

Senate Committee on Human Services & Corrections

BACKGROUND:

The Open Public Meetings Act provides that meetings of all public agencies where official business is transacted shall be open to the public. Private executive sessions are authorized when a public agency considers certain actions, such as when it considers selecting real estate to be purchased, negotiates publicly-bid contracts, and considers certain personnel actions for its employees.

SUMMARY:

Public hospital district commissioners and staff may meet in executive session to consider granting, denying or restricting clinical or staff privileges of a physical or other health care provider, if other health care providers are considered for such privileges. The final action of denial, revocation, or restriction shall be done in public session.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	43	1	(Senate Amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 281

C 167 L 85

By Representatives Jacobsen, Long, Unsoeld, Nealey, Todd, Gallagher, McMullen, Sutherland, Barnes, Miller, Ballard, D. Nelson, Madsen, Bond and Hine

Authorizing limited regulation by the state of radio communications service companies.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Cellular mobile telephone service is a new form of radio communications service which greatly improves the scope and quality of mobile telephone service. The FCC will license two cellular providers in each metropolitan area. Cellular service has begun in the Seattle area and will soon begin in Tacoma.

Cellular service supplants earlier forms of mobile telephone service. There are other forms of radio communications service, such as radio paging, which are independent of cellular service and generally are provided by different companies.

SUMMARY:

Radio communications service companies are deregulated except when they provide the only voice-grade local telephone service in a service area or portion of a service area. Deregulated radio communications services are subject to the Consumer Protection Act.

"Radio communications service company" is defined to include every person or entity providing facilities for hire for radio communications service, radio paging, or cellular communications service.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	48	0

EFFECTIVE: July 28, 1985

HB 293

C 137 L 85

By Representatives Unsoeld, Sommers, Basich, Allen, Belcher, Madsen, Rayburn, Miller, K. Wilson, Niemi, McMullen, Grimm, G. Nelson, Hine, Locke, Braddock, Long, Vander Stoep and Winsley

Increasing members of the boards of trustees of the regional universities and The Evergreen State College.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

As directed by statute, the boards of regents of the state universities have seven members. The regional universities, The Evergreen State College and community college districts have boards of trustees with five members.

In 1984, the Joint Legislative Advisory Committee on Governance, Tuition, Fees and Financial Aid and the Temporary Committee on Educational Policies, Structure and Management each recommended that the number of trustees at the regional universities and The Evergreen State College be increased from five to seven members.

SUMMARY:

At the regional universities and The Evergreen State College, the boards of trustees will consist of seven, rather than five, members.

VOTES ON FINAL PASSAGE:

House	94	4
Senate	37	11

EFFECTIVE: July 28, 1985

SHB 297

C 247 L 85

By Committee on Agriculture (originally sponsored by Representatives Jacobsen, Appelwick, Niemi, Vekich, Prince, Ballard, Todd, Unsoeld, Locke, D. Nelson, Baugher, Rayburn, Isaacson, Fisher and Lux)

SHB 297

Establishing standards for organic food products.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

The state's Consumer Protection Act declares unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce to be unlawful. The Act authorizes the Attorney General to bring actions in the name of the state to prevent persons from performing acts in violation of its provisions and authorizes the court to order the restoration of moneys or property. The Act also permits the court to award attorney's fees and damages in an amount not exceeding three times actual damages in certain circumstances. Civil penalties are also established for violations of certain provisions of the Act.

SUMMARY:

A producer or vendor must not sell or offer for sale any food product with the representation that the product is an organic food if the producer or vendor knows, or has reason to know, that the food has been grown, raised or produced with the use of any of the following substances: (1) fertilizers but excluding manures and other natural fertilizers; (2) manufactured pesticides, hormones, antibiotics, or growth stimulants; (3) arsenicals; or (4) similar substances listed by the Director of Agriculture. A food product shall be considered as grown, raised or produced with such a substance if the substance is applied at any time prior to sale to retail purchasers or if, within a certain time period, the substance is applied to the soil or other growing medium. A producer must not sell to a vendor any food product which the producer represents as an organic food unless prior to the sale the producer provides the vendor with a sworn statement that the producer has grown, raised or produced the product in conformance with these requirements.

Display placards for the on-premise sale of organic food and labels pertaining to organic food shall include the name and address of the producer of the food. Any advertising for the mail-order sale of organic food shall include the name and address of the producer of the food. Each producer or vendor responsible for making the labels, placards, or advertising shall maintain such records regarding them as the Department of Agriculture may reasonably require.

The Director must issue orders to violators to cease their violations and desist from future violations. Whenever the Director finds that a producer or vendor has committed a violation, the Director must impose a civil fine not exceeding the total of: (a) the state's estimated costs of investigating and taking appropriate administrative and enforcement actions in respect to the violation; and (b) one thousand dollars.

A violation of these requirements regarding organic food also constitutes a violation of the provisions of the Consumer Protection Act which declares unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce to be unlawful.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	38	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 303

C 161 L 85

By Committee on Energy and Utilities (originally sponsored by Representatives Gallagher and O'Brien; by Utilities and Transportation Commission request)

Redefining water company for purposes of public utilities regulations.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

The Utilities and Transportation Commission regulates private water companies. However, companies with less than 60 customers and an average yearly bill of \$120 or less are exempt from regulation. These exemption provisions are old and the average yearly bill provision embraces most small water companies, regardless of the number of customers. Regulation is intended for monopoly situations. Customers of very small companies generally are not in a monopoly situation, but have alternatives.

SUMMARY:

The provisions for exempting small water companies from regulation by the Utilities and Transportation Commission are expanded. The purpose of this expansion is to enable more small companies to be exempt from regulation. Water companies are exempt if they have less than 100 customers and if they have an average yearly billing of \$300 or less. The average yearly billing threshold will be periodically adjusted for inflation. Exempt companies are subject to the provisions of the Consumer Protection Act.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	45	2	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 310

C 86 L 85

By Representatives Fisch, Dellwo, Day, Gallagher, Wang, Patrick and Lewis

Permitting wagering under certain circumstances.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The state allows limited forms of wagering in bars or restaurants for the purpose of deciding which of the participants will pay for food or beverages. The form of wagering is restricted to flipping coins or rolling dice.

SUMMARY:

Permissible wagering in bars or restaurants is expanded to include flipping of coins or rolling of dice as a means of paying for music from coin-operated devices on the premises.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	37	9

EFFECTIVE: July 28, 1985

HB 312

C 16 L 85

By Representatives O'Brien, P. King, Long, Smitherman, Holland, Wang, L. Smith and Day

Revising the minimum school hours and day requirements for private schools.

House Committee on Education

Senate Committee on Education

BACKGROUND:

The State Board of Education sets minimum standards for approved private schools. Among the standards established by statute is that approved private schools must have a minimum school year of 180 days, the same as public schools. Public schools are required to have minimum program hours for each grade level. These minimum program hours apply to private schools as well.

SUMMARY:

Approved private schools must have a minimum school year that is either 180 days or at least equal to the number of program hours required of the public schools.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	0

EFFECTIVE: July 28, 1985

SHB 314PARTIAL VETO

C 405 L 85

By Committee on Ways & Means (originally sponsored by Representative Grimm)

Modifying provisions relating to the 1983-85 state fiscal biennium.

House Committee on Ways & Means

Senate Committee on Ways & Means

SHB 314

BACKGROUND:

Revenue collections that fell short of forecasted levels forced expenditure reductions and fund transfers for the remainder of the 1983-85 biennium. A selective five percent expenditure reduction was accomplished administratively by the Governor. The fund transfers and the capture of expected appropriation reversions requires legislative action.

SUMMARY:

Appropriations for the 1983-85 biennium are reduced by \$12.1 million for those agencies expecting to revert some portion of their spending authority at the end of the biennium. \$5.4 million in excess funds is transferred from non-general fund state funds to the general fund. Some relief is provided from quality standards for higher education institutions that cannot meet the standards due to "conditions beyond the control of the institution".

VOTES ON FINAL PASSAGE:

House	51	47	
Senate	38	10	(Senate amended)
House	53	42	(House concurred)

EFFECTIVE: May 20, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed the \$45,000 reduction in general fund state appropriation authority for the Department of Personnel arguing that the reduction would hamper completion of the comparable worth study. This action also reduces the total general fund state appropriation recapture by \$45,000 not materially affecting the \$12 million in reversions. A second line item veto eliminated the requirement for the Department of Social and Health Services to adopt new rules for medical eligibility by June 1, 1985. The Governor stated that new rules will be adopted as soon as administratively possible, thus satisfying legislative intent. (See VETO MESSAGE)

HB 318

C 406 L 85

By Representatives Walk, J. Williams, Gallagher, Van Luven, May, Betrozoff, Patrick, Nealey, Prince, Sanders, Hankins, S. Wilson, Holland and Winsley

Extending the current Advance Construction-Interstate Highway bond authorization to 1989.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The federal government pays 90 percent of the costs of state highway construction projects required to complete the interstate highway system in Washington and other states. The federal cost share of interstate highway projects and other federal-aid highway projects is funded by revenues that are deposited in the Federal Highway Trust Fund. States are required to finance the remaining 10 percent of interstate project costs with revenues derived from state sources. Washington funds its portion by drawing on bond authorizations provided by the Legislature in 1979 and 1981 (total bond authorization of \$325 million).

Washington and other states receive annual "apportionments" of interstate construction funds from the federal government. The apportionment received by a state sets an upper limit on the amount of federal funds that a state can obligate to projects undertaken during the year. For a project to which these funds are committed, the federal government guarantees payment of its 90 percent cost share when the state makes payments for project costs. Generally, a state is reimbursed by the Federal Highway Administration within a month after project expenditures are made.

A state that has obligated its available apportionment of federal funds and which desires to undertake additional projects during a year has the option of funding those projects entirely with state funds without foregoing eventual reimbursement for the federal cost share. This option is known as Advance Construction-Interstate (ACI) and is authorized by federal law. When ACI is used, a state initially commits state funds to finance the total cost of a project that has been approved by

the Federal Highway Administration. After additional apportionments of federal interstate funds become available, the federal government reimburses the state for any expenditures of state funds required to pay the federal cost share.

In 1982 the Legislature authorized the Department of Transportation to utilize the ACI option when available apportionments of federal interstate funds fall short of amounts required by the state's interstate highway construction program. To provide funds needed to implement ACI, the Legislature authorized the use of up to \$120 million of the bonds that were authorized in 1979 and 1981. Because the Department of Transportation has not yet found it necessary to use the ACI option, no bonds authorized for this purpose have been used.

The authorization to issue up to \$120 million in bonds in order to utilize the ACI option has an expiration date of December 31, 1985.

SUMMARY:

The expiration date of the authorization to issue up to \$120 million in bonds to cover the federal cost share on interstate highway construction projects until additional apportionments of federal interstate funds are received is extended from December 31, 1985 to December 31, 1989.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	44	0

EFFECTIVE: July 28, 1985

SHB 321

C 120 L 85

By Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Sutherland, Prince, J. Williams, Winsley and Hankins; by County Road Administration Board request)

Giving the county road administration board more responsibility over county road moneys.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

21.51% of the 18 cents-per-gallon state motor vehicle fuel tax is earmarked for distribution to counties. Funds received by counties from this source may be used only for support of county road programs.

A formula is used to determine individual county shares of the counties' share of the motor vehicle fuel tax. The Department of Transportation has the responsibility of compiling data and making calculations required to apply this formula.

The state retains two statutorily specified portions of motor vehicle fuel tax revenues that are earmarked for counties. 1.5% of these revenues is retained for the purpose of funding appropriations to the County Road Administration Board (CRAB), expenditures by the Department of Transportation to meet responsibilities related to county road programs, and the State Auditor's expenses for annual financial audits of county road districts. An additional .2% is retained by the state to cover the Department of Transportation's costs of determining individual county shares of the fuel tax.

Any revenues from the 1.5% and .2% portions of the counties' motor vehicle fuel tax share that are not required for expenditures by the Department of Transportation, CRAB, or the State Auditor during a biennium are distributed to the counties during the following biennium.

SUMMARY:

The responsibility for determining individual county shares of the counties' portion of the state motor vehicle fuel tax is transferred from the Department of Transportation to the County Road Administration Board (CRAB).

The statute that reserves .2% of the counties' share of the motor vehicle fuel tax to cover costs of determining individual county shares is repealed. Along with other costs incurred by CRAB, these costs will be funded by the 1.5% portion of the counties' share of the motor vehicle fuel tax that is retained by the state.

Beginning in the 1987-1989 biennium, the State Auditor's audits of county road districts no longer will be funded by the 1.5% portion of the counties' share of the motor vehicle fuel tax that is retained by the state. Instead, the auditor will bill counties directly for audit expenses.

SHB 321

VOTES ON FINAL PASSAGE:

House 97 0
Senate 47 0

EFFECTIVE: July 28, 1985
July 1, 1985 (Section 3)

SHB 323

C 244 L 85

By Committee on Environmental Affairs (originally sponsored by Representatives Belcher, Unsoeld, Allen, Rust, Dellwo, Locke, P. King, Jacobsen, Fisher, Brekke and Day)

Requiring a management program for the Nisqually river system.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

During the interim between the 1983 and 1984 legislative sessions, the Department of Ecology (DOE) prepared a Nisqually Reconnaissance Report at the request of the House Committee on Environmental Affairs. This report provided background on the current environmental conditions existing along the river corridor, land use patterns and ownership, resource problems and opportunities, and the various state, federal, local and tribal agencies with authority along the river. As a result, the committee requested that DOE prepare legislation which would result in the development of a comprehensive management plan for the Nisqually River Corridor.

SUMMARY:

Recognizing the natural values of the Nisqually River Corridor, the legislature directs DOE to develop an overall management program for the Nisqually river. The program will address 1) the boundaries of the management area; 2) management objectives; 3) involvement of various agencies; 4) the funding sources necessary for implementation, and 5) the economic impacts on private property owners. If sale of property is necessary, private property owners will receive fair market value for their property. DOE will establish advisory committees to assist with this task.

DOE will present the management plan to the legislature by January 6, 1986, and will also propose any additional legislation necessary to implement the plan. The plan may not be implemented until it is adopted by the Legislature.

There is a general fund appropriation of \$42,516 to the Department of Ecology for the purpose of this act.

VOTES ON FINAL PASSAGE:

House 80 17
Senate 32 13 (Senate amended)
House 82 14 (House concurred)

EFFECTIVE: July 28, 1985

HB 327PARTIAL VETO

C 331 L 85

By Representatives Baugher, Patrick, Walk, Schmidt, Rayburn, R. King and Silver; by Washington State Patrol request

Restricting the use of optical strobe light devices to publicly-owned emergency and law enforcement vehicles.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

A recently developed device called an "optical strobe light" is being used in publicly-owned emergency and law enforcement vehicles to control traffic at street intersections controlled by traffic lights. The optical strobe light, when directed toward a receiving traffic light, emits a signal which stops traffic and allows the emergency or law enforcement vehicle to continue through the intersection with a minimum of hindrance.

The State Patrol is concerned that the use of an optical strobe light in vehicles other than publicly-owned emergency and law enforcement vehicles presents a threat to public safety.

From January 1 through December 31, 1985, all painted plates still in use are required by statute to be replaced with reflectorized plates. The plates are returned upon vehicle license renewal. New

reflectorized plates are issued; a five dollar replacement plate fee is imposed. The Department of Licensing has received numerous protests from owners who wish to keep their original plates, as the vehicle and accompanying plates are considered to be collector's items.

SUMMARY:

Optical strobe lights are unlawful for use in motor vehicles except for authorized emergency vehicles and publicly-owned law enforcement vehicles.

Vehicle owners are allowed to retain and use their painted plates if the owner considers the vehicle to be a collector's item and if the plates are legible. The normal vehicle registration fees are imposed annually.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	45	0
House	97	0

EFFECTIVE: May 16, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed the section pertaining to retention of the painted license plates. (See VETO MESSAGE)

HB 331

C 218 L 85

By Representatives Sommers, Prince, Jacobsen and Miller

Revising certain laws governing higher education.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

Certain "major lines", or courses of study leading to a degree, are to be offered only by the research universities -- the University of Washington and Washington State University. These major lines include liberal arts, pure science, mining and home economics. Commerce, journalism, library economy, and marine and aeronautic engineering are reserved exclusively for the University of Washington. The major lines have remained substantially the same since 1917. Some of the terminology is outdated; some major lines are no longer offered and others offered at other institutions.

A variety of other higher education laws are not presently in use because the authority granted has never been exercised, or the sections have no present effect. Provisions authorizing tuition supplements to private institution students were found unconstitutional. Authorizations to develop a University of Washington child development institute, a Washington State University electrical research experiment station, two year nursing programs at the regional universities and The Evergreen State College, and community college development districts are not being used. Sections effectuating certain transitions for community colleges are of no current effect.

SUMMARY:

The list of "major lines" or courses of study exclusive to the University of Washington and Washington State University is modified to delete pure science, mining and home economics. Commerce, journalism and marine engineering are no longer exclusive University of Washington "major lines", and library economy and aeronautic engineering are renamed.

Certain higher education laws which are of no present use or effect are repealed or decodified.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	44	0

EFFECTIVE: July 28, 1985

2SHB 356

2SHB 356

C 245 L 85

By Committee on Ways & Means (originally sponsored by Representatives Brekke, Lewis, B. Williams, Braddock, Brooks and Armstrong; by Department of Social and Health Services request)

Changing provisions relating to reimbursement for social and health services.

House Committee on Social & Health Services

House Committee on Ways & Means

Senate Committee on Human Services & Corrections

BACKGROUND:

Many sections of law that address recipient reimbursement for state services are out-of-date and no longer effective. Many of these laws, as written, are obstacles to efficient enforcement and recovery of monies owing to the Department of Social and Health Services (DSHS).

SUMMARY:

Language that deals with recipient reimbursement for state services is updated. The courts are given the option of ordering debts be paid to the county clerk or directly to the Department of Social and Health Services. DSHS is permitted to serve debt notice by certified mail, provided that the receipt is signed by the addressee. Residents of institutions are permitted to keep up to \$1,000 in personal reserve; this will provide them basic resources at the time of discharge. DSHS is permitted to recover industrial insurance benefits up to the amount of public assistance paid to the worker, pending the insurance award. DSHS is also allowed to impose a lien on real property to recover overpayments.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	36	0

EFFECTIVE: May 10, 1985

HB 357

C 334 L 85

By Representatives Brekke, Lewis, Braddock, Brooks, Armstrong and Day; by Department of Social and Health Services request

Establishing procedures for the disclosure by state agencies of personal records for research purposes.

House Committee on Social & Health Services

Senate Committee on Governmental Operations

BACKGROUND:

The law is ambiguous regarding access for research purpose to personal records in the custody of state agencies. These records pertain to patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, parolees, and other participants in government programs for whom the state maintains personal information.

State agencies constantly receive requests by research entities (mostly universities) for access to personal records. Agencies, like the Department of Social and Health Services (DSHS) and Department of Corrections (DOC) -- the ones which receive the most requests -- have established review procedures to assess the benefits and risks of proposed research and protect the person to whom the information pertains. These agencies attempt to provide the requested information, without divulging clients names, but this is often not possible.

SUMMARY:

A comprehensive statutory disclosure procedure that would permit the release of personal records for research purposes is established for the Department of Corrections (DOC) and the Department of Social and Health Services (DSHS) -- the two agencies with the most research requests. These two state agencies may release personal records for research purposes under the following conditions: (1) when the information contains no client identification; (2) when the information contains client identification, but the client consents; and (3) when the information contains client identification and no consent is obtained, but the request has merit and identification is necessary to

conduct the research. In such cases, established safeguard procedures must be followed. Agencies are permitted to charge reasonable fees for providing information. Client information obtained from records or from clients directly for research purposes can only be disclosed further by the researcher under limited circumstances.

VOTES ON FINAL PASSAGE:

House	50	47	
Senate	25	13	(Senate amended)
House	53	41	(House concurred)

EFFECTIVE: July 28, 1985

SHB 358

C 336 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Sayan, Betrozoff, Allen, Vekich, Belcher, Nutley, Wang, Miller, Fisch, Winsley, Leonard, Van Luvan and Unsoeld)

Authorizing employees to inspect their personnel files for irrelevant or erroneous information.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Many private sector employers do not grant employees access to their personnel files. Public sector employees, however, generally are allowed to review their files.

SUMMARY:

All employers are required to permit an employee to inspect his or her personnel file or files at least annually. An employer must make any such files available locally within a reasonable time after a request. "Personal file(s)" means those files regularly maintained by the employer as part of business records or subject to reference for information to persons outside of the company. The employee may petition the employer to review all information in the file. The employer must determine if there is any irrelevant or erroneous information in the file and remove that information. An employee has the right to place a

rebuttal statement in the file. A former employee has the right of rebuttal for two years.

Exemptions are provided for: a) investigation of a possible criminal offense, or b) records compiled in preparation for an impending lawsuit which are protected by court rule.

VOTES ON FINAL PASSAGE:

House	71	22	
Senate	39	9	(Senate amended)
House			(House refused to concur in part)
Senate	38	9	(Senate receded in part)
House	88	8	(House concurred)

EFFECTIVE: July 28, 1985

SHB 379

C 397 L 85

By Committee on Local Government (originally sponsored by Representatives O'Brien, Smitherman, Jacobsen, Patrick, Haugen and Tilly)

Revising LID laws.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

A number of laws have been enacted relating to the ability of cities and towns to create local improvement districts (LID's) and utility local improvement districts (ULID's) to finance local improvement projects.

City and town procedures by which LID's and ULID's are created, LID bonds are issued, and special assessments measured, imposed, and collected are frequently referenced by laws relating to other local governments.

SUMMARY:

A. The following changes are made concerning city local improvement district (LID) and utility local improvement district (ULID) laws:

1. Further examples of the types of local improvements that may be financed by

LID's or ULID's are added, including parking facilities, cultural or arts facilities, museums, and systems of surface, underground, or overhead railways, tramways, busses or other means of local transportation.

2. The special assessments for multiple nonconnected public improvements may be calculated separately, or as a whole, or both ways.
3. The restriction is removed that special benefits be measured in proportion to the area and distance back from the marginal line of the public way or area improved.
4. The cost of creating guaranty funds, separate reserve funds, or other security for the payment of principal and interest on LID bonds, may be included in the costs of the improvements financed by special assessments.

B. Any local government that can finance local improvements by creating LID's may:

1. Jointly construct local improvements with another local government or the state.
2. Create reserve funds not exceeding 15 percent of the principal amount of the bonds or notes.
3. Measure special assessments in whole or in part on the basis of classifications of land use restrictions on the property. These include zoning and historic preservation laws, as well as easements, and covenants. Property can be classified into office, retail, residential, public and other classifications. Different rates of assessment may be imposed on these classes. When using these classification systems, a local government may use the square footage of the property, permissible floor area, distance or proximity to the improvement, current uses, and any other reasonable factor.
 - a. Under this method of measuring special assessments, the assessment roll (which lists the special assessment to be imposed on every parcel) may be altered to reflect different special assessments, if the lawful uses on the property have changed.
 - b. Under this method of measuring special assessments, the time period when a property owner can challenge a method of measuring special assessments is moved

from the time when the assessment roll is confirmed back to the time the LID is created.

C. Counties and cities can use federal, state, or local moneys that become available for a local improvement financed by a LID after the assessment roll has been confirmed to make uniform reductions on the assessments. Any adjustments to the assessments because of federal or state moneys may be made at the next annual payment.

VOTES ON FINAL PASSAGE:

House	82	15	
Senate	35	11	(Senate amended)
House	89	8	(House concurred)

EFFECTIVE: July 28, 1985

SHB 380

C 454 L 85

By Committee on Environmental Affairs (originally sponsored by Representative Grimm)

Requiring the department of ecology to adopt rules and regulations to preclude flood damage.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

In order to receive state assistance for flood control management, local governments must (1) be engaged in flood plain management activities, and (2) prepare a flood control management plan. Flood plain management activities include restrictions on land uses within the 100 year flood plain. The flood control management plan deals exclusively with the physical processes of the river.

SUMMARY:

The Department of Ecology (DOE) must adopt rules to ensure that flood plain management activities are adequate to protect structures on the flood plain. Whenever DOE has allocated funds to a local government entity based on approval of their flood plain management activities, any modification or variance to that activity must also be approved by DOE. All flood control management

plans and revisions to the plan must be approved by DOE. DOE will consult with the Department of Fisheries prior to approving these plans.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	43	3	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 386

PARTIAL VETO

C 14 L 85

By Committee on Ways & Means (originally sponsored by Representatives Grimm, Tilly, Braddock and Holland; by Governor Gardner request)

Adopting the supplemental budget.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The supplemental budget was adopted making additional appropriations for the remainder of the 1983-85 biennium.

SUMMARY:

The amended substitute bill makes an additional appropriation of \$2.4 million more than what passed out of committee, and \$1.6 million more than the original bill.

VOTES ON FINAL PASSAGE:

House	83	11	
Senate	36	11	(Senate amended)
House	51	45	(House concurred)

EFFECTIVE: April 2, 1985

PARTIAL VETO SUMMARY:

The subsection of the budget vetoed by the Governor concerned classified salaries in selected districts that may have had multi-year contracts in the 1981-83 biennium. The language in the bill, however, was sufficiently non-specific that districts

outside of the intent may have been included, causing problems between local bargaining units and administrations. (See VETO MESSAGE)

SHB 389

C 97 L 85

By Committee on State Government (originally sponsored by Representatives Nutley, Belcher, Hankins and Winsley; by Department of Services for the Blind request)

Clarifying collection of vending machine revenue in public buildings.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

In 1983 the Department of Services for the Blind was established as an independent state agency under a director appointed by the Governor. The Department is assisted by a six to ten member advisory council. The duties of the Department include: 1) contracting and disbursing federal and state funds for the blind, 2) operating orientation and training centers and rehabilitation facilities, 3) offering of services to blind children and families, including information and referral, and 4) maintaining the vending operations of the Federal Business Enterprises Program pursuant to the federal Randolph-Sheppard Act.

The business enterprise program gives priority to qualified blind persons in operating vending facilities in federal and state public buildings. The purpose of this program is to increase employment opportunities for blind persons and to encourage the blind to become successful, independent business persons.

The Business Enterprises Revolving Fund is maintained by income received pursuant to the Randolph-Sheppard Act and by net proceeds from vending machines operated in public buildings (other than vending machines operated by blind licenses). Money from this fund may only be expended to develop and expand the business enterprises program and to make payments to blind licensees in the program. Twenty percent of

SHB 389

the interest earned on the investment of cash balances from this fund is deposited in the state General Fund, and eighty percent may return to the Business Enterprises Revolving Fund.

SUMMARY:

The definition of "public building" in the business enterprise program operated by the Department of Services for the Blind is clarified to assure that buildings under the jurisdiction of this program are restricted to those that are dedicated to the administrative functions of the state or any political subdivision.

The full eighty percent of the interest earned on the investment of cash balances from the Business Enterprises Revolving Fund which the Department is authorized to receive must be deposited in that fund.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	47	0

EFFECTIVE: July 28, 1985

SHB 391

C 342 L 85

By Committee on State Government (originally sponsored by Representatives Brooks, Belcher, O'Brien and Hankins; by Department of General Administration request)

Modifying competitive bidding requirements for state purchasing.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

Existing law requires that a competitive bid process be used when purchasing most materials, supplies, services and equipment for state agencies, offices of appointed or elected officials, the Supreme Court, the court of appeals, colleges and universities.

Formal, sealed bid procedures are generally required with the following exceptions: emergency purchases, purchases for which there is a single source, purchases of insurance and bonds by the Risk Management Office, certain purchases and contracts for vocational rehabilitation clients from the Department of Social and Health Services, certain purchases by universities for hospital operations and purchases not exceeding \$2,500.

For purchases of \$2,500 or less, the following procedures apply: (1) "Direct buy" purchases (requiring no competitive bids of any kind) are authorized for purchases costing \$400 or less; and (2) purchases ranging from \$400 to \$2,500 require quotations from enough vendors to ensure a competitive price.

According to the Department of General Administration, grants for research activity at the University of Washington alone are expected to top \$220 million in 1985. Activity for research projects cannot start until the project is funded, and the time spent acquiring the necessary equipment using a formal sealed bid procedure takes away valuable research time.

SUMMARY:

The maximum contract amount for which formal sealed bidding is not necessary is increased from \$2,500 to \$5,000 for colleges and universities purchasing research equipment and materials. Such purchases over \$5,000 must be made pursuant to formal sealed bid procedures. Research purchases by colleges and universities between \$400 and \$5,000 require quotations from enough vendors to ensure a competitive price, but do not require formal sealed bid procedures.

The \$2,500 limit remains unchanged for all other state entities. Additionally, the \$5,000 limit only applies to colleges and universities when they are purchasing research equipment and materials.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Senate	46	0	(Senate receded)

EFFECTIVE: July 28, 1985

SHB 396

PARTIAL VETO

C 335 L 85

By Committee on Social & Health Services (originally sponsored by Representatives Brekke, Lewis, Braddock, Brooks and Armstrong; by Department of Social and Health Services request)

Changing state public assistance eligibility requirements.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

In recent years there have been several changes to federal public assistance laws that require corresponding changes in state law. These changes address recipient income levels, the disposing of real property prior to eligibility, and maximizing federal participation. Recent federal changes also require the Department of Social & Health Services to begin using Internal Revenue Service data by December, 1985, to verify recipient eligibility. Further, changes are necessary to reflect recent court settlements regarding certain uses of general assistance and emergency assistance.

In a separate issue, federal law requires a retrospective budget procedure that reconciles recipient earnings and grant levels two months after the fact. If the recipient becomes unemployed, this delay can sometimes result in a loss in the grant amount. This recipient grant loss cannot be subsequently reimbursed with federally matched funds.

SUMMARY:

To comply with the federal Deficit Reduction Act of 1984 (DEFRA), the family income eligibility standard is raised from 150 percent to 180 percent of the state standard of need. Further, conditions are set forth whereby a person would be ineligible for assistance because of excess real property. To conform with a recent court settlement, general assistance is afforded to certain recipients of Aid to Families with Dependent Children (AFDC) and Supplemental Securities Income (SSI) in unusual circumstances, such as theft of a grant.

To address the problem of loss of resources because of retrospective budgeting, general

assistance is granted to make up the loss. However, this provision would only take effect if funds were specifically appropriated for this purpose. Eligibility for the Consolidated Emergency Assistance Program (CEAP) is extended to include recipients of other federally funded programs. This is necessary in order to receive 50/50 federal/state match for the program. However, the CEAP will be discontinued if funds are exhausted.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	33	0	(Senate amended)
House	94	3	(House concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The requirement that the Department of Social and Health Services implement a verification of recipient resources using Internal Revenue Service data by December 31, 1985, is vetoed due to federal regulations requiring the same process being implemented no later than October 1, 1986. (See VETO MESSAGE)

HB 398

C 79 L 85

By Representatives Walk and Betrozoff; by Department of Licensing request

Requiring payment of the federal heavy vehicle use tax for state vehicle registration.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Internal Revenue Code of 1954 imposed a heavy vehicle use tax on all intra- and interstate carriers with a combined gross weight of 55,000 pounds or more.

The Federal Surface Transportation Act of 1982 made the states responsible for enforcing the Heavy Vehicle Use Tax by prohibiting a state from registering and licensing a vehicle until proof of payment of the Heavy Vehicle Use Tax is presented. If a state refuses to comply with the proof of payment provisions, the Secretary of the U.S.

HB 398

Department of Transportation may impose federal sanctions by withholding 25% of the annual federal-aid Interstate funds allocated to the state. These provisions of the Surface Transportation Act of 1982 are to take effect in October 1985.

SUMMARY:

The Department of Licensing is given the authority to refuse to register a vehicle if the applicant fails to furnish proof that the Heavy Vehicle Use Tax has been paid. The Department is authorized to adopt rules defining acceptable proof of payment.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	41	2

EFFECTIVE: April 18, 1985

HB 399

C 109 L 85

By Representatives K. Wilson, Schmidt, Walk, Patrick and P. King; by Department of Licensing request

Authorizing staggered licensing for motor vehicle related businesses.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Director of the Department of Licensing issues business licenses to motor vehicle-related businesses with expiration dates of either December 31st or June 30th.

Motor vehicle dealer and vehicle manufacturer licenses are issued and remain in effect through December 31st of each year. Renewal of the licenses may be obtained through the filing of an application and the payment of the renewal fee.

Motor vehicle salesman, vehicle hulk hauler, and motor vehicle wrecker licenses are issued and remain in effect through June 30th of each year. Renewal of these licenses may be obtained

through the filing of an application and payment of the appropriate renewal fee.

SUMMARY:

Existing license expiration dates are repealed for motor vehicle related businesses. New expiration dates are to be assigned by the Director of the Department of Licensing. The Director may extend or diminish licensing periods for the purpose of staggering license renewals.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	48	0

EFFECTIVE: July 28, 1985

HB 402

C 75 L 85

By Representatives R. King, Patrick, Sayan, S. Wilson, J. Williams, Gallagher, Fisch, Doty, Barrett, Cole and P. King

Authorizing nonprofit organizations to increase price of raffle tickets.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Charitable or nonprofit organizations may engage in raffles without violating state gambling laws. Ticket prices are restricted by statute and may not exceed one dollar apiece.

SUMMARY:

The ceiling on the price of raffle tickets sold by nonprofit or charitable organizations is raised to five dollars.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	40	5

EFFECTIVE: July 28, 1985

SHB 403

C 98 L 85

By Committee on Local Government (originally sponsored by Representatives Nutley, Brough, Miller, Valle, P. King and Barnes)

Including aquifers in pollution protection provisions of sewer districts.

House Committee on Local Government

Senate Committee on Parks & Ecology

BACKGROUND:

Sewer districts are authorized in state law to provide sanitary and storm sewers and treatment facilities, and to reduce or eliminate pollutants in lakes or streams.

A sewer district must adopt a general comprehensive plan for a system of sewers. The plan is subject to review and approval or rejection by the county legislative authority.

SUMMARY:

Sewer districts are authorized to provide for the reduction or elimination of pollution from ground waters.

The improvements which a sewer district proposes to install relating to the reduction or elimination of pollution from lakes, streams, or aquifers must be included in its general comprehensive plan.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	44	0

EFFECTIVE: July 28, 1985

HB 409

C 37 L 85

By Representatives Sayan, Betrozoff, Wang, J. Williams, Hine, Barrett, Fisher, Addison, O'Brien, Hastings, Fisch, B. Williams, Cole, Ebersole, Niemi, Hankins, Locke, G. Nelson, P. King, Walker and Long

Regulating the practice of architecture.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The state regulates architects practicing in Washington. The law requires that an architect pass an examination and obtain a license. The director of the Department of Licensing administers and enforces the licensure law, advised by a five-member board of registration. Corporations are not permitted to practice architecture.

Certain occupations and activities, including landscape architects, naval architects, and persons doing shop drawings, are exempted from the architect's licensure law. A general exemption is also granted for persons engaged in activities that may otherwise fall within the definition of architecture, but who do not call themselves architects.

SUMMARY:

Major revisions are made in the architects' registration law.

The board of registration is expanded from five to seven members. One of the additional board members must be from the general public and not associated with the architectural profession. The board's chair, vice-chair and secretary are elected by its members. The board may adopt rules under the Administrative Procedures Act as necessary to perform its duties.

Alleged violations of the licensure law may be investigated by the director of the Department of Licensing or by the board. Procedures are established for such investigations and subsequent proceedings.

To qualify to take the architect's examination, an applicant must be eighteen years old, have eight years of experience, or have an architectural degree plus three years of experience. Persons who have designed buildings as a principal activity for at least eight years are also qualified to take the examination. There is a four-year grace period from the effective date of the act for unregistered building designers. If an unregistered building designer then applies to take the architect's examination, he or she has an additional five-years to practice without an architect's registration. The total effective grace period permits nine years of practice without the necessity of a certificate of registration.

The following persons are exempt from the registration requirements: naval architects, landscape architects; engineers; space planners; interior designers; persons engaged in legally recognized professions and trades and persons engaged in certain other professions and trades; contractors and their superintendents in respect to the construction, alteration, and supervision of construction of buildings; persons who prepare show drawings for construction purposes; owners or contractors with respect to their employing unregistered persons to observe and supervise construction; designers and other persons who design farm buildings or residential buildings with up to four units; designers or other persons who design buildings of up to 4,000 square feet; registered general contractors who engage in "design-build" construction if a registered engineer performs the structural design services; a person who designs any building prior to the time of filing for a building permit; and any person who had his or her plans stamped by an engineer or architect.

Corporations may practice architecture if specified requirements are satisfied. The requirements include employment of a registered architect and designation of such individual in the corporation's bylaws and in a certified resolution.

Additional enforcement procedures are authorized. The Board may impose fines up to one thousand dollars, and may petition for injunctive relief. All state and local authorities must enforce the chapter. No one practicing architecture may bring suit in state court in a proceeding relating to services in the practice of architecture without alleging and proving that such person is authorized or registered under the chapter.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	39	3	(Senate amended)
House	96	1	(House concurred)

EFFECTIVE: July 28, 1985

2SHB 428

PARTIAL VETO

C 162 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Fisch, Patrick, Ebersole, Chandler, Wang, P. King, Basich and Winsley)

Revising education requirements for real estate license application.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

State law regulates real estate brokers and salesmen. In order to qualify to take the brokers' examination, a person must have had at least 90 hours of instruction in real estate.

To receive the real estate salesman's first license, a person need not have satisfied any hours of instruction. For a second renewal of a salesman's license, the law requires that 30 hours of instruction be completed.

In renewal situations, a person holding a license, whether active or inactive, has a grace period of one year to pay the renewal fee before the license is cancelled. No statutory notice of impending cancellation need be sent to the person.

The holders of inactive licenses are entitled to reinstatement to active status simply by applying, regardless of the length of the inactive period.

SUMMARY:

The 90 hours of instruction required before a person may take the real estate broker's examination must include topics on brokerage management and real estate law. Each course must be at least 30 hours. The entire 90-hour course must be completed in the five years preceding the application for the examination.

To qualify for a real estate salesman's license, a person must complete 30-hours of instruction in real estate fundamentals. The 30-hours of instruction presently required for second renewals is in addition to the 30-hours required for the first licenses.

Whenever a holder of a license has been on inactive status for more than three years, the holder, in order to qualify for reinstatement, must prove that he or she completed 30 hours of instruction in the year preceding the application for active status.

VOTES ON FINAL PASSAGE:

House 97 0
Senate 46 1

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The requirement that the Department send a warning notice to delinquent license holders before actual cancellation is eliminated. (See VETO MESSAGE)

HB 434

C 111 L 85

By Representatives Niemi, Brekke, Dellwo, Ballard and Cole

Providing for licensing of full-time faculty at University of Washington school of dentistry.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

The practice of dentistry is presently regulated by law and persons wishing to practice dentistry must apply for a license, be qualified and take an examination. Faculty at the dental school at the University of Washington cannot practice dentistry unless licensed by the state, and there is no waiver for those faculty members licensed to practice in other jurisdictions.

SUMMARY:

The Board of Dental Examiners may, upon the request of the dean of the dental school, issue licenses without examination to persons who are already licensed in other jurisdictions, and who are full-time faculty members. This license authorizes these persons to practice dentistry within the confines of the dental school in connection with their duties. This license terminates upon the cessation of employment status, and is renewable

annually. The board may attach other conditions to the license. The licensee is subject to the same disciplinary provisions as other dental licensees.

VOTES ON FINAL PASSAGE:

House 94 0
Senate 45 0

EFFECTIVE: July 28, 1985

SHB 435

PARTIAL VETO

C 462 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Wang, Barrett, R. King, Patrick, Sayan, Winsley, Fisch, Vekich, Madsen, Fisher, P. King, Basich and Isaacson)

Revising provisions relating to law enforcement officers and fire fighters.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Law enforcement officers and firefighters covered by the LEOFF II pension system who are unable to return to full duty because of a work related injury receive workers' compensation benefits. Workers' compensation time-loss benefits for days of work missed are limited to a maximum of 75 percent of the state's average monthly wage. Full pay for many uniformed employees exceeds the state's average wage. Therefore, the amount received in time-loss benefits is often below the injured officer's or firefighter's usual earning capacity.

SUMMARY:

Local government employers of law enforcement officers and firefighters will provide a "disability leave supplement" to augment the compensation that injured officers and firefighters receive under workers' compensation. The supplement will be an amount which, together with workers' compensation benefits, will provide the employee with the same net pay he or she would have received for full time active service. The supplement may continue for a maximum of six months.

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The employer will pay one-half of the supplement beginning on the sixth day of leave. The first five days of the supplement is paid from the employee's accrued sick leave or vacation leave. From day six to six months, one-half of the supplement is paid by the employer and one-half is paid by a charge against the employee's accrued sick leave or vacation leave. "Base monthly salary" for the purpose of computing the employee's share of the disability leave supplement will not include overtime pay, but will include other extraordinary compensation.

If a disabled employee exhausts his or her paid leave during a period of disability, the employee will continue to receive the employer share of the supplement for a maximum of six months.

The employee will perform such light-duty tasks, if approved by the treating physician, as the employer shall require. No reduction in the supplement will occur because of a return to a light duty job.

Employee benefits that are fully funded by the employer will continue during the disability period, which will enable disabled employees to build up sick leave and vacation leave while disabled. They will not build up pension benefits. Insurance benefits are continued and, in the case of insurance that is partly paid for by the employee, those co-payments must continue for the benefit to continue. A returning employee who has exhausted all sick leave is allowed to "borrow" from the future up to three days.

The disability leave supplement is not deemed to be salary or wages for personal services, nor is it a vested right or contract right of employees. The disability leave supplement is not subject to interest arbitration.

The act expressly provides that the disability leave supplement is a prescribed minimum, that local entities are free to provide greater benefits, and that existing agreements are unaffected.

Covered employers of cities or towns with a population of less than 2,500 and of counties with a population of less than 10,000 are exempt from the act.

A Legislative Budget Committee study of the disability leave supplement program is required in two years and the act is terminated in four years.

VOTES ON FINAL PASSAGE:

House	93	5	
Senate	29	20	(Senate amended)
House	79	13	(House concurred)

EFFECTIVE: July 28, 1985**PARTIAL VETO SUMMARY:**

The requirement in Section 7(1) that employee benefits that are fully funded by the employer be continued during the disability period is vetoed. Redundant language in Section 2 is also eliminated. (See VETO MESSAGE)

SHB 444

C 102 L 85

By Committee on Ways & Means (originally sponsored by Representatives Sommers, Grimm, Patrick, Tilly, Wang, Ballard and Isaacson; by Department of Retirement Systems request)

Revising provisions relating to disability benefits for the law enforcement officers' and fire fighters' retirement system.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

In the Law Enforcement Officers and Firefighters Retirement System, Plan I (LEOFF I), duty and non duty disability benefits are granted to employees under the same statutory section. Prior to March 1984, the duty disability benefits were tax exempt, but the non duty disability benefits were taxed. In March 1984, the IRS ruled that the LEOFF I duty disability benefits were taxable because they were granted in the same section of the law with non duty disability benefits and, therefore, would not qualify as workers' compensation. Some LEOFF I duty disability retirees now want to switch to a service retirement benefit because their duty disability benefits are no longer tax exempt.

SUMMARY:

The provisions for duty and non duty disability LEOFF I benefits are separated to clarify that the duty disability benefits are intended to be treated

as workers compensation benefits and should therefore be tax exempt.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	46	0

EFFECTIVE: April 22, 1985

SHB 459

C 127 L 85

By Committee on Agriculture (originally sponsored by Representatives O'Brien, Wang, Jacobsen, Patrick, Lux and Locke)

Regulating the sale of kosher foods.

House Committee on Agriculture

Senate Committee on Commerce & Labor

BACKGROUND:

Washington State does not have a law specifically prohibiting sellers of food items from misrepresenting the items as "kosher" or "kosher style." The state's Consumer Protection Act declares unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce to be unlawful. The Act authorizes the Attorney General to bring actions in the name of the state to prevent persons from doing acts in violation of its provisions and authorizes the court to order the restoration of moneys or property. The Act also permits the court to award attorney's fees and damages in an amount not exceeding three times actual damages in certain circumstances. Civil penalties are also established for violations of certain provisions of the Act.

SUMMARY:

The term "kosher" is defined as meaning a food product prepared, processed, manufactured, maintained, and sold in accordance with the requisites of traditional Jewish dietary law. No person may knowingly sell or offer for sale any food product represented as "kosher" or "kosher style" when that person knows that the food product is not kosher and when the representation is likely to cause a purchaser to believe that it is kosher. Such

a representation can be made orally or in writing or by display of a symbol.

A violation of this prohibition constitutes a violation of the Consumer Protection Act. A person who violates the prohibition is guilty of a gross misdemeanor.

VOTES ON FINAL PASSAGE:

House	92	3
Senate	39	8

EFFECTIVE: July 28, 1985

SHB 460

C 121 L 85

By Committee on Energy & Utilities (originally sponsored by Representatives Wang, Jacobsen, Tilly, D. Nelson, Long, Locke, Barnes, Armstrong, Isaacson, Todd, Gallagher, Unsoeld and Winsley)

Restricting telephone solicitation.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

In recent years, the frequency of telephone solicitation or "tele-marketing" has increased. Both charitable and commercial solicitors use the telephone to contact potential prospects. Some of the solicitation calls are made using automatic dialing and announcing devices (ADADs), although it appears most are made by human operators. There is widespread discontent with both the inconvenience and invasion of privacy that these calls impose.

SUMMARY:

The Utilities and Transportation Commission will study the extent of telephone solicitations, the legal basis for regulating telephone solicitations, whether voluntary approaches to control of solicitations can be developed, whether distinction can be made between charitable and commercial solicitations, alternative regulatory approaches, and legislative possibilities. The study will be presented to the legislature by December 1, 1985.

SHB 460

VOTES ON FINAL PASSAGE:

House 98 0
Senate 48 0

EFFECTIVE: July 28, 1985

SHB 461

C 446 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Kremen, Schoon, Unsoeld, Barrett, Braddock, Hargrove, Tanner, J. King, McMullen and P. King)

Modifying provisions on loans and grants to political subdivisions for public facilities.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

1) The Community Economic Revitalization Board (CERB) was created in 1982 in response to the sunset of the old Economic Assistance Authority. CERB was funded in 1983 with \$20 million in general obligation bonds. The board meets quarterly or upon request to consider making grants or loans for local government projects to finance public improvements necessary for specific private developments or expansions.

2) The Federal Deficit Reduction Act of 1984 places a limit on the aggregate amount of tax exempt private activity bonds which the state or its political subdivisions may issue each year. Private activity bonds include student loan bonds, industrial development bonds, and certain government activity bonds. The ceiling for Washington State is \$642 million. The federal act provides a formula for allocating the annual ceiling among various issuers of private activity bonds within a state, but permits each state to enact a different allocation method that is appropriate to the state's needs.

3) The Department of Community Development recently surveyed local jurisdictions and found that there exists in the state of Washington over \$4 billion worth of critical projects for the repair, improvement, and replacement of streets and roads, bridges, water systems, storm and sanitary

sewage systems, and dams. The 1983 study also found that local governments expected to be able to finance projects worth \$2 billion. A 1984 report by the department recommends that the state finance the establishment of a public works trust fund to finance local unfunded public works needs.

SUMMARY:

1) The Community Economic Revitalization Board (CERB): The criteria used by CERB to determine whether it will finance public improvements are narrowed.

Grants are restricted to situations where a loan is not reasonably possible, given the limited resources of the political subdivision.

The board is required to make grants or loans which will facilitate those private sector developments and expansions related to manufacturing, production, food processing and distribution and those which substantially support the trading of goods and services outside the state's borders. The board is restricted from financing projects which relate to shopping malls.

Other new criteria are as follows: The board is to prioritize each proposed project according to the number of long-term jobs created and the unemployment rate in the area. Where there are insufficient funds available the board is instructed to fund projects in the order of their priority. The board may not fund a project which will displace existing jobs in other communities. The board may not make a grant or loan for the acquisition of land or buildings. Twenty percent of the board's funds are to be for projects in distressed areas.

The membership of CERB is expanded to include the secretary of the department of transportation, one minority member from the House Trade and Economic Development Committee and one from the Senate Commerce and Labor Committee. One member each is added from the House and Senate Ways and Means Committees. A total of five new members are added to CERB for a total membership of twenty-two.

CERB is scheduled for sunset review and termination on June 30, 1987.

2) Industrial Activity Bond Cap: A state formula to allocate industrial development bonds is provided to distribute government bonds which qualify under Internal Revenue Service code as private activity bonds. This includes traditional industrial

revenue bonds, some municipal bonds, and student loan bonds. The bonds are allocated in the following manner: forty-five percent is allocated for government activity bonds; forty-five percent is allocated to industrial development bonds; and ten percent to student loan bonds. Generally, bonds will be allocated to issuers in a particular category in the order of the date and time the issuers file properly completed and signed notification forms with the Department of Commerce and Economic Development.

Notification forms filed by an issuer must identify (a) the amount of ceiling allocation sought; (b) the bond use category from which the allocation is to be made; (c) a certification by the issuer that a bond purchase agreement has been executed; and (d) other information or evidence of the issuer's intention to issue bonds as the director prescribes.

No issuer may receive an allocation or file a notification form for financing a project of more than \$7.5 million of any category's initial allocation unless it has received a certificate of approval from CERB. In determining whether to issue a certificate of approval, the board may consider: (a) the number of employment opportunities the project is likely to create; (b) the level of unemployment in a geographic area likely to be affected by the project; (c) public health and safety benefits; (d) the amount of state ceiling which remains unallocated; (e) the number of persons who will benefit from the project; and (f) other such criteria the board deems appropriate.

Where there is insufficient ceiling to satisfy a proposed bond issue, a deficiency notice is given by the director. Those issuers receiving deficiency notices are retained on a waiting list. When any state ceiling becomes available that year or on January 1 of the following year, notice is to be given to issuers on the waiting list and such issuers will be entitled to an automatic allocation. CERB may grant future allocations and carry forward allocations for specific projects.

After June 1 of any year, CERB may remove from any category any remaining allocation which CERB believes will not be used that year and may transfer or reallocate it to other categories where it is needed.

A subcommittee on private activity bond allocation is created to assist CERB in allocating private activity bonds. The subcommittee consists of five

members of CERB (the chair, a county official, a city official, port official, and a general public member, and chairman). CERB may delegate to the subcommittee, by rule, any of its powers to handle the IDB allocation process.

The Department shall report annually to the Legislature and the Governor regarding allocations. Provisions regarding allocations of the state ceiling are scheduled to sunset in December, 1988, unless extended.

3) Local Public Works Financing: A public works board is created to administer a public works assistance account in the general fund. The purpose of the board is to make loans to cities, towns, counties, special purpose districts, and other municipal corporations for public works projects. The funding for the account is provided for in ESSB 4228 which increases utility taxes and the real estate conveyance tax to raise approximately \$45 million per biennium. The funding to support these projects is based on a pay-as-you-go approach, although the legislature reserves the right to authorize the issuance of general obligation bonds in the future.

The board consists of 13 members appointed by the Governor for terms of four years: three members from a list supplied by the Association of Washington Cities (two elected officials and one public works manager), three members from a list supplied by the Association of Washington Counties (two elected officials and one public works manager), three members from a list supplied by the Washington State Association of Water Districts and the Washington State Association of Sewer Districts and Public Utility Districts and four members from the general public. The Department of Community Development is to provide staff support to the board.

The public works board is to submit to the Legislature each year a prioritized list of projects which are recommended for funding. The list must describe each project, recommended financing, terms and conditions for the loans, the critical need for the project, and all measures of fiscal capacity of the government receiving the loan.

The public works board is to develop a prioritized list of projects according to the following criteria:

- a) Local governments must impose the full .25 percent local real estate excise tax described under RCW 82.46.

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- b) Local governments must have developed a long-term plan for financing public works projects.
- c) Local governments must be using all local revenue sources which are reasonably available for funding local public works taking into consideration local economic factors.

If the local government meets the above criteria, the board must consider the following factors in assigning a priority to the project:

- a) Fiscal distress resulting from disaster or emergency public works needs.
- b) The cost of the project relative to the size of local government and the amount of money available.
- c) The number of communities served by the project.
- d) The unemployment rate of the area in which the project is located.

The Legislature must appropriate money for the list of projects each year. The Legislature may delete projects from the list, but may not add projects. The board cannot sign any contracts or obligate funds until the Legislature appropriates such funds. Once appropriated, the public works board is to make loans to local governments according to projects funded by the legislature. Projects must be put out for competitive bid.

The Department of Community Development is given \$75,000 from the public works trust fund for the ensuing biennium to conduct a study on the feasibility of innovative financing and development alternatives, such as joint development and privatization.

The sections on CERB membership and limitations and the sections on IDB allocations and public work financing take effect July 1, 1985.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	44	2	(Senate amended)
House			(House refused to concur)

Free Conference Committee

Senate	23	12
House	65	31

EFFECTIVE: July 28, 1985
May 21, 1985 (Section 1)

June 1, 1985 (Sections 7-14)
July 1, 1985 (Sections 2 and 15-25)

SHB 466

C 248 L 85

By Committee on Natural Resources (originally sponsored by Representatives Sutherland, Belcher and S. Wilson)

Revising provisions relating to wholesale fish dealers.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

The fishing industry in Washington consists of fishermen, wholesale fish dealers, their branch plants, and fish buyers. The buyers purchase fish for delivery to a wholesale dealer. The dealer may have more than one place of business (i.e., have branch plants). A buyer represents only one wholesale dealer. If anyone represents two or more persons, they are a wholesale dealer. A fisherman may also be a wholesale dealer or buyer. Annual license fees amount to \$37.50 for a wholesale dealer and \$7.50 for a branch plant and a fish buyer.

Whenever fish are landed in Washington, the person originally receiving them must complete a fish ticket and send it immediately to the Department of Fisheries' Olympia office. The data on the ticket provides the Department with management information regarding date caught, means of catching, amount and location of catch, and species taken. This information is used in determining closing dates for harvest seasons, and to make other fishery management decisions.

The Department has limited means of ensuring that it receives all the tickets. Failure to accurately or legibly complete a ticket in a timely manner is a gross misdemeanor.

SUMMARY:

Wholesale fish dealers have the responsibility for documenting the commercial fish harvest. They are liable for resource damages caused by reporting failures. In addition, wholesale fish dealers are required to obtain a performance

bond to insure the actions of the fish buyers employed by them.

The following fines are prescribed: (1) Late fishing tickets: \$50 each for the first 15, then \$10 for each thereafter; (2) Inaccurate or illegible information: \$25 for each of the first 5 violations and then \$50 for each thereafter; (3) Signature violations: \$50 each for the first 2, then \$100 for each thereafter; and (4) Other violations: \$50 per violation. The Department of Fisheries may charge actual damages in lieu of fines.

A wholesale dealer must maintain a performance bond of \$1,000 for each fish buyer employed. A wholesale dealer must notify the department within seven days of employing additional buyers and increase the bond by \$1,000 per new buyer. No wholesale dealer shall have a bond of less than \$2,000 or greater than \$50,000. In lieu of the bond, the dealer may provide alternative forms of security to the Department of Fisheries.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	41	2	(Senate amended)
House	92	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 469

C 131 L 85

By Committee on Social & Health Services (originally sponsored by Representatives Lux, Lewis, Leonard, Armstrong, Hine, Barrett and Unsoeld)

Updating definitions used in naturopathic medicine.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

A 1983 attorney general's opinion held that only certain licensed health professions were legally able to perform venipuncture, which includes severing and penetrating the skin. Naturopaths licensed as "drugless healers" do not have specific authority to practice venipuncture for diagnostic purposes, subjecting them to malpractice liability because of the inability to diagnose using this

procedure. The chapter licensing naturopaths is scheduled for review under the Sunset law in 1987. In this licensure chapter, the words "certificate" and "license" are considered interchangeable.

SUMMARY:

Severance and penetration of the skin for withdrawing blood samples (venipuncture) for diagnostic purposes only is included within the definition of scope of practice for drugless healers (naturopaths). The Legislative Budget Committee must study the appropriateness of venipuncture within this definition pursuant to the sunset review process. While the words "certificate" and "license" are used interchangeably in the chapter, this does not affect the definition of these words in the Regulation of Health Professions chapter.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	48	0

EFFECTIVE: July 28, 1985

HB 479

C 182 L 85

By Representatives Appelwick, Jacobsen, Hargrove, Schoon, May and Taylor

Authorizing state park passes and fishing licenses for disabled persons.

House Committee on Natural Resources

Senate Committee on Parks & Ecology

BACKGROUND:

The 1977 Legislature authorized the Parks and Recreation Commission to reduce camping fees by 50 percent and provide free admission to state parks to certain people. Individuals receiving those benefits include (1) senior citizens (i.e., those over 62, living in Washington who qualify for a property tax exemption by virtue of age and household income of less than \$12,000); (2) any person receiving disability benefits or a legally blind or profoundly deaf person; and (3) any veteran, 62 or older who is a Washington resident and has a service-connected disability of at least 30 percent.

Since at least 1947, the Fisheries and Game Departments have granted certain classes of people free hunting and fishing licenses. Existing exemptions include persons under 16 or over 70, the blind, handicapped persons confined to a wheelchair, and residents over 65 who have been honorably discharged from the service with a service-connected disability.

Persons receiving free licenses must buy any necessary tags, stamps, permits, and punchcards.

SUMMARY:

An individual with permanent disabilities who has been issued a card, decal or license plate by the Department of Licensing is not required to obtain a separate document issued by the State Parks and Recreation Commission in order to receive reduced camping fees and free admission to state parks. (These disabled individuals are the persons for whom parking places are set aside at public places.)

These same individuals may use the card issued for a permanent disability in lieu of a fishing license unless the license requires a tag, permit, stamp, or punchcard.

VOTES ON FINAL PASSAGE:

House 98 0
Senate 48 0

EFFECTIVE: July 28, 1985

SHB 481

C 116 L 85

By Committee on Social & Health Services (originally sponsored by Representatives Brække, Ballard and Lewis; by Department of Licensing request)

Authorizing the director of licensing to appoint temporary members of licensing boards.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

The Department of Licensing is responsible for administrating various professional regulatory

boards, including the examining boards or committees.

SUMMARY:

The director of the Department of Licensing, at the request of an examining board or committee, is authorized to appoint temporary additional members to such a board or committee to assist in administrating registration, certification or licensure examinations. Temporary members must have the same qualifications as regular members of the board or committee, and have all the powers, duties and privileges as regular members for the duration of their appointment.

VOTES ON FINAL PASSAGE:

House 98 0
Senate 47 0

EFFECTIVE: July 28, 1985

SHB 482

C 117 L 85

By Committee on Social & Health Services (originally sponsored by Representatives Brække, Ballard and Lewis; by Department of Licensing request)

Revising provisions relating to licensing of health care assistants.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

The legislature passed an act in 1984 providing for the certification of health care assistants. Health care facilities or health care practitioners are authorized to apply to the Department of Licensing for certification of health care assistants to perform certain delegated health functions. No specific mechanism was established to fund the administrative costs of these programs. The administrative costs of professional regulatory programs are required by law to be financed by the imposition of fees.

SUMMARY:

Health care facilities and health care assistants are required to pay a fee, determined by the director of the Department of Licensing, and which is to be deposited in the health professionals account, to cover the administrative costs of obtaining certification for health care assistants working under their supervision. The sum of \$35,000 is appropriated from the health professions account to cover the costs of administering the health care assistants certification program for the 1985-87 biennium. Certified health care assistants are included in the definition of health professions in the Regulation of Health Professions Act.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	42	4

EFFECTIVE: July 28, 1985

SHB 490

C 17 L 85

By Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Van Luven, Wineberry, Gallagher and J. Williams; by Governor's request)

Adopting the supplemental transportation budget.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Adjustments in the 1983-85 appropriation authority for transportation-related agencies requires legislative approval.

SUMMARY:

The appropriations to the County Road Administration Board, the Department of Transportation, and the Board of Pilotage Commissioners are increased.

\$255,000 is appropriated to the County Road Administration Board (Motor Vehicle Fund-state). \$60,000 of the supplemental budget is for the development of a transportation pavement management system for use by county road departments. \$195,000 is for counties to purchase

microcomputers necessary to implement the pavement management system.

\$2,000,000 is appropriated to the Department of Transportation (Motor Vehicle Fund-state). Up to an additional \$2,000,000 is authorized for snow and ice control. Transfer authority between Motor Vehicle Fund-state and Motor Vehicle Fund-federal is granted for the Public Transportation and Planning Division and the Category A construction programs.

\$5,000 is appropriated to the Board of Pilotage Commissioners (General Fund-Pilotage Account-state). The additional \$5,000 is provided for increased Attorney General costs.

\$776,870 is provided to the Washington State Patrol for a class of 36 cadets.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: April 9, 1985

HB 492

C 183 L 85

By Representatives Lewis, Brekke, Padden, Scott, Dobbs, Thomas, Isaacson, Dellwo, Barnes, Smitherman, Hankins, Day, Walker, Tilly, Allen, Leonard, Hastings, K. Wilson, van Dyke, Braddock, G. Nelson, S. Wilson, B. Williams, Ballard, Winsley, May, Brough, Holland, Silver, Tanner and Long

Establishing certain rights in child abuse and neglect proceedings.

House Committee on Social & Health Services

Senate Committee on Judiciary

BACKGROUND:

Currently, rights of custodial parents, non-custodial parents, and children are not clearly spelled out in matters relating to child abuse and dependency.

SUMMARY:

In order to ensure that custodial parents, non-custodial parents, and children are provided all the protections of law, law enforcement officials and Department of Social and Health Services' staff are required to clearly advise custodial parents, non-custodial parents and children of their rights in matters of child abuse and dependency.

VOTES ON FINAL PASSAGE:

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

EFFECTIVE: July 28, 1985

SHB 493**FULL VETO**

By Committee on State Government (originally sponsored by Representatives Valle, Todd, Jacobsen, Leonard, Barnes, Ebersole, Cole, Rust, Crane, Appelwick, Braddock, D. Nelson and Miller)

Establishing a seismic safety commission.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

Responsibility for seismic safety and earthquake disaster preparedness in Washington rests with a plethora of governmental entities, including school districts and various federal, state, and local agencies. Washington currently has no central organization responsible for developing earthquake hazard reduction strategies or coordinating private and public sector efforts toward improving earthquake disaster preparedness.

Other states in areas of moderate to high earthquake risk have established seismic safety organizations to coordinate and develop such programs. For example, California, Utah, Tennessee, and Colorado have established seismic safety commissions and organizations which coordinate seismic safety and disaster preparedness programs and develop strategies to minimize earthquake-related deaths, injuries, and property damage.

Recent earthquakes in Coalinga, California and Challis, Idaho have triggered concern regarding state emergency preparedness. Most Washington residents live in areas that have a more active earthquake history than either Coalinga or Challis. Over 1,000 earthquakes have been reported by Washington residents since 1840. Fourteen of these have caused widespread damage and there have been fifteen earthquake-related deaths. The last major earthquake in Washington occurred on April 29, 1965. Since that time considerable urban expansion has occurred in areas particularly vulnerable to earthquake ground shaking. Additionally, fifty percent of Washington's population is new to the state since the 1965 earthquake and may be unfamiliar with earthquake safety precautions.

Many school children are housed in unreinforced masonry buildings and in other buildings constructed prior to significant changes in the seismic resistance design codes incorporated in the Uniform Building Code. A recent survey of Washington's public school districts demonstrated that of a total of 1,754 classroom buildings and gymnasiums in responding districts, only 437 had been inspected by a licensed building and structural engineer within the past three years. Of the 437 which had been inspected, 161 showed known structural defects.

SUMMARY:

A Seismic Safety Commission is created consisting of nine members, including two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, and representatives of the Departments of Natural Resources, Emergency Management, and Community Development. The Commission is to annually elect its own chair and vice-chair by majority vote. The term of office for each Commission member is to be two years. Members serve without compensation but are to be reimbursed for travel expenses.

The Commission is empowered to: (1) Accept grants, contributions, and appropriations from public agencies, private foundations, and individuals; and (2) seek advice from public and professional groups.

In connection with earthquake hazard reduction, the Commission is responsible for: (1) Reviewing and recommending methods of public education;

(2) recommending goals and priorities; and (3) gathering, analyzing, and disseminating information.

The Commission will be housed in the Department of Emergency Management. The Commission is to report to the legislature and is to expire on June 30, 1987.

VOTES ON FINAL PASSAGE:

House 62 36
Senate 43 2

FULL VETO: (See VETO MESSAGE)

SHB 500

C 5 L 85

By Committee on Ways & Means (originally sponsored by Representatives Brekke, Lewis, Braddock and Ballard; by Department of Social and Health Services request)

Revising certain coverages of medical care programs.

House Committee on Social & Health Services

House Committee on Ways & Means

Senate Committee on Rules

BACKGROUND:

The law establishes the criteria for the eligibility and scope of services provided to individuals under the medical care services, medical assistance and limited casualty programs administered by the Department of Social and Health Services. A recent federal change broadened the eligibility standards under these programs for pregnant women. State law is in conflict with this federal change. State law prohibits coverage of adult dental care and routine foot care services under these programs. A patient deductible of one-half the first day's stay in a hospital is required by state law under the medical assistance program.

SUMMARY:

Services under the limited casualty program are expanded to include diagnostic, screening, preventive and rehabilitation services to the extent

that an appropriation is available for such purposes. Adult dental and routine foot care shall not be covered under the medical care services and medical assistance programs unless a specific appropriation for those services is made. Persons who are eligible for federal medical financial assistance under social security are eligible to receive state medical assistance. The patient deductible of one-half the first day's hospital stay is repealed.

VOTES ON FINAL PASSAGE:

House 94 0
Senate 42 4

EFFECTIVE: March 25, 1985

SHB 512

C 394 L 85

By Committee on Judiciary (originally sponsored by Representatives Leonard, Sanders, Cole, Scott, D. Nelson, Smitherman, Crane, Belcher, Lewis, Braddock, Allen, Winsley, Rayburn, K. Wilson, Kremen, Locke, Todd, Isaacson, P. King, Rust, Tanner, Holland, Brough and Fisher)

Establishing a bill of rights for children who are victims or witnesses to crime.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The law provides for the recognition of the rights of crime victims and witnesses. These rights focus on protecting and informing crime victims and witnesses, but do not address the special needs of child crime victims or witnesses.

SUMMARY:

It is legislative intent that all child victims and witnesses of crimes are treated with sensitivity, courtesy, and special care. Reasonable effort toward assuring nine enumerated rights for child victims and witnesses is mandated. These rights focus on protecting the child victim during the child's participation in the criminal justice process. Failure to provide notice of the enumerated rights, or failure

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to make a reasonable effort to assure that child victims are afforded the enumerated rights shall not result in civil liability so long as the failure to notify, or make a reasonable effort to do so, was in good faith and without gross negligence.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 520

C 74 L 85

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Sanders, Winsley, Holland, Grimm, Zellinsky, Hankins, P. King, Madsen, Barrett, Day, Ballard and Nutley)

Revising industrial loan company provisions.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Industrial loan companies are in the business of making consumer loans. They are regulated and licensed by the state Supervisor of Banking and are subject to statutory restrictions on interest rates, loan types and loan terms.

Industrial loan companies are not authorized to make "open end" loans. Under an open end loan agreement, a borrower is permitted to obtain funds up to a certain limit and to make periodic repayment.

Industrial loan companies may charge a 10 percent discount per annum for personal loans not secured by real property, plus a two percent loan fee. Unsecured loans or loans secured by personal property may not be made for a term in excess of two years. Real estate loans may be made for any term of maturity, and interest thereon may be charged in an amount not to exceed 25 percent per year if the loan is for a term in excess of two years.

SUMMARY:

Industrial loan companies are authorized to make open end loans and charge interest on such loans at a rate not exceeding 25 percent per year.

Industrial loan companies are authorized to make open end loans. Interest on any amounts outstanding are charged to the borrower's account. The borrower may pay the account in full at any time and, if the account is not in default, may make monthly payments as provided in the loan agreement.

Interest on open end loans may not exceed 25 percent per annum and may be computed in one of three monthly billing cycle methods. The company may periodically change the interest rate on an open end loan account if the company mails or delivers to the borrower notice of the increase at least 30 days prior to the effective date of the increase. However, if the borrower terminates the loan agreement after receiving the 30-day notice, the borrower may pay off the outstanding balance at the old rate.

Industrial loan companies may charge the borrower an annual fee for the privilege of maintaining an open end loan account and may charge other fees permitted by statutes governing industrial loan companies (e.g., two percent loan service fee). In addition, the company may charge the borrower for any credit life or disability insurance provided in connection with the loan. However, no credit life or disability policy may be cancelled by the lender unless the borrower is more than 90 days delinquent in payments.

The company may take a security interest in real or personal property to secure an open end loan, but the security interest must be promptly released upon termination and payment in full of the open end loan. Except for uncollectible accounts or delinquent accounts, the company must deliver a monthly statement to the borrower whenever there is an outstanding account balance in excess of \$1.

Industrial loan companies are permitted to charge borrowers a fee for the appraisal of security offered by a borrower to secure a loan. However, the borrower may obtain an appraisal of property from a qualified appraiser subject to the lender's approval and is not required to pay the fee if the loan application is rejected.

The two-year term of maturity for personal loans not secured by real estate is expanded to five

years, and open-end loans and loans secured by personal property used as a residence are exempted from term of maturity limitations. Loans in excess of a two year term are subject to an interest limit of 25 percent per annum.

VOTES ON FINAL PASSAGE:

House	94	4
Senate	47	0

EFFECTIVE: July 28, 1985

SHB 543

C 281 L 85

By Committee on Local Government (originally sponsored by Representatives Hankins, Hine, Haugen, Isaacson, Brough, Ebersole and Fisher)

Establishing uniform laws on city consolidation.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Various differing procedures exist in state law for two or more contiguous cities or towns to consolidate into a single city or town.

SUMMARY:

A single set of procedures is established for two or more contiguous cities or towns to consolidate. Any consolidation would result in the creation of a noncharter, code city.

A consolidation may be initiated by either the adoption of a joint resolution by each of the cities or towns, or the filing of a petition in each of the cities or towns, signed by voters equal in number to at least 10% of the votes cast in the city at the last general municipal election.

The joint resolution, or petition, can specify the form of government for the consolidated city or town, or provide for the voters to select the form of government. The joint resolution, or petition, can provide, or not provide, for a question of assuming indebtedness to be submitted to the voters.

Specific dates for holding the election on the proposed consolidation are detailed.

Boundary review boards no longer have jurisdiction to approve or reject city or town consolidations. The county legislative authority will provide for a public meeting on the proposed consolidation. At least one public meeting must be held in each county within which the cities or towns proposed to be consolidated are located.

The State Environmental Policy Act is no longer applicable to city or town consolidations.

A consolidation is authorized if approved by simple majority vote in each of the cities or towns proposed to be consolidated. Provisions are made concerning ballot propositions to accept bond indebtedness.

The nominations of persons to run for elective positions in the newly consolidated city or town are held at a subsequent special election date. The election of the officials occurs at the following special election date. The officials assume office immediately after they are elected. The effective date of consolidation is when a majority of the newly-elected city or town legislative body assumes office.

The name of the newly consolidated city or town is initially the old cities or towns, that were consolidated, listed in alphabetical order. A new name is selected by the voters at the next municipal general election.

Provisions relating to a city or town annexing all or part of another city or town are retained.

VOTES ON FINAL PASSAGE:

House	95	1	
Senate	47	0	(Senate amended)
House	92	0	(House concurred)

EFFECTIVE: May 13, 1985

SHB 546

C 261 L 85

By Committee on Agriculture (originally sponsored by Representatives Kremen, Vekich, McMullen, Lundquist, Haugen, S. Wilson, K. Wilson, Betrozoff, Ebersole, Zellinsky, C. Smith, Bristow, Ballard, Doty, Peery, Baugher, Nealey, Madsen, Brooks and O'Brien)

Modifying provisions on agricultural commodity assessments.

SHB 546

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

The 1961 Agricultural Enabling Act authorizes the creation of commodity boards and marketing orders or agreements to assist in marketing, grading and standardizing agricultural commodities, promoting sales, and providing research. The agreements or orders may apply to the producers of the commodity, or to the handlers of the commodity, or to both producers and handlers. Under such a marketing order, annual assessments are levied for each unit of the commodity sold or marketed by a producer. Handlers governed by such an order must pay the assessment for each unit the handler purchases or receives for sale, processing or distributing. Revenues derived from the assessments are the source of a commodity board's funds. Marketing orders and agreements may apply to one geographic area of the state or apply state-wide. They may be drawn on the basis of marketing area or on the basis of production area.

Commodity commissions may also be created under marketing orders adopted under the 1955 Agricultural Enabling Act. Other commodity commissions, such as the Beef Commission and the Dairy Products Commission, have been created directly by statute.

SUMMARY:

The 1961 Agricultural Enabling Act is amended. Units stored in a frozen condition are included among the units of an agricultural commodity against which assessments are levied under a marketing order drawn on the basis of a marketing area. For commodities stored in a frozen condition, the Director of Agriculture may require that: the facilities storing the commodity file information and reports with the Department or affected commission; and, the commodity not be shipped from the facility until the facility has been notified by the commission that the commodity owner has paid any marketing order assessments.

The provisions of the 1961 Act that require notice of proposals be provided to producers or handlers, and identify which producers or handlers may vote on a proposal to establish or amend a marketing order or agreement or to elect commodity board members are amended to apply

expressly only to those who are within the affected marketing or production area. Common carriers are expressly exempted from the definition of a commodity "handler".

Animals are added to the definition of agricultural commodities for which marketing orders or agreements may be established under the 1961 Act.

Commodity commissions created under the 1955 Agricultural Enabling are granted the authority to expend funds for commodity-related education, training and leadership programs. A section of law is repealed that authorized an assessment to be levied, for use by the Beef Commission, on cattle delivered to a commercial feed lot for custom feeding for slaughter. The Dairy Products Commission is authorized to increase or decrease the assessment levied on milk or cream as long as such an assessment does not exceed the maximum assessment rate most recently approved by a referendum of dairy producers. The procedures established by law for proposing reductions in such an assessment are altered.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate	44	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: May 10, 1985

SHB 550PARTIAL VETO

C 430 L 85

By Committee on Judiciary (originally sponsored by Representatives P. King, D. Nelson, Isaacson, Armstrong, Addison, Lewis, Fisch, Barrett, Niemi, Zellinsky, Taylor, C. Smith, Hastings, Sanders and Long)

Penalizing the theft of cable television services.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Unauthorized reception of cable television transmissions is prohibited by state and federal law. Washington law provides that fraudulently obtaining cable broadcast signals by connecting a wire to the cable is a misdemeanor. Federal law provides criminal penalties and civil remedies against persons who sell electronic decoder devices that enable nonsubscribers to receive cable television broadcasts without paying a fee.

SUMMARY:

The crimes of theft of cable television services and unlawful sale of cable television services are created. A person is guilty of theft of cable television services if, with intent to avoid payment, the person tampers with cable television equipment, knowingly misrepresents facts, or uses any device, and wrongfully obtains cable television services. A person who tampers with cable equipment is presumed to have acted with intent to avoid payment. A person is guilty of unlawful sale of cable television services, if, with intent to avoid payment, a person offers for sale or otherwise makes available a decoder or descrambler device. Theft or unlawful sale of cable television services is a gross misdemeanor. A court may order forfeiture of devices used to commit theft or unlawful sale of cable television services. The crime relating to fraud in obtaining cable television services is repealed.

A civil action for theft or unlawful sale of cable television services is specifically authorized. Courts may grant injunctive relief, and damages may include a recovery of costs and reasonable attorney fees.

The criminal and civil sanctions do not apply to the interception or receipt of satellite-transmitted programming, or to non-decoding or non-descrambling channel frequency converters, such as video recorders.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	46	3	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

Sections providing that a person is presumed to have acted with intent to avoid payment if the person tampers with cable equipment are vetoed. (See VETO MESSAGE)

SHB 565

C 84 L 85

By Committee on Local Government (originally sponsored by Representatives Nutley, Ballard, Haugen, B. Williams and Isaacson)

Authorizing county treasurer to serve as fiscal agent for certain local government units.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Various statutes allow local governments to appoint the state's fiscal agency to act as their fiscal agency for bonds and other obligations issued by the local government. If the state's fiscal agency is not appointed, the county treasurer acts as the local fiscal agency.

The county treasurer acts as the treasurer for most special districts.

SUMMARY:

A local unit of government for which the county treasurer acts as ex officio treasurer may, with the consent of the county treasurer, appoint the county treasurer as its fiscal agency for bonds and other obligations issued by the local government. Such local unit must notify the county treasurer if it utilizes someone else as its fiscal agency.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	0

EFFECTIVE: July 28, 1985

HB 575

HB 575

C 204 L 85

By Representatives Fisher, Winsley, Fisch, Walk,
Wang, Smitherman and Ebersole

Authorizing payroll deductions for political contri-
butions by public transportation employees.

House Committee on Constitution, Elections & Ethics

Senate Committee on Commerce & Labor

BACKGROUND:

With certain limitations, the governing body of a metropolitan municipal corporation, county, public transportation benefit area, or city is expressly authorized by state law to acquire, construct, and operate a public transportation system.

SUMMARY:

A payroll deduction is authorized for employees of a public transportation system of a metropolitan municipal corporation, county, public transportation benefit area, or city. A public official authorized to disburse funds in payment of the salaries and wages of such employees may, upon the written request of the employee, deduct from the employee's salary or wages the payment of voluntary deductions for political action committees sponsored by labor or employee organizations with such employees, covered by a collective bargaining agreement, as members.

VOTES ON FINAL PASSAGE:

House	52	45
Senate	29	19

EFFECTIVE: July 28, 1985

HB 576

C 219 L 85

By Representatives Haugen and Brough

Increasing contract amounts for approved use of
small works roster.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Whenever first class cities, or code cities with a population of 20,000 or more, have public works projects in excess of \$10,000 in cost, the work must be put out to contract and may not be performed by city employees. Work in these cities on water mains must go out to contract whenever the cost is in excess of \$15,000. Such cities may award contracts for public works by using a small works roster procedure when the contract is of \$30,000 or less in value. Other contracts are awarded through a formal public bidding procedure.

Whenever any other cities or towns have public works projects in excess of \$15,000 in cost, the work must be put out to contract and may not be performed by city or town employees. Such cities and towns may award contracts for public works by using a small works roster procedure when the contract is \$20,000 or less in value.

SUMMARY:

The maximum dollar value of contracts for public works projects that may be awarded by a small works roster procedure in any city or town is increased to \$100,000.

The small works roster procedure for awarding contracts in first class cities and code cities with a population of 20,000 or more is altered so that at least five separate appropriate contractors are invited to bid on a contract. Once a contractor has been offered an opportunity to bid, the contractor shall not be offered another opportunity to bid under this procedure until all other appropriate contractors on the roster have been given an opportunity to bid.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	48	0

EFFECTIVE: July 28, 1985

SHB 577

C 263 L 85

By Committee on Trade & Economic Development
(originally sponsored by Representatives Fisch
and Barnes)

Studying employee stock ownership plans.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

Business retention and expansion has become a major focus in the state. Efforts to involve employees in the ownership of their firms through stock ownership plans and profit-sharing agreements have in some cases created more productive business enterprises.

SUMMARY:

The Department of Community Development is directed to study the various methods, laws and constraints relating to the formation of employee stock ownership plans. The Department shall encourage and assist in the formation of employee stock ownership trusts. Professionals, including trustees of existing employee stock ownership trusts, members of the academic community and attorneys will be consulted for the purpose of this study. The Department is to develop a plan to encourage and assist in the formation of employee stock ownership plans and shall determine the costs associated with implementing the plan.

The director of Community Development is to furnish its plan and findings and conclusions of its study to the legislature. Beginning in 1987, the director shall submit annual reports to the legislature concerning new and existing employee stock ownership trusts in this state including an account of related state activities during the previous year. The Department shall use existing resources to carry out these duties.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	31	16	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 593

C 407 L 85

By Representatives Armstrong, Holland and Tanner

Removing provisions for administrative revocation of drivers' licenses for all alcohol violations and restoring provisions allowing revocation for breathalyzer refusal.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

In 1983, the legislature enacted an "administrative per se" procedure for suspending or revoking the driver's licenses of persons arrested for DWI. This law directs the department of licensing (DOL) to suspend or revoke the license of anyone arrested for DWI who produces a blood alcohol reading of 0.10 percent or higher. Neither judicial hearing nor criminal conviction is required before the administrative suspension or revocation. Under the implied consent law, DOL already has the same administrative authority to suspend or revoke the license of any driver who refuses to take a breathalyzer exam. Hearings under the implied consent law are held in the county of the driver's residence.

In 1984, the effective date of the administrative per se law was delayed until January 1, 1986.

SUMMARY:

The administrative per se law is repealed. That law would have gone into effect January 1, 1986 and would have provided a non-judicial procedure for suspending or revoking the drivers licenses of persons arrested for DWI.

Hearings under the "implied consent" law which requires a person arrested for DWI to submit to a breathalyzer test, are to be held in the county of arrest rather than in the county of the driver's residence.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)
House	89	0	(House receded)

HB 593

EFFECTIVE: January 1, 1986
July 1, 1985 (Sections 2 and 4)

SHB 596

C 115 L 85

By Committee on Local Government (originally sponsored by Representatives Hine, Barnes and Valle)

Authorizing transaction assistance as a remedial program for property in a noise abatement impacted area.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

A port district that operates an airport serving 20 or more scheduled jet aircraft flights per day may undertake aircraft noise abatement programs in defined impact areas. These programs involve acquiring property and property rights, and soundproofing structures.

SUMMARY:

Aircraft noise abatement programs by port districts are expanded to include transaction assistance programs, including assistance with real estate fees, mortgage assistance, compensation for loss of property values due to aircraft noise or vibration, and other neighborhood remedial programs. A property owner may receive benefits under any of the separate noise abatement programs, but may not receive benefits under a separate program more than once.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	46	0

EFFECTIVE: July 28, 1985

HB 601

C 38 L 85

By Representatives Nutley, J. King, Perry, Sutherland, Tanner, Zellinsky, Walk, Lux, Appelwick, Fuhrman, L. Smith and Isaacson

Authorizing the advertisement of prices as including sales tax.

House Committee on Ways & Means

Senate Committee on Commerce & Labor

BACKGROUND:

The sales tax is levied on the buyer and collected by the seller. The seller then holds the sales taxes in trust until paid to the Department of Revenue. The seller has the responsibility of collecting the sales tax and the tax must be stated separately from the selling price. Thus, a retailer is prohibited from including the sales tax in a stated or advertised selling price.

If sellers include the sales tax in the selling price, they are guilty of a misdemeanor. In addition, the Department of Revenue may move to cancel the business license of such a seller.

SUMMARY:

Retailers are allowed to advertise and display sales prices which include the sales tax or infer that they are absorbing the sales tax. However, the sales invoice or other instrument of sale must state the tax separately. Specific conditions are established for advertising the inclusion of the tax.

Penalties for advertising that the sales tax is included in the price are removed.

An emergency clause with an immediate effective date is added.

VOTES ON FINAL PASSAGE:

House	90	4	
Senate	36	11	(Senate amended)
House	96	1	(House concurred)

EFFECTIVE: April 15, 1985

SHB 602

C 99 L 85

By Committee on Local Government (originally sponsored by Representatives Nutley, May, Hine, Brough, Bristow and Haugen)

Requiring plat to meet standards established by engineering service division.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

State law requires counties and cities to review and either approve or reject proposed divisions of land into two or more parcels where the smallest parcel would be less than 5 acres. Division of land into more than a few parcels is referred to as a subdivision. A plat is a map of a subdivision.

Before a plat of a subdivision can be filed for record, it must be accompanied by a survey and the complete field notes of the survey.

SUMMARY:

The requirement is eliminated that the survey of platted land and survey field notes accompany the plat when it is filed for record. The survey is required to be made to standards adopted by the division of engineering services of the department of natural resources. The local engineer would no longer have to approve the survey data.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	46	0

EFFECTIVE: July 28, 1985

SHB 606

C 398 L 85

By Committee on Local Government (originally sponsored by Representatives Unsoeld, Belcher, Haugen and K. Wilson)

Providing for lake management districts.

House Committee on Local Government

Senate Committee on Parks & Ecology

BACKGROUND:

Cities can create local improvement districts (LID's) with a lifetime of up to six years to fund programs of aquatic plant control.

Ten or more property owners can petition the local superior court to enter an order requiring lake improvements, including the elimination of weeds, which are paid by assessments on lake-front property in proportion to the lineal feet of waterfront.

SUMMARY:

Counties, cities and towns are authorized to create lake management districts to finance various lake improvement and maintenance activities. A lake management district can be created for up to a ten-year period. Lake management districts can impose either or both: (1) annual special assessments on benefited property; or (2) special assessments in the manner of special assessments in a local improvement district (LID).

Lake improvement and maintenance activities include the control or removal of aquatic plants, water quality, the control of water levels, stormwater diversion and treatment, and studying lake water quality problems.

A lake management district may only be created if approved by a simple majority vote of the owners of property within the proposed district. Each property owner receives one vote for any amount of property up to one acre, and one vote for each additional acre, and one vote for each 50 feet of waterfront or major portion thereof.

An assessment roll is prepared for the special assessments, with a separate roll, where applicable, for either kind of special assessment. The assessment roll for annual special assessments cannot exceed the estimated costs. The assessment roll for LID type special assessments cannot exceed the estimated costs by more than 150 percent. Public property is subject to special assessments like private property is subject to the special assessments.

Special assessments are collected by the county treasurer. Special assessments are liens.

Lake management district bonds may be issued.

SHB 606

The authority to provide improvements under the court ordered process is limited to maintaining lake levels.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	41	5	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985
January 1, 1986 (Sections 28-30)

HB 610

C 213 L 85

By Representatives Brekke and B. Williams

Modifying provisions relating to the board of health.

House Committee on Social & Health Services

Senate Committee on Human Services & Corrections

BACKGROUND:

The Legislative Budget Committee, in its Sunset review of the Board of Health, concludes that the Board's state-level supervisory responsibilities were duplicative of DSHS and recommended that the certain rule-making authorities regarding facility licensure be transferred to DSHS. The review also recommends that the Board's Sunset date be changed from 1985 to 1986.

SUMMARY:

In order to establish a clear regulating authority for the Board of Health and the Department of Social and Health Services, the Board is given authority to provide a forum for the development of public health policy and maintain regulatory control over local health programs. DSHS is given clear rule-making and enforcement authority for state-level health programs. Regulatory authority for maternity homes, abortion facilities, hospitals, and boarding homes is transferred to DSHS. The current sunset date for the Board is changed from 1985 to 1986. The Joint Select Committee is charged with conducting a study of the future role of public health.

VOTES ON FINAL PASSAGE:

House	97	1
Senate	42	7

EFFECTIVE: June 30, 1985

SHB 622

C 268 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Vekich, Braddock, Basich, Kremen, J. King, Nutley, Schoon, Sanders, Peery, McMullen, Hargrove, L. Smith, Niemi, Brough, Bristow, Unsoeld, Todd, Allen, Armstrong, D. Nelson, Cole, Appelwick, Smitherman, G. Nelson, P. King and May)

Modifying provisions on the Washington centennial commission.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

Senate Committee on Parks & Ecology

BACKGROUND:

The Washington Centennial Commission has been established to develop a centennial celebration in 1989.

SUMMARY:

The legislation commemorates Captain Robert Gray's discovery of Grays Harbor, his successful crossing of the Columbia River bar and first entry into the great "River of the West" on May 11, 1792. The legislation also commemorates the significance of Captain George Vancouver's extensive exploration and mapping of Puget Sound and Washington's coastal regions, and the contributions of Captain Charles Wilkes.

The Washington Centennial Commission is extended until December 31, 1993.

The Commission is to include in its events a comprehensive program to commemorate, among other things, the expeditions of Captain Robert Gray, Captain George Vancouver, and Captain Charles Wilkes. The Commission is to implement a "Return of the Tall Ships" program and to develop

tourist attractions to include life-sized replicas of the "Lady Washington" and the "Chatham". These are the vessels which carried the captains to the Northwest. The Commission is to consider locating the tourist destination facilities in distressed areas. Twenty thousand dollars is appropriated from the general fund for the purposes of this legislation.

VOTES ON FINAL PASSAGE:

House	93	5	
Senate	42	2	(Senate amended)
House	93	4	(House concurred)

EFFECTIVE: July 28, 1985

SHB 625

PARTIAL VETO

C 466 L 85

By Committee on Trade & Economic Development
(originally sponsored by Representative McMullen)

Establishing a department of trade and economic development.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

The Department of Commerce and Economic Development is scheduled to sunset on June 30, 1985.

SUMMARY:

(A) The Department of Trade and Economic Development is established and the laws relating to the establishment of the Department of Commerce and Economic Development are repealed.

The Department of Trade and Economic Development is to take primary responsibility to encourage the retention and expansion of existing businesses, to attract new businesses, and to foster the formation of new businesses.

The Department's functions and responsibilities are broken down into the following areas:

1. Economic Development Coordination and Cooperation: The Department is to develop a

coordinated approach to economic development by working cooperatively with other public and private organizations. The Department is to provide assistance to the governor and other state agencies on economic-related issues, support cabinet level coordinating activities, represent the state's interest with the federal government on economic development policies and assist in the development and implementation of a long-term economic development strategy.

2. Foreign and Domestic Investment Outreach: The Department is to conduct a program to attract both domestic and foreign businesses to locate plants in the state. The Department is to provide technical assistance to potential investors, coordinate marketing efforts and utilize private sector individuals and organizations to facilitate outreach efforts.

3. Business Expansion and Trade Development: The Department is to work with Washington businesses which can utilize state assistance to increase domestic and foreign exports. The Department is to coordinate domestic and foreign market activities with the State Department of Agriculture, send delegations to foreign countries and other states, and act as a centralized location for the assimilation and distribution of trade information.

An international trade policy is established which emphasizes the concentration on traditional state functions such as transportation, infrastructure, education, taxation, regulations and public expenditures. The trade policy encourages efforts to support the federal government to reduce trade barriers, coordinate with other states and agencies to promote free trade, develop strategies to increase trade, monitor the state's competitive position, and to provide business assistance which is not already being met by the private sector.

4. The International trade and investment information program is established within the Department of Commerce and Economic Development. The program is intended to provide a centralized location for the assimilation and distribution of trade and investment information, including:

- International trade leads which assist Washington State businesses in exporting products and services.
- Investment leads which assist in attracting investments to Washington State.

- A listing and background information on trade-related organizations in Washington State.
- A listing of businesses in the state which are involved in international trade or investment.
- Information on trade tariffs and quotas encountered by Washington State producers and export and import statistics
- A statewide industrial site inventory to assist in the location of new businesses throughout the state. The Department of Ecology and Community Development shall assist the Department of Commerce and Economic Development in compiling the site inventory.

State and local governments involved in international trade are required to assist on request the Department in compiling and distributing the program's trade data. The Department is required to promote the use of the program's information services actively. The Department's director is required to report to the Legislature by December 1 each year outlining the program's activities, effectiveness and legislative recommendations.

There is appropriated \$49,500 to the Department of Trade and Economic Development for the trade information program.

5. **Tourism Development and Coordination:** The Department is to work to market the state for the attraction of visitors and conventions. The Department is to develop cooperative marketing programs with the private sector and participate in industry trade shows. The Department is to encourage the development of tourism attractions and destination facilities.

6. **Film and Video Production:** The Department is to encourage the production of film and video in the state. The Department is to provide liaison and assistance between film and video companies, state and local agencies and private sector businesses.

7. **Small Business Assistance and Coordination:** An office of small business is established in the Department. Small businesses are defined as establishments with 50 or fewer employees. The office is to be the focal point for information and assistance to small businesses. The office is to serve

as an advocate for small businesses and to coordinate the delivery of state programs to assist small businesses.

8. **Development Services and Support:** The Department is to undertake research and strategic planning to assist state economic development efforts. The Department will provide direct technical and financial assistance to stimulate new private sector investment and employment. The Department is to maintain current information on market trends as they affect different industries and economic regions of the state.

The director is appointed by the governor with the consent of the Senate and have all duties and standard responsibilities accorded to the position. The director shall have the power to appoint a confidential secretary, two deputy directors and seven assistant directors.

The director may establish such advisory groups as are necessary to carry out the functions of the Department. The director is to develop yearly work plans for each division. The Department is charged with the responsibility of establishing and monitoring foreign offices. The name for the honorary commercial attache program is changed to the Washington Ambassadors for purposes of international representation.

All powers, equipment, papers and personnel are transferred from the Department of Commerce and Economic Development to the new Department.

(B) The Forest Products Market Development Task Force is created to study the causes for decline of Washington's timber market and to suggest federal and state legislation to increase the markets for state forest products. The board will consist of 21 members; the Commissioner of Public Lands, Director of Trade and Economic Development, one representative from each party of the House and Senate, a representative of the University of Washington Center for International Trade for Forest Products and fourteen gubernatorial appointees representing various forest product sectors, export trade and port districts. Each congressional district will be represented. Members will receive no compensation other than travel reimbursement. The Commissioner of Public Lands shall serve as temporary chair until the group elects a permanent chair.

Staff support will be provided by the Department of Natural Resources and the Department of Commerce and Economic Development. The initial meeting will be held within 45 days after the effective date of this act.

Purposes of the Forest Products Market Development Task Force include:

- Identification of foreign and domestic trade and market-related problems affecting the industry;
- Identification of strategies to improve the industries competitive position in domestic and international markets;
- To provide coordination of present efforts by state agencies, institutions and the forest products industry minimizing the effects of trade barriers and transportation problems;
- Consultation with national institutions, industry organizations and the state's congressional delegation regarding federal initiatives to correct the above problems;
- Identification and prioritization of areas which need additional research and provision of recommendations on the funding of high priority programs.

A preliminary report is to be issued to the state's legislature and congressional delegation by December 1, 1985 on the trade status of Washington's forest products including recommendations for state and federal legislation and strategies. A final report is to be issued to the same bodies, including additional recommendations and an outline of the activities and accomplishments of the task force by June 1, 1986.

Unless reactivated by the legislature the task force shall terminate on June 30, 1986.

(C) The Tourism Partnership Commission is created as an advisory commission to the Department of Trade and Economic Development. The Commission is composed of nine members. The public members will serve three-year terms. Commission members include: (1) the Director of the Department of Trade and Economic Development (or Director's designee); (2) two members of the Senate appointed by the President of the Senate from different political parties; (3) two members of the House of Representatives appointed by the Speaker of the House of Representatives from different political parties; and (4) four public

members appointed by the Governor. The Governor designates the chair.

The Commission has the following duties:

1. Assist the Department in studying the feasibility, design and benefits to the state of one or more destination tourist attractions or state marketing facilities;
2. Assist the Department and sponsoring municipal or nonprofit corporations in assessing the feasibility of Partnership projects and administering those projects that have demonstrated: (a) sponsorship by a municipal corporation or nonprofit corporation; (b) at least 50% of the project's costs has or can be raised from private or local government sources; (c) that the project will produce enough state revenues to repay the state's investment; and (d) that the project will be self-supporting once constructed;
3. Assist the Department in the development of a demonstration project which can be monitored to determine its contribution to the state's economy; and
4. Assist the Department in evaluating potential funding sources for qualifying projects.

The Department, on the advice of the Commission, may select for special consideration qualifying projects that accomplish one or more of the following objectives: (1) develop tourism in depressed areas; (2) increase employment; (3) attract new industry; (4) attract new out-of-state tourists; (5) encourage the redevelopment of economically depressed areas; (6) assist in educating citizens and visitors about the economic potential of the state; (7) highlight the heritage of the state in honor of the 1989 Centennial; (8) honor and promote the future of this state, including Washington's role as the nation's gateway to the Pacific; or (9) assist in marketing the products of the state.

The Commission may employ such staff and administrative support as it deems necessary to carry out its functions. Staff support is also available through the department of Trade and Economic Development and any other agency designated by the Governor to assist the Commission.

The Commission is required to report the results of its studies and proposed legislation. The report

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shall be filed on January 1 of each year with the Department of Trade and Economic Development and with each house of the Legislature.

A tourism development partnership fund is created in the custody of the Department of Trade and Economic Development. Monies in the fund can only be disbursed for projects authorized under this act and on the authority of the director, advice of the Commission and approval of the Legislative Budget Committee.

Any money left in the tourism development partnership fund after December 31, 1990 will revert to the state general fund.

The act expires on December 31, 1990.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	46	0	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	48	1
House	95	2

EFFECTIVE: June 30, 1985

PARTIAL VETO SUMMARY:

Deleted are sections establishing an international trade policy; establishing the Forest Products Market Development Task Force, and prescribing its function; establishing the international trade and investment information program; and, establishing the Tourism Partnership Commission and prescribing its functions. (See VETO MESSAGE)

2SHB 627

PARTIAL VETO

C 467 L 85

By Committee on Ways & Means (originally sponsored by Representatives Tanner, B. Williams, McMullen, Silver, Kremen, L. Smith, Vekich, Smitherman, Hargrove, Schoon, Day, Wineberry, Zellinsky, Haugen, Gallagher, Ebersole, Dellwo, Thomas, Winsley, G. Nelson, P. King, Wang, Long, Isaacson and May)

Establishing the Washington state economic development board.

House Committee on Trade & Economic Development

House Committee on Ways & Means

Senate Committee on Commerce & Labor

BACKGROUND:

Numerous groups and commissions have called for long-range planning and research to create a long-term economic development strategy for the state. The Emergency Commission on Economic Development, the Washington Roundtable, the Economic Development Partnership for Washington and others have recommended that a board take responsibility to conduct a strategic analysis, review other studies, and development programs and to foster efforts to create new public and private partnerships. Governor Gardner recommended the formation of a long-term economic development strategy for the state in his inaugural address.

Many legislators and citizens want the legislature to be involved in developing economic development policies. There is not a joint committee on economic development between the House of Representatives and the Senate.

Games such as chess, checkers and bridge have been shown to increase mental agility. A number of mental sports conventions have been held in the state.

SUMMARY:

(1) The Washington State Economic Development Board is established to create a long-term economic development strategy. The board shall prepare its initial plan by January 10, 1987.

The board shall be composed of citizens from the private and public sectors who are involved in promoting economic expansion. The board shall be composed of: (1) the governor; (2) four members of the legislature, including one member from each of the four largest caucuses in the legislature; (3) one representative of a manufacturing company employing more than one thousand persons; (4) one representative of a manufacturing company employing fewer than one hundred persons; (5) one representative of a manufacturing company employing between one hundred and one thousand persons; (6) one representative from organized labor; (7) one representative from a major financial institution; (8) one representative

from agriculture; (9) one representative from education; (10) one representative from the tourism industry; (11) one representative from the forest products industry; (12) one economic development professional; (13) one member of minority-owned business; (14) one member of woman-owned business; and (15) five citizens at large. The director of Commerce and Economic Development, the director of the Department of Revenue, the director of the Office of Financial Management, and the director of Community Development shall serve as ex-officio members of the board.

The board is to focus on key traded businesses to determine their potential for expansion, diversification and production of high value added goods. The board is to propose new methods to increase public and private efforts to foster job creation.

The board may accept gifts and grants and employ staff or contract with consultants as necessary to carry out the purposes of the board.

The board shall implement the act only to the extent that funds are available for its purposes.

(2) The Legislative Committee on Economic Development is established. The committee consists of six Senators and six Representatives with the Lieutenant Governor as Chairman. The Senate members are appointed by the President of the Senate, three from each caucus, and House members by the Speaker of the House, three from each caucus. Members are to be confirmed by their respective legislative bodies.

The Committee is authorized to elect a vice-chairperson, and establish advisory committees and subcommittees with the requirement that at least one on international trade and another on industrial development be established. The Committee or subcommittees are authorized to review economic development issues with special emphasis on international trade, tourism, investment and industrial development and assist the Legislature in developing comprehensive and consistent economic policies. The committee's studies include:

(a) Evaluating the state's economic development policies, laws and programs;

(b) Monitoring economic trends and developing appropriate responses;

(c) Reviewing the economic development policies and programs of other states and nations;

(d) Determining the economic impact of international trade, tourism and investment on the state's economy;

(e) Assessing the impact of federal, regional and state cooperation in economic development policies; and

(f) Developing and evaluating legislative proposals concerning economic development.

The committee is to receive staff support from both the Senate and House. Committee members are reimbursed for their expenses. The committee is required to act and function with other legislative committees.

(3) The Mental Sports Competition and Research Commission is established, consisting of five members appointed by the Governor. The Commission is charged with promoting and hosting an international chess and bridge tournament within two years. By January 12, 1987, the Commission must submit to the Legislature a report on the potential revenue-gathering capability of the commission and recommendations on promoting and enhancing the status of mental sports in the common schools and for the general public.

VOTES ON FINAL PASSAGE:

House	97	1	
Senate	42	4	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Conference Committee

Senate	42	4
House	96	1

EFFECTIVE: July 1, 1985

PARTIAL VETO SUMMARY:

Deleted are the sections dealing with the Mental Sports Competition and Research Commission. (See VETO MESSAGE)

HB 629

HB 629

C 282 L 85

By Representatives Cole, R. King, Ebersole, Scott, Betrozoff, Walker, Taylor, Armstrong, Jacobsen, Basich, Unsoeld, P. King, Leonard, Long, Appelwick, Vekich, Rust, Todd, D. Nelson, Belcher and Barnes

Modifying requirements for elections for general obligation bonds for capital purposes.

House Committee on Education

Senate Committee on Education

BACKGROUND:

Article VII, Section 2 of the Washington State Constitution establishes voting requirements and time limitations for levies proposed by local taxing districts. These include a requirement that elections on general obligation bonds may not be held more than twice in a calendar year, that at least sixty percent of the voters must vote yes, and that at least forty percent of the voters who voted in the last general election must vote on the proposition. The constitutional provisions are repeated in a statute relating to elections on general obligation bonds.

SUMMARY:

Provisions in statute repeating constitutional requirements for elections on general obligation bonds are deleted. The act takes effect only if HJR 22, modifying constitutional provisions relating to the number of voters who are necessary to validate excess levy and bond issues for school districts, is approved by the voters.

VOTES ON FINAL PASSAGE:

House	70	28	
Senate	37	8	(Senate amended)
House	68	24	(House concurred)

EFFECTIVE: December 5, 1985 pending approval of HJR 22.

HB 643

C 138 L 85

By Representative Grimm; by Office of Financial Management request

Permitting direct billing of employers for payments to the public employees' retirement system.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Currently the director of the Department of Retirement Systems must bill employers through the director of the Office of Financial Management for any employer contributions owed from the previous biennium.

SUMMARY:

The director of the Department of Retirement Systems may bill employers directly for employer contributions owed from the previous biennium.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	41	0

EFFECTIVE: July 28, 1985

HB 657

C 103 L 85

By Representatives Sommers, Tilly, Braddock, B. Williams, Wang, Grimm, Silver, Scott and Isaacson

Revising provisions relating to disability benefits under the law enforcement officers' and fire fighters' retirement system.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The Law Enforcement Officers and Firefighters Retirement System (LEOFF) Plan I members who are on a duty disability retirement may wish to convert to a service disability retirement if their

duty disability retirements benefits are taxed. (See SHB 444.) There is no process provided in statute for a member to seek review of a disability board decision denying a conversion from a disability to a service retirement.

SUMMARY:

Any LEOFF Plan I member who believes his or her disability has ceased may apply to the disability board for a determination that the disability has ceased. If the disability board agrees that the member's disability has ceased, the director of the Department of Retirement Systems will review the case. If the disability board decides that the disability has not ceased the member may appeal to the director of the Department of Retirement Systems who may affirm or remand the case.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	48	0

EFFECTIVE: July 28, 1985

SHB 660

C 333 L 85

By Committee on Transportation (originally sponsored by Representatives Gallagher, Schmidt, Haugen, Holland, S. Wilson and J. Williams; by Washington State Patrol, Utilities and Transportation Commission request)

Authorizing the state patrol and the utilities and transportation commission to establish standards for private carriers.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Both the Utilities and Transportation Commission (UTC) and the Washington State Patrol (WSP) have adopted the federal motor carrier hazardous material (HM) regulations. Included in these regulations are hours of service and driver qualification standards. The Patrol may issue a citation to any hazardous materials carrier in violation of the hours of service or driver qualification standards.

By statute, the UTC's authority is limited to HM common and contract carriers.

These same driver qualification and hours of service standards have been adopted by the Commission for all common and contract carriers hauling nonhazardous materials. The State Patrol has not adopted these standards for private carriers of nonhazardous materials because the statutory authority of the Patrol to do so is unclear.

Although the Patrol may assist the UTC in enforcement of common/contract carrier regulation, neither agency has hours or qualification enforcement powers over private nonhazardous materials carriers. Currently only the federal Bureau of Motor Carrier Safety has this authority in Washington State and only over interstate carriers. (The Bureau has three inspectors assigned to the state.)

Unless the enforcement authority of the state is clarified to extend driver and hours regulation to private nonhazardous materials carriers, the state will lose a federal-aid safety enforcement grant.

The federal Motor Carrier Safety Assistance Program provides commercial motor carrier safety enforcement grants to qualifying states. The five-year program is subject to annual grant renewal.

In October 1983 the State Patrol was designated as the lead agency to administer the enforcement plan; the Commission was to assist in the program. In February 1984 the Federal Highway Administration (FHWA) indicated that since neither the Patrol nor any other state agency had complete enforcement authority over nonhazardous materials private carriers, the state did not technically meet all the grant requirements. However, FHWA continued to process the grant because UTC departmental request legislation had been introduced to extend safety enforcement to private carriers. That legislation was not enacted.

In May 1984 an agreement was reached between the WSP, FHWA and the Governor's office. FHWA indicated that a letter from the Governor explaining the strategy that would be taken during the 1985 Session would be sufficient commitment to release the initial FY 84 grant allocation. If legislation is not enacted, the FY 85 funds will be withdrawn. The FY 85 grant is a minimum of \$277,000.

SUMMARY:

The State Patrol is authorized to adopt driver qualifications and hours of service standards for

SHB 660

private carriers. The rules are to conform with the federal regulations so far as reasonable. At least 30 days prior to the filing of the notice of proposed rules, the WSP will submit the proposals for Legislative Transportation Committee review.

The rule making authority of the Washington State Patrol for private carrier hours of service and driver qualification standards is contingent upon continued receipt of federal safety enforcement funds. If the federal funds are withdrawn, the State Patrol and Utilities and Transportation Commission must repeal any adopted private carrier hours and qualification WAC rules within 90 days.

VOTES ON FINAL PASSAGE:

House	94	4	
Senate	30	18	(Senate amended)
House			(House refused to concur)
Senate			(Senate receded)
House	95	1	

EFFECTIVE: July 28, 1985

HB 670

C 107 L 85

By Representatives Basich and Hargrove

Changing salmon troll license provisions.

House Committee on Natural Resources

Senate Committee on Natural Resources

BACKGROUND:

Salmon trollers and salmon gillnetters receive permits from the Department of Fisheries to fish within specified districts. The law specifies that gillnetters must obtain a separate license for each district. It is not clear if a separate salmon troll license must be purchased for each district.

Problems have arisen between trollers and fisheries patrol officers regarding the intent of the law.

SUMMARY:

It is clarified that a single salmon troll license applies to all fishing districts.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	48	0

EFFECTIVE: July 28, 1985

HB 675

C 139 L 85

By Representatives Niemi, Barrett, Dellwo, Crane, Lewis, Appelwick, Tilly, Armstrong, Padden, Schmidt, Scott, Wang and Long

Including stepchildren as potential plaintiffs in wrongful death action.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

Wrongful death and survival statutes provide remedies for certain relatives of deceased persons whose deaths were caused by the wrongful conduct of another.

The beneficiaries under the wrongful death and survival statutes include the natural or adopted children of the deceased, but not stepchildren.

SUMMARY:

Stepchildren of deceased persons are included within the class of persons entitled to recover under the wrongful death and survival statutes.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	45	0

EFFECTIVE: July 28, 1985

SHB 717

C 206 L 85

By Committee on Energy & Utilities (originally sponsored by Representatives Todd, Isaacson, D. Nelson, Schmidt, Unsoeld, Long, Van Luven, Cole, Crane, Brough, Allen, Thomas and Wineberry)

Imposing requirements for approval of optional local measured service telephone rates.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Local measured service (LMS) is a method for billing local telephone service based on use. Under LMS, customers are charged a flat fee for access to the telephone network and a use fee for each call. LMS schemes usually base the use fee on one or more of the following elements: frequency of calls, duration of calls, time of day and distance of calls. In November, 1983, Pacific Northwest Bell filed a tariff requesting mandatory measured service for business customers. During the 1984 session, the Legislature placed a moratorium on mandatory measured service and directed the Washington Utilities and Transportation Commission to study the effects and cost-effectiveness of measured service pricing. PNB has withdrawn its mandatory measured business service plan but has recently filed a telephone lifeline plan and a funding mechanism which includes elements of mandatory measured telephone service.

SUMMARY:

The Utilities and Transportation Commission shall not approve or accept for filing any request for customer billing based on mandatory local measure service prior to June 1, 1987. This prohibition does not apply to mobile or pay telephone service.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	40	0

EFFECTIVE: July 28, 1985

HB 718

C 395 L 85

By Representatives Todd, Barnes, Crane, Allen, Vekich, Nutley and Winsley

Clarifying taxation and assessments provisions pertaining to mobile homes.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

One requirement for getting a permit to move a mobile home is the payment of all property taxes due from prior years. This requirements does not include payment of all taxes which may be due during the current year.

If they are permanently affixed to the land, mobile homes are treated as real property for tax collection purposes. Parcels of land may be separated for the purpose of paying property taxes unless the taxes are delinquent. Thus, a mobile home that is permanently affixed to the land may not be separated for the payment of delinquent taxes.

There is no exemption from the usury statutes for FHA insured sales of mobile homes.

The treatment of mobile homes held in inventory be dealers is not clear. Current practice is to treat these homes as inventory but when they are affixed permanently, they are treated as real property and, therefore, taxable.

The assessment records for mobile homes are not uniform among all counties.

SUMMARY:

The requirements for getting a permit to move a mobile home are expanded to include payment of all taxes due during the present calendar year, as well as payment of any delinquent taxes.

Two changes are made with respect to payment and collection of property taxes for mobile homes that are permanently affixed to the land. First, an exception is provided to the general rule that mobile homes affixed to the land are treated as real property. If the mobile home is affixed to land that is leased by the owner of the home, then the home is treated as personal property for tax collection purposes. Second, an exception is provided to the general rule that affixed mobile homes may not be separated from the land for purposes of paying property taxes. The holder of a lien against an affixed mobile home may so separate the home from the land to which the home is attached. This separation is possible for purposes of paying any property taxes due on the home, including delinquent taxes and penalties.

Sales of mobile homes are exempt from usury limits when those sales are insured by a federal agency.

HB 718

A property tax exemption for mobile homes held in inventory is provided as long as such homes are not permanently affixed. The exemption does not apply to past due taxes.

The assessment record for mobile homes must include the make, model, and serial number. The property tax roll must identify any mobile home.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	45	0
House	76	0

EFFECTIVE: July 28, 1985

HB 720

C 140 L 85

By Representatives Walk and Schmidt

Establishing the highway construction stabilization account.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Motor vehicle fuel tax, registrations, permits, fees and miscellaneous revenues are the principal sources of taxes and fees available for appropriation from the Motor Vehicle Fund. To the extent that actual revenues collected exceed the actual expenditures, a cash balance accrues to the Motor Vehicle Fund.

SUMMARY:

The Highway Construction Stabilization Account is established in the Motor Vehicle Fund. At the conclusion of each biennium, the State Treasurer shall transfer the unexpended cash balance to the Highway Construction Stabilization Account. Monies in this Account may be spent only for the following purposes:

1) When actual revenue collected falls below that which was assumed in the legislative appropriation;

2) When economically justified, the Department of Transportation may use cash in this Account in lieu of authorized bond proceeds; and,

3) When necessary to meet temporary seasonal cash requirements.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	0

EFFECTIVE: July 1, 1985

HB 723FULL VETO

By Representatives Armstrong and D. Nelson

Modifying provisions relating to B & O tax on persons disposing of radioactive waste.

House Committee on Energy & Utilities

Senate Committee on Ways & Means

BACKGROUND:

The state levies a business and occupation tax of thirty-three percent on the business involved in disposing of low level radioactive waste in this state. The federal Nuclear Waste Policy Act of 1982 directs the U. S. Department of Energy to grant to each state each year the amount which a state would receive if it were authorized to tax certain federal activities relating to nuclear waste. There is no law which attempts to tax high level nuclear waste activities.

SUMMARY:

The thirty-three per cent tax on low level radioactive waste activities is extended to all activities undertaken to select, construct, operate, or monitor a radio-active waste disposal site. This includes federal activity under the Nuclear Waste Policy Act of 1982.

VOTES ON FINAL PASSAGE:

House	97	1	
Senate	33	14	(Senate amended)
House	95	1	(House concurred)

FULL VETO: (See VETO MESSAGE)

SHB 731

C 113 L 85

By Committee on Agriculture (originally sponsored by Representatives Madsen and R. King)

Requiring the department of agriculture to design a marketing plan for Washington-bred horses.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

State law requires the Director of Agriculture to promote the economical and efficient distribution of farm products. To accomplish this task, the Director may conduct a variety of activities including maintaining a market news service and investigating transportation methods and rates. State law also assigns the Director and the Department of Agriculture various authorities for providing administrative support to the commodity commissions and boards created by marketing orders and agreements.

SUMMARY:

The Department of Agriculture will examine various means by which the state may promote and assist in the marketing of Washington-bred horses. For each of the means with the greatest potential for providing such assistance, the Department will design a marketing plan, and estimate its costs and effectiveness. The Department will report its findings to the Legislature by December 1, 1985.

VOTES ON FINAL PASSAGE:

House	97	1
Senate	46	0

EFFECTIVE: July 28, 1985

2SHB 738

PARTIAL VETO

C 229 L 85

By Committee on Ways & Means (originally sponsored by Representatives Vekich, J. King, McMullen, Tanner, Ebersole and Sayan)

Establishing a community revitalization team.

House Committee on Trade & Economic Development

House Committee on Ways & Means

Senate Committee on Commerce & Labor

Senate Committee on Ways & Means

BACKGROUND:

Unemployment rates are uneven across the state. Certain counties have high unemployment rates due to loss of business activity in traditional industries. Areas within large cities also have high unemployment rates. Many state agencies provide programs to assist the unemployed and to encourage economic development.

SUMMARY:

A community revitalization team is established to coordinate and provide comprehensive technical and business assistance to distressed areas. The team will be a joint effort of the Department of Community Development, the Employment Security Department, the Commission for Vocational Education and the Department of Commerce and Economic Development. The Department of Community Development will manage the team.

The team will have responsibilities to identify problems and examine the economic base of a community; provide technical assistance on a business retention effort; convene meetings of local citizens, workers and business leaders; conduct meetings to determine short and long-term steps to revitalize the community; and to utilize funds to assist in the analysis of business retention and expansion efforts.

The team's response will be triggered by a request by community leaders to the director. The team will assist in the development of an action plan with community leaders as to the best strategies for community revitalization.

An agency administering any funds set aside for use in a distressed area is to give preference to projects initiated by the team and is to ensure that the funds are reasonably available throughout the biennium.

If specific funding for this act is not provided in the omnibus appropriations act for fiscal year beginning July 1, 1985, this act is void.

VOTES ON FINAL PASSAGE:

House 67 29
Senate 43 2

EFFECTIVE: July 1, 1985

PARTIAL VETO SUMMARY:

The section containing "null and void" language was stricken. The section would have prevented enactment of the legislation had funding not been provided in the appropriations act for the 1985-87 biennium. (See VETO MESSAGE)

SHB 746

C 108 L 85

By Committee on Judiciary (originally sponsored by Representatives Schmidt, Zellinsky, Crane, West, Scott and J. Williams)

Revising the requirement to provide health insurance coverage in child support cases.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

In entering or modifying a child support order, the court must require a parent obligated to pay support to exercise an option to extend health insurance to a dependent child if the following three conditions exist:

- (1) Health insurance which can be extended to cover the child is available to the obligated parent through an employer or other organization;
- (2) The employer or organization will contribute all or part of the premium; and

- (3) The parent who has custody of the child does not have health insurance covering the child available through an employer or other organization at no cost or reduced cost.

SUMMARY:

In entering or modifying a child support order, the court will require either parent or both parents to maintain health insurance coverage for a child if health insurance coverage is available through an employer or other organization which will contribute all or part of the premium for coverage of the child. The inclusion of such health insurance coverage in a support order does not limit a court's authority to enter or modify orders for other medical related costs or expenses.

VOTES ON FINAL PASSAGE:

House 96 0
Senate 48 0

EFFECTIVE: July 28, 1985

HB 758

PARTIAL VETO

C 427 L 85

By Representatives Locke, Miller, Armstrong, Nealey, Jacobsen, Patrick, Gallagher, Barnes, Unsoeld, D. Nelson, Isaacson, Todd, Van Luven, Madsen, Addison and Wineberry

Imposing civil liability for the theft of utility services.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

As utility rates increase so do the temptations to steal utility services. Most utility rates have increased in recent years. It is a crime in Washington State to steal utility services and a utility may disconnect service without notice to a customer if service is fraudulently obtained. Some utilities, however, believe additional laws are necessary to deter theft of utility services and to collect damages where theft occurs.

SUMMARY:

A utility customer is presumed to be liable for costs and damages incurred by a utility if there exists evidence of meter tampering or use of a device which is designed to avoid payment in full for utility services. Utilities may recover treble damages plus costs and attorney's fees in any civil action brought under this law.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	30	17

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The rebuttable presumption of illegal action by a customer is deleted. (See VETO MESSAGE)

SHB 760**PARTIAL VETO**

C 230 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Sayan, McMullen, Tanner, Gallagher, Ebersole, Lux, B. Williams, Jacobsen, P. King, Wineberry and Unsoeld)

Establishing the youth conservation corps.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

The Washington Conservation Corps and Service Corps was created by the Legislature in 1983. The legislation created two autonomous programs with the conservation corps being implemented through six resource conservation agencies.

SUMMARY:

The Employment Security Department is designated to select and approve the projects of the Conservation and Service Corps. The Washington Conservation Corps Coordinating Council is to provide assistance to the Department to develop and recommend projects.

Total administrative costs for the program is limited to 15 percent. However, the agency may spend up to 30 percent for combined administrative and program support activities. An alternative cost lid is that costs may not exceed the average cost of \$7,000 per enrollee. Sixty percent of the funds are to be used in distressed areas or for youth from distressed areas.

The Department of Employment Security is to evaluate projects on the basis of cost per enrollee, public benefit of the proposed project, opportunity for placement, degree of public and private support and coordination of projects with other agencies. A training plan is to be developed for each enrollee. Preference is to be given to 18 to 23 year olds.

Compensation received by enrollees of the service corps is to be considered a training and subsistence allowance. The period of employment by an enrollee can be extended for a period of six months.

VOTES ON FINAL PASSAGE:

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

EFFECTIVE: May 10, 1985

PARTIAL VETO MESSAGE:

A section duplicating the statute relating to the effective date was stricken. (See VETO MESSAGE)

SHB 767

C 455 L 85

By Committee on Judiciary (originally sponsored by Representatives P. King, Padden, Appelwick, Lewis, Dellwo, West, Schmidt, Crane, Wang, G. Nelson, Niemi and Day)

Revising laws on criminal profiteering.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

In 1984, the legislature enacted the state "anti-racketeering" law. This law is scheduled to take effect July 1, 1985. The law creates several new

crimes and provides a variety of civil and criminal penalties and remedies.

"Racketeering" includes the commission, or attempted commission, for financial gain of any one of a number of crimes. Among the existing state crimes which may constitute racketeering are most violent felonies and felonies relating to gambling, drugs, pornography, prostitution, and securities fraud. New felonies created by the law that may also constitute racketeering include the extortionate extension of credit, advancing money or property for use in an extortionate credit extension, using extortionate means to collect an extension of credit, trafficking in stolen property and leading organized crime. The felonies of influencing the outcome of a sporting event and of using the proceeds of a pattern of racketeering are also created.

Generally a single commission of any one of the identified crimes constituting racketeering is sufficient to invoke all the criminal and civil penalties and remedies of the law. The crime of using the proceeds of a "pattern of racketeering" requires at least two predicate acts of racketeering.

If a person is charged with racketeering or using proceeds obtained through racketeering activity, the court may issue orders to prevent, restrain, or remedy the unlawful acts during the pendency of the criminal trial. If a person is convicted of racketeering or using racketeering proceeds, the court may also order the dissolution or reorganization of the defendant's economic enterprise, or the divestiture of any person's interest in an enterprise. The court may order the defendant to pay costs and expenses associated with the prosecution and investigation of racketeering offenses. The court may also order property or funds forfeited to an anti-racketeering fund in the general fund of the state or county.

A person injured by racketeering activity may file a civil action for treble damages and attorneys' fees. A civil penalty of up to \$250,000 may be imposed as well. In addition, the state may file an action on behalf of injured persons and ask the court to prevent, restrain, or remedy the acts causing the injury. The state, upon filing a civil action, may also file a racketeering lien on property. Except in cases filed by a county prosecuting attorney, the Attorney General may, if the action is of special public importance, intervene in any civil action or proceeding and assist in prosecuting any available claim.

An attorney general or county prosecuting attorney requesting the records of a financial institution must serve a subpoena issued by a court or obtain a court order for the information. Disclosure of the records of a financial institution by law enforcement officers, or by the custodian or employee of the financial institution, except in the proper discharge of official duties, is a misdemeanor.

SUMMARY:

Various changes are made throughout the anti-racketeering law. The changes affect the substantive content of many racketeering offenses. They also affect the criminal and civil penalties and remedies available in racketeering lawsuits.

The term "racketeering" is replaced with "criminal profiteering." Several changes are made in the list of crimes constituting "profiteering." Statutory citations are given for each crime. Crimes that are not felonies in Washington are removed. First and second degree assault and the new crime of collection of an unlawful debt (see below) are added to the list.

A "pattern" of profiteering is generally required before any of the special criminal or civil remedies or procedures apply. At least three predicate acts are required. All of the acts must have occurred within five years of each other. All acts in the "pattern" must have the same or similar intent, results, accomplices, principals, victims or methods of commission. In a civil profiteering action by a private plaintiff against a defendant alleged to have engaged in securities fraud, the plaintiff must show the defendant has previously been convicted of criminal securities fraud.

The new crime of collection of an unlawful debt is created. An unlawful debt is defined as one that is legally unenforceable because it was incurred in violation of state horse racing laws or state or federal gambling laws, or because it was incurred in a usurious loan with an interest rate at least twice the legal limit. The crime is a class C felony.

Changes are made regarding crimes relating to the extortionate extension of credit. Evidence about the "reputation" of the defendant may no longer be used to make a prima facie case of extortionate practices. The state of mind requirement for a defendant charged with advancing money for use in an extortionate extension of credit is raised. The defendant must be shown to have "known" of the intended use of the money.

rather than just have had "reasonable grounds to believe" its intended use was extortionate.

Three changes are made with respect to the crime of "leading organized crime." First, the minimum number of persons in the organization that the defendant is alleged to have led is increased from two to three. Second, the state of mind requirement of one of the ways of committing the crime is increased. Specific intent, rather than mere knowledge, must be proved to convict a defendant of "inciting" organized crime. Finally, "leading" organized crime is increased from a class B to a class A felony. The category of the crime involving "inciting" remains a class B felony.

A provision is added to the anti-profiteering law that restricts the state's ability to bring additional or subsequent criminal profiteering charges. In a criminal prosecution involving "leading organized crime" or "using the proceedings of organized crime," the state may not include charges that are not a part of the alleged pattern of criminal profiteering. Also, if a defendant has been tried for "leading" or "using," the state may not subsequently charge the defendant with any crime that was part of the alleged pattern.

The applicability of pre and post conviction restraints on a criminal defendant's activities is narrowed. Pre-conviction restraining orders and performance bonds are available only in cases of leading organized crime and using the proceeds of organized crime. Post conviction orders of restraint, forfeiture, divestiture, and dissolution and awards of treble damages and costs are also limited to cases involving those crimes.

Numerous changes are made with respect to special civil and criminal remedies and procedures. As noted above, a pattern of profiteering is required before the special remedies of the law apply. In civil cases, "up to" treble damages may be awarded. Notwithstanding anti-profiteering liens or court orders that may have frozen the assets, a defendant may be allowed to sell or transfer assets to pay the costs of his or her defense. However, counsel for the state must be given notice of which assets are to be transferred or sold. The assets may not be transferred or sold if they may ultimately be subject to forfeiture. In a

profiteering action, the attorney general or prosecuting attorney may, as soon as the suit is filed, seek attachment, receivership or injunctive relief regarding property of the defendant. Any order granting attachment, receivership or injunctive relief must protect the bona fide interests of innocent parties in property affected by the order. Any forfeitures of property that are eventually ordered must be applied first to restitution. Any property that is to be forfeited must have had some "significant" connection with the profiteering offense committed. The statute of limitation in civil cases is reduced from seven years to three years.

In a profiteering action brought to recover damages, either party may demand a jury trial.

Several changes are made regarding profiteering liens. The liens are made available to the state in criminal as well as civil profiteering cases. A form for notice of lien is provided. Liens on personal property are perfected in the same manner as for security interests on property under the uniform commercial code. Liens on real property are perfected by filing in the same manner as a mortgage. Profiteering liens have priority in the same order as a mortgage or secured interest given for value, except that statutory liens for material and the like, when acquired without knowledge of a profiteering lien, have priority over the profiteering lien. The court must protect bona fide interests of innocent parties in any property of the defendant that is subject to a profiteering lien. The effective date of all lien provisions is delayed until July 1, 1986.

The state anti-racketeering fund is abolished. Profiteering forfeitures to the state go instead into the public safety and education account of the general fund.

The entire anti-profiteering act expires July 1, 1995.

VOTES ON FINAL PASSAGE:

House	92	6	
Senate	45	1	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: July 1, 1985
July 1, 1986 (Sections 13-17).

SHB 781

PARTIAL VETO

C 343 L 85

By Committee on Higher Education (originally sponsored by Representatives Jacobsen, Prince, Niemi, Allen, D. Nelson, Appelwick, J. Williams, Sommers, Tanner, P. King and Wineberry)

Creating a Washington distinguished professorship program.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

The state's public colleges and universities have had a difficult time in recent years in recruiting and retaining outstanding faculty. These institutions have been at a disadvantage with some other educational institutions and private organizations which are able to offer higher salaries and better research facilities to faculty members. The major reason for these problems: a lack of available funds.

One way to attract excellent faculty is through the use of an endowed chair. A trust fund is created, and the interest earned from the fund is used to supplement the salary of the professor holding the chair. Generally these endowed chairs have been funded by private contributions. However, several states have begun providing grants to match private donations supporting endowed chairs.

SUMMARY:

The legislature intends to assist the four year institutions in creating endowments for distinguished scholars who occupy chairs within the institutions.

The Washington distinguished professorship trust fund is created and assigned to the state treasurer.

Institutions may apply for \$250,000 from the trust fund when they can match the state funds with an equal pledged or contributed private donation. Upon an application by an institution, the treasurer shall designate \$250,000 from the trust fund for that institution's pledged professorship. If the pledged \$250,000 is not received within five years, the treasurer shall make the designated funds available for another pledged professorship.

Once the private donation is received, the state contribution will be transferred to the institution's local endowment fund. The institution is responsible for investing the funds, administering the professorship, and reporting biennially to the legislature.

The funds may be used to supplement the salary of the holder of the professorship, salaries for his or her assistants, and to pay expenses associated with the holder's scholarly work.

Contributions toward a professorship must be made specifically to the institution's endowment for the professorship program, and must be donated after July 1, 1985.

The number of professorships any one institution may establish during a biennium is limited to five.

Monies deposited in the trust fund or in the local endowment are not subject to collective bargaining.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	44	3	(Senate amended)
House	91	1	(House concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The governor vetoed a section which required legislative funding of the trust fund by July 1, 1987 or the bill would be null and void. The vetoed section also stipulated that the bill would not take effect until the legislature approved funding for the trust fund. (See VETO MESSAGE)

HB 787

C 191 L 85

By Representatives Tilly, Wang, Betrozoff, Crane, J. Williams and Bond

Exempting avalanche control activities from the state explosive act.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The state explosives act requires explosives to be located a substantial distance from public roads or occupied buildings. To comply with the law, explosives used in avalanche control at ski facilities must be located at remote facilities which may be nearly inaccessible during heavy snowstorms. As a result, avalanche control activities may be extremely difficult to conduct.

SUMMARY:

Avalanche control procedures conducted by trained and licensed ski area personnel are exempted from the state explosives act. In conducting such procedures, however, ski area personnel must comply with regulations adopted by the department of labor and industries.

VOTES ON FINAL PASSAGE:

House 98 0
Senate 46 0

EFFECTIVE: July 28, 1985

SHB 799

C 344 L 85

By Committee on Education (originally sponsored by Representatives Scott, Ballard, K. Wilson, Cole, P. King, Ebersole, Long, Haugen, R. King, Todd and Isaacson)

Encouraging school districts to provide community service programs on parenting and the problems of child abuse.

House Committee on Education

Senate Committee on Education

BACKGROUND:

School districts are authorized to establish community education programs to provide educational, cultural, recreational and other services to all citizens in the community. The Superintendent of Public Instruction may adopt rules governing the cooperation between the schools, colleges and universities, and other governmental agencies in establishing community education programs.

SUMMARY:

Community education programs should promote parenting skills and promote awareness of child abuse and methods to avoid child abuse.

VOTES ON FINAL PASSAGE:

House 98 0
Senate 31 16 (Senate amended)
House (House refused to concur in part)
Senate 38 8 (Senate receded in part)
House 95 0 (House concurred)

EFFECTIVE: July 28, 1985

SHB 802

C 125 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Scott, Silver, McMullen, Lundquist, Appelwick, Schmidt, Wineberry and May)

Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

Questions have been raised as to the powers of port districts to conduct economic development programs and to contract with nonprofit economic development organizations.

SUMMARY:

It is a public purpose for all port districts to engage in economic development programs and to contract with nonprofit corporations for economic development purposes.

VOTES ON FINAL PASSAGE:

House 97 1
Senate 36 2 (Senate amended)
House 95 1 (House concurred)

EFFECTIVE: July 28, 1985

SHB 804

SHB 804

C 345 L 85

By Committee on Environmental Affairs (originally sponsored by Representatives Scott, Allen, Rust, S. Wilson, Lux, Unsoeld and Haugen)

Establishing a program to recycle auto and truck tires.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

Senate Committee on Ways & Means

BACKGROUND:

Tires are managed as solid waste in this state and are generally disposed in landfills. Tires are an undesirable waste for landfills, however, and many landfills now charge a special fee for tire disposal.

Many tires are also stacked above ground on private property. These tires are often saved in anticipation of an economic use for used tires.

SUMMARY:

No person may dispose or discard automobile or truck tires without authorization. Any person violating this provision is subject to a civil penalty of \$200 to \$2,000.

All sales of new replacement automobile or truck tires are subject to an annual assessment of .12 of one percent of the gross proceeds. These assessments will be placed in a designated account for 1) funding for the removal of tires in unauthorized sites, and 2) other methods to encourage proper management of tires.

The Department of Ecology is directed to develop a state-wide public awareness program for tire recycling, and to coordinate their efforts with private industry.

A new tax is imposed on the sale of tires at the rate of .12 on one percent of the gross receipts.

VOTES ON FINAL PASSAGE:

House	86	11	
Senate	29	17	(Senate amended)
House			(House refused to concur)
Senate	31	16	(Senate amended)
House	84	13	(House concurred)

SHB 805

C 419 L 85

By Committee on Education (originally sponsored by Representatives Scott, K. Wilson, Cole, P. King, Ebersole, Long, Haugen, Winsley, Tanner, G. Nelson and Todd)

Requiring training in recognizing potential victims of child abuse.

House Committee on Education

Senate Committee on Judiciary

BACKGROUND:

The State Board of Education has responsibility for approving college and university programs for professional educators, including persons aspiring to be teachers. The legislature has established broad areas of curriculum which must be taught by public and approved private schools.

SUMMARY:

The State Board of Education is encouraged to make instruction of child abuse issues a part of its standards for approval of college and university programs of professional education. The Superintendent of Public Instruction, the educational service districts, and local school districts are encouraged to develop in-service programs for school personnel on the problems of child abuse.

Private and public schools are directed to include materials relating to the prevention of child abuse in their curriculum. These provisions relating to school curriculum are effective only if specific funding is provided by July 1, 1985. If funds are not provided, the Superintendent of Public Instruction is directed to report to the legislature on the number of teachers who have training in child abuse issues.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	41	4	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	41	3
House	97	0

EFFECTIVE: July 28, 1985

HB 808

C 220 L 85

By Representatives Appelwick, Rust and Sommers

Providing for the property tax valuation of destroyed property which is replaced.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Current statutes create a potential for excess property taxation when destroyed property is replaced. Statutes provide a deduction for destroyed property based on the length of time during the assessment year that the property is destroyed. Thus, if the destruction takes place at the end of March, the reduction in value would be pro-rated for the year by 3/4ths.

The conflict arises when the property is replaced during the same year and is placed on the rolls in accordance with the provisions for new construction. Such property could then be paying tax on a value for new construction as well as a value of destroyed property for the same time period.

SUMMARY:

The property valuation of destroyed property which is replaced can not exceed its value as of the valuation date, July 31 (April 30th for mobile homes). Thus, the value of the property at a particular point during the year is established as the market value for the year. This would eliminate the possibility of double taxation.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	37	0	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: May 7, 1985

SHB 814

C 417 L 85

By Select Committee on the Clean-up and Management of Puget Sound (originally sponsored by Representatives Unsoeld, Rust, Miller, Jacobsen, Holland, G. Nelson and Barnes)

Requiring the department of ecology to review Puget Sound wastewater standards.

House Committee on the Clean-up and Management of Puget Sound (Select)

Senate Committee on Parks & Ecology

Senate Committee on Ways & Means

BACKGROUND:

The law does not encourage or expressly authorize counties to establish special protections for shellfish growing areas. Due to pollution, the state has prohibited commercial harvesting in several important shellfish growing areas, and other remaining areas used for commercial harvesting are threatened. Pollution of shellfish growing areas also presents health risks to the many citizens engaged in the recreational harvesting of shellfish. In many cases, pollution has destroyed or lessened the market value of private property interests in shellfish tidelands. The owners of these interests have not been compensated.

SUMMARY:

Counties are given the authority to create shellfish protection districts. Each district will adopt a shellfish protection program to deal with pollution threats to shellfish.

Whenever a public entity proposes an action that could conflict with the long-term protection of shellfish growing areas, the public entity must specifically consider the long-term use of the area for shellfish growing and harvesting. This decision-making process must conform with the State Environmental Policy Act (SEPA) and local ordinances.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	44	4	(Senate amended)
House	97	0	(House concurred)

SHB 814

EFFECTIVE: July 28, 1985

SHB 815

C 249 L 85

By Select Committee on the Clean-up and Management of Puget Sound (originally sponsored by Representatives Unsoeld, Jacobsen and G. Nelson)

Revising provisions relating to sewage treatment facilities.

House Committee on the Clean-up & Management of Puget Sound (Select)

Senate Committee on Parks & Ecology

Senate Committee on Ways & Means

BACKGROUND:

Current law requires that all known, available and reasonable methods of treatment be provided to wastes before they are discharged into the waters of the state. There are currently two types of industrial discharge of wastes into Puget Sound. The first type is discharge into a wastewater system. A State Discharge Permit is required for this and is obtained through the Department of Ecology. All discharges are required to meet the state's pretreatment requirements prior to discharge. The second type is discharge of wastes directly into receiving waters. There are treatment requirements for these wastes prior to discharge. This type of discharge requires a National Pollution Discharge Elimination System (NPDES) permit from the Department of Ecology. The Department of Ecology does not currently collect fees for the issuance of these permits.

In several cities around Puget Sound, storm water and wastewater are transported in combined sewer systems. Combined sewer overflows (CSO's) occur when storm drainage exceeds the capacity of the collection system. This event causes an untreated mixture of wastewater and storm water to be discharged, which includes raw sewage as well as toxic substances.

SUMMARY:

The Department of Ecology, in cooperation with the Puget Sound Water Quality Authority, is

directed to review all existing standards for treatment of industrial wastewater that is ultimately discharged into Puget Sound.

The department will provide the legislature with a progress report by January 1, 1986. The report will inform the legislature if the standards need to be revised in order to reflect all known, available and reasonable methods of treatment. Final conclusions will be presented to the legislature by January 1, 1987.

The Department of Ecology is directed to work with local governments to develop plans and compliance schedules for the greatest reasonable reduction of combined sewer overflows. The plans and compliance schedules will be completed by January 1, 1988. By September 1, 1987, the Department of Ecology will report to the legislature any statutory changes necessary to implement the plans. The report will also include an evaluation of the need for state funding.

The Department of Ecology must charge an administrative fee for the issuance of NPDES permits.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	46	3	(Senate amended)
House	92	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 830

C 85 L 85

By Representatives Kremen, Braddock, McMullen, Haugen, Tanner, Day and Sayan

Facilitating the siting and expansion of business.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

The Department of Community Development has a variety of responsibilities relating to local government regulations and planning. The department provides technical assistance to local governments.

SUMMARY:

The department is to assist local governments in facilitating the siting of businesses in the state. The department is to:

- (1) Develop policy guidelines and administrative procedures and practices that may be used by local governments to facilitate the siting and expansion of businesses;
- (2) Develop model local government ordinances which facilitate the siting and expansion of businesses; and
- (3) Provide, when requested, assistance to local governments in implementing the department's proposals which assist businesses.

The department is to develop proposals and present the report to the Legislature by January 1, 1986.

There is an emergency clause in the bill.

VOTES ON FINAL PASSAGE:

House	80	17
Senate	46	0

EFFECTIVE: April 18, 1985

SHB 831

C 130 L 85

By Committee on Local Government (originally sponsored by Representatives Kremen, Isaacson, Smitherman, Crane, McMullen, Brekke, Allen, Lutz Wineberry and Ebersole)

Publicizing local government bond information.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

At present no central repository exists for information on bonds issued by local governments.

SUMMARY:

Each local government that issues bonds has to provide a report to the department of community development containing information on the par value of the bond issue, the effective interest rate, a schedule of maturities, the purposes of the bond

issue and the types of bonds issued. If the state's fiscal agency is used as the bond registrar for this local government, the fiscal agency must provide the information.

Information on industrial revenue bonds need not be reported.

The department of community development by rule and regulation may require additional information to be supplied, such as a summary of outstanding bonds.

Failure to report the information will not invalidate the bond issue.

The department of community development must retain this information and shall publish summaries of this information at least once a year.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 832

C 274 L 85

By Representatives Kremen, Smitherman, Tilly, Barrett, McMullen and Zellinsky

Authorizing the acceptance of gifts by the world fair commission.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

In 1983 the legislature created the World Fair Commission to plan state participation in Expo '86 in Vancouver, B.C. The Commission lacks the express authority to receive and spend gifts, grants and endowments from public and private sources.

SUMMARY:

The World Fair Commission is allowed to receive and spend gifts, grants and endowments from public and private sources.

HB 832

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	48	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	48	0
House	97	0

EFFECTIVE: May 13, 1985

SHB 837

C 122 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Hargrove, Dobbs, Fisch, Lundquist, Haugen, L. Smith, Tanner, Appelwick, Bristow, Niemi, Fuhrman, Braddock, Schoon, S. Wilson, Basich, P. King, Ballard, Isaacson and May)

Establishing the center for international trade in forest products.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

In 1984, the legislature created the provisional center in international trade in forest products at the University of Washington. The law requires the center to complete a detailed report on various international trade subjects and on whether the center should have permanent status. The legislature appropriated \$48,500 for fiscal year 1985 and provided an expiration date of June 30, 1985.

SUMMARY:

The center for international trade in forest products at the University of Washington is provided permanent status. The center will operate under the authority of the board of regents of the University of Washington.

The center is to coordinate the University of Washington's college of forest resources; faculty and staff expertise to assist in: research and analysis for developing policies and strategies which will expand forest-based international

trade, including trade in manufactured forest products; the development of technology for manufactured products that will meet the evolving needs of international customers; and the coordination, development, and dissemination of market and technical information relevant to international trade in forest products.

The center is to maintain a computer based world-wide forest products production and trade data base system and coordinate this system with state, federal and private sector efforts to insure a cost-effective information resource; monitor international forest products markets and assess the status of the state's forest products industry, including the increased exports of Washington-produced products; develop cooperative linkages with other agencies having a similar purpose; and establish advisory or technical committees as necessary to develop policies and program priorities consistent with international trade opportunities.

The center is to be administered by a director appointed by the dean of the college of forest resources of the University of Washington. The director must be a member of the professional staff of that college. The center is required to establish a schedule of fees for actual services rendered. It is directed to solicit financial contributions and support from the forest products industry, federal and state agencies, and other granting sources. On December 1 of each year, the center is to report to the governor and the legislature on its success in obtaining funding from non-state sources. It may use separately appropriated funds of the University of Washington for its activities.

The center sunsets on June 30, 1990.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	45	0

EFFECTIVE: July 28, 1985

SHB 839

C 126 L 85

By Select Committee on the Clean-up and Management of Puget Sound (originally sponsored by Representatives Cole, G. Nelson, Rust and Wang)

Requiring comprehensive land use plans to consider and provide corrective action against discharges into waters entering Puget Sound.

House Committee on the Clean-up & Management of Puget Sound (Select)

Senate Committee on Parks & Ecology

BACKGROUND:

Counties and cities have the option of preparing comprehensive plans. These plans are intended to provide policies and goals for long range local development. The zoning ordinance provides the interpretation and methods of implementing the comprehensive plan.

SUMMARY:

Cities and counties must review drainage, flooding and stormwater run-off in their comprehensive plans, and must also provide guidance for actions to mitigate any pollution to Puget Sound from these discharges.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	43	1

EFFECTIVE: July 28, 1985

SHB 843

PARTIAL VETO

C 415 L 85

By Committee on Agriculture (originally sponsored by Representatives Bristow, Nealey, Fuhrman and Bond)

Modifying provisions relating to livestock.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

Disease control: A person who violates certain aspects of a quarantine for diseased animals established by the Department of Agriculture under state law is guilty of a misdemeanor. When the public welfare demands it, the Director of the Department may order that an animal affected

with disease be destroyed. Although the Director may condemn for slaughter animals infected with highly contagious or communicable diseases under the Department's general authorities, that general authority does not apply to animals infected with tuberculosis or brucellosis. The Director is authorized to pay an indemnity for animals ordered slaughtered or destroyed when the Director acts under a cooperative agreement with a federal agency providing matching funds for such a purpose.

A separate chapter of law establishes requirements for testing for and controlling brucellosis and tuberculosis in bovines. Owners of animals found to be infected with either disease may choose quarantine or slaughter with state indemnity. The maximum amounts that may be paid as indemnity for such animals are established by law.

Licenses and Records: Custom farm slaughter licenses and licenses for custom meat facilities are required under the custom slaughtering statutes. A person who acts as a custom slaughterer must also be licensed under a separate law, the Washington Meat Inspection Act. Persons who conduct certain transactions or actions involving cattle must keep records, copies of which are kept by such persons and originals sent to the Director.

Fences, Notices and Other Provisions: State law establishes requirements for various kinds of fences which must be satisfied for such fences to be considered as lawful fences. State law also establishes certain requirements for livestock running at large in range areas. The owner of animals in herds on common range with other animals is permitted to remove his or her animals, together with other animals that cannot be conveniently separated, to a corral or other facility for sorting purposes. A person may also restrain animals that have damaged certain lands. If the owners of the animals are unknown, the person holding the animals may publish or post a notice of a suit to recover damages. Any damages, costs and expenses awarded are a lien on the animals and the animals may be sold to satisfy the lien.

SUMMARY:

Disease Control: The violation of a quarantine established for animals is changed from being a misdemeanor to being a gross misdemeanor. The crime applies to an owner of a quarantined animal, or the owner's agent, who fails to comply

with or violates the quarantine or who negligently allows the quarantined animal to escape from quarantine and to any person who removes a quarantined animal from a quarantine. The Director of Agriculture is authorized to direct that animals held under a quarantine for brucellosis be destroyed when the owner fails or refuses to follow a herd plan established by the State Veterinarian. The Director is authorized to adopt rules permitting the Director to enter, at any reasonable time, the premises of a livestock owner to conduct tests otherwise authorized by law for diseased conditions in animals. The authority granted the Director by law to pay an indemnity for an animal ordered to be slaughtered or destroyed to prevent or eradicate a disease is altered. Deleted from law is a requirement that the authority be exercised and the indemnity be paid only if a federal agency matches the payment and a provision limiting the indemnity paid to not more than \$100 less the salvage value accruing to the owner. Minimum indemnity amounts are established for cattle ordered to be slaughtered or destroyed. The authority of the Director to condemn to slaughter any bovine animal with a highly contagious or communicable disease under the Department's general disease control statutes is no longer prohibited from applying to animals infected with tuberculosis or brucellosis.

A chapter of law is repealed that establishes a program for testing bovine animals for tuberculosis and brucellosis on a county by county basis and authorizes owners of infected animals to choose quarantine or the slaughter of such animals with state indemnity. The chapter also establishes maximum sums that may be paid for animals so slaughtered. A requirement of law is repealed which requires health certificates to be secured for all domestic animals exhibited at fairs.

Licenses and Records: Added to the statutes on custom slaughtering are provisions: requiring certain information to be in an application for a license for a custom farm slaughterer; requiring separate licenses for each mobile unit of such an operation; changing the expiration date of such licenses; altering provisions established for licensed custom meat facilities regarding the quantities by which meat products may be sold; requiring the Director to provide for the periodic inspection of the equipment used by persons licensed under those statutes; establishing a \$25 fee for the late renewal of any of the licenses

issued under those statutes; and granting the Director the authority to deny, suspend or revoke such a license on certain grounds. A violation of any provision of the custom slaughtering statutes is changed from being a misdemeanor to being a gross misdemeanor.

Repealed are portions of the Washington Meat Inspection Act, requiring licenses for persons acting as custom slaughterers and establishing grounds for denying, suspending or revoking such licenses.

Added to the grounds for which a public livestock market license may be denied, suspended or revoked is a licensee's attempted payment of a consignor by a check the licensee knows not to be backed by sufficient funds. The Director is authorized to investigate complaints under the public livestock market statutes on the Director's own motion.

The original records that a person must keep for purchasing, selling, trading, holding for sale, bartering, transferring title, slaughtering, handling or transporting cattle shall be kept for a period of three years and shall be furnished to the Director on demand (rather than being forwarded routinely to the Director).

Fencing, Notice and Other Provisions: The definition in statute of a lawful fence is altered as is the notification that must be given by persons who retain the animals of others that have trespassed on fenced, cultivated land or lands in stock restricted areas. The removal of such animals is authorized in certain instances. Restrictions regarding livestock running at large in certain areas are altered and a 24-hour limitation on the amount of time that the livestock of others may be corralled for sorting purposes is established. A provision of law is deleted that establishes certain sums that may be collected from a county's dog license tax fund, by owners of animals which have been killed or injured by dogs, if civil damages cannot be collected.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	44	0	(Senate amended)
House	96	1	(House concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

Vetoed by the Governor is a provision of the bill altering the requirements of law for publishing notices regarding animals that have been retained by persons other than their owners because the animals have caused damages to certain cultivated lands. (See VETO MESSAGE)

SHB 846

C 444 L 85

By Committee on Energy & Utilities (originally sponsored by Representatives D. Nelson, Van Luven, Todd, Miller, Braddock, Long, Appelwick, J. Williams, Sanders and Isaacson)

Authorizing municipalities to develop electric generation capabilities.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Cities, towns, water districts and sewer districts are not expressly authorized to develop water or sewer systems combined with electric generation capability. Water systems in this state generally have a significant hydroelectric potential. This potential is becoming economical to develop. Moreover, the addition of hydroelectric generation equipment to an existing water system would have fewer environmental impacts than generating the same amount of electricity from a new dam. Recent Washington Supreme Court decisions have narrowly construed municipal authority. Therefore, some believe it is necessary to expressly authorize a city or town, water district or sewer district to include hydroelectric equipment in the water or sewer system.

SUMMARY:

Cities, towns, water districts and sewer districts are authorized to build water or sewer systems which include electric generators. Electricity generation must be a byproduct of the water or sewer system. The electricity may be used within the system or sold to another entity authorized by law to distribute electricity. Nothing in this law may be construed to authorize a city, town, water district or

sewer district to condemn electric facilities of others authorized by law to distribute electricity.

When a city or a town that does not own or operate an electric utility system is undertaking a new water supply project combined with an electric generation facility which may produce electricity for sale in excess of present and future needs of the water system, the city or town must submit the proposed project to the voters for ratification prior to the sale of any bonds if the project involves an ownership of greater than 25 percent or if the generating capacity is in excess of five megawatts. Thirty days notice of that election is required.

A project applicant must comply with all existing laws applicable to review of water projects and electric generating projects. The project applicant must also provide the Department of Ecology with an evaluation of the needs for the water development project, the alternative means of serving the purposes of the project, the cumulative effects on the river basins, the impact on flood control plans, and the impact of the sale of the project's electricity on the rates of the Bonneville Power Administration. This information is to be prepared at the applicant's expense. The project applicant also is required to prepare an economic feasibility study which evaluates the cost-effectiveness of the combined facility.

VOTES ON FINAL PASSAGE:

House	94	4	
Senate	39	9	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 848

C 346 L 85

By Committee on Judiciary (originally sponsored by Representatives K. Wilson, Armstrong, Scott, P. King, Lewis, Allen, Leonard, S. Wilson, Tanner, Ebersole, J. Williams and Long)

Requiring the department of corrections to notify certain people of the disposition of inmates convicted of violent offenses.

House Committee on Judiciary

SHB 848

Senate Committee on Judiciary

BACKGROUND:

The law requires 48 hours prior notification to county sheriffs whenever a prisoner is released on furlough. In the case of emergency furloughs, notification need not be made 48 hours in advance but must be made as soon as possible and before the prisoner is released. The notification is from the Department of Corrections (DOC) through the state patrol.

DOC is required to notify the state patrol of the release of any felon from prison on parole or upon the expiration of sentence.

The 1983 budget appropriated funds for a program to notify victims and witnesses of any release of an inmate convicted of a violent offense.

SUMMARY:

If requested, the DOC is required to notify various persons upon the escape, or at least ten days prior to the release or non-emergency furlough, of any prisoner convicted of a violent offense. In the case of release or furlough, those to be notified include the chief of police of the city and the sheriff of the county, if known, where the prisoner will work or live, and victims (or next of kin) and witnesses of the crime for which the prisoner has been convicted. In the case of an escape or emergency furlough, the department is to notify law enforcement officials where the prisoner lived prior to arrest, victims, and witnesses. Within two working days of recapture, those notified of the escape are to be notified of the recapture. Law enforcement officials are not to be held liable for failing to request that notice be given. DOC may not be held liable for failure to give a requested notice unless the failure is the result of gross negligence.

Victims and witnesses may request notification from the department. All requests and subsequent notifications are to be confidential.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	47	0
House	97	0

EFFECTIVE: July 28, 1985

2SHB 849

C 420 L 85

By Committee on Ways & Means (originally sponsored by Representatives Wang, Schoon, Appelwick, Todd, Ebersole, Valle, Haugen, Peery, Rayburn, Long, Tanner, Zellinsky, Brough and Walker)

Providing for teacher evaluation.

House Committee on Education

House Committee on Ways & Means

Senate Committee on Education

BACKGROUND:

The Superintendent of Public Instruction is directed by statute to develop minimum criteria for the evaluation of classroom teachers. Local school districts are also required to establish evaluation criteria and procedures based on the minimum criteria developed by the Superintendent of Public Instruction. The school principal has responsibility to evaluate classroom teachers at least twice each school year for a total of sixty minutes. The evaluation must be written and presented to the teacher. New teachers are to be evaluated within the first ninety days. A teacher whose performance is determined by the district superintendent to be unsatisfactory must be notified by February 1 and has until May 1 to demonstrate improvements. During the probationary period, the evaluator must meet with the teacher at least twice a month. Failure to remedy the deficiencies may be grounds for dismissal.

SUMMARY:

School districts must provide training for evaluators before they may evaluate classroom teachers. A district may provide for a short evaluation procedure for teachers who have had four years of satisfactory evaluations. The short evaluation must consist of either thirty minutes of observation with a written summary or a final written evaluation based on sixty minutes observation. A short form of evaluation cannot be used to adversely affect contract status. A complete evaluation is required every three years. The Superintendent of Public

Instruction is directed to develop and test standards for conducting evaluations. The standards are to be adopted by July 1, 1986. Local districts may exceed the minimum standards. The Superintendent of Public Instruction is also directed to develop or purchase model evaluation programs which are to be tested in local districts. By July 1, 1988, the superintendent is required to select from one to five model evaluation programs which may then be used by local districts.

Local districts may select one of the model evaluation programs developed by the Superintendent of Public Instruction or may adopt an evaluation program through collective bargaining. Local districts may establish procedures which exceed the criteria of the model evaluation program selected. The Superintendent of Public Instruction is directed to give technical assistance to local districts and to report to the Legislature in 1986 on any legislation necessary to implement the act.

The state board is directed to conduct a study of teacher preparation issues and to make a report to the Legislature in the session following the effective date of the act. The report shall include a study of: (1) implementation of a five year teacher preparation program including one year of student teaching; (2) criteria for entrance into and exit from teacher preparation programs, and testing of competency; (3) issues relating to endorsements or certificates; (4) issues relating to subject matter requirements; and (5) continuing education requirements for certificate holders.

A district may require a teacher to take inservice training to improve identified teaching skills.

If funds are not appropriated by July 1, 1987, for those sections of the bill requiring funding, the bill is null and void.

VOTES ON FINAL PASSAGE:

House	97	1	
Senate	40	3	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: July 28, 1985 (Section 6)
Effective if funds are appropriated by July 1, 1987 (Sections 1-5, 7-10)

SHB 850

C 18 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Cole, Appelwick, G. Nelson, Wang, Tilly, Ebersole, O'Brien, Taylor, Betrozoff, D. Nelson and Jacobsen)

Continuing and modifying regulation of landscape architects.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The 1983 laws set sunset dates on regulation of landscape architects. Regulation ceases June 30, 1985 and the relevant chapter is repealed June 30, 1986.

The law provides for a landscape architect board of five members of which two are not landscape architects but are in closely related professions or trades. Certificates of registration must be renewed annually.

Passing grades on examinations are now set in statute.

Penalties available to the director in disciplinary proceedings are suspension, revocation or refusal to renew licenses.

SUMMARY:

Two members of the board are to be members of the public. There would be no provision for board membership to include related professions or trades. There is a conflict of interest provision.

The Board may set the passing grade for examinations.

Terms for certificates of registration are lengthened from one year to three years.

Penalties available to the director of the Department of Licensing include fines up to one thousand dollars.

The sunset provisions are repealed.

An emergency clause provides for an effective date of June 30, 1985.

SHB 850

VOTES ON FINAL PASSAGE:

House	91	7
Senate	40	5

EFFECTIVE: June 30, 1985

HB 853

PARTIAL VETO

C 258 L 85

By Representatives Appelwick, Crane and Jacobsen

Establishing a system of certificates of title for vessels and watercraft.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Since 1983 state law has required that certificates of title be issued upon initial registration of vessels with the state. The purpose of a certificate of title for vessels is to identify the person(s) having a majority financial interest in each vessel. Certificates of title protect the owner, a prospective buyer, and other parties who would accept a vessel's title as collateral in a financial transaction. Because the requirement that vessels be titled is so new and because more than 350,000 vessels exist in this state, it would be virtually impossible to perfect each and every vessel's certificate of title to ensure that each is a secured document, meaning that every lien that exists against a vessel appears on its title.

Vessels that are documented by the U.S. Coast Guard have had their history of ownership thoroughly searched and any liens are properly documented. Also, since the passage of the Uniform Commercial Code (UCC) in 1965, liens on items used as collateral have been required to be registered with the state.

Eventually, unregistered liens against vessels will no longer exist, and all liens will be recorded on the vessel's certificate of title. Until that occurs, it would be desirable to protect the prospective buyer of a vessel by modifying the existing vessel

title requirement to establish two different classes of vessel title: one that acknowledges that unregistered liens may exist against a vessel, and another that represents a vessel that is free of any registered liens.

SUMMARY:

All certificates of title previously issued to vessel owners are designated as class B title certificates. Such certificates are to be considered evidence of ownership but which also indicate that the vessel may be more likely to be subject to other security interests than are vessels having class A titles.

Individuals applying for a class A vessel title are required to attest, under penalty of perjury, that they are sole owners of the vessel unless they indicate the existence of another secured interest. Class A titles also will be issued for all new vessels.

Vessels having a valid marine document (issued by the U.S. Coast Guard) indicating it is a vessel of the United States are exempt from the state title requirement.

Class A and class B title forms are to be readily distinguishable from each other, with the class B title form bearing a statement that the vessel may be subject to other security interests or claims not shown on the certificate of title.

Class A titles are to be issued in all changes of vessel ownership after five years from the effective date of this act. Before that time, any owner, purchaser or secured party of a vessel having a class B title may upgrade that title by producing evidence, including UCC financial statement searches, indicating that there are no outstanding liens or claims against that vessel. The class B certificate must be surrendered before a new class A certificate is issued.

The Department of Licensing is authorized to require inspection of vessels brought into this state from another state and for which no certificate of title has been issued, and for any other vessel if the Department determines that inspection of the vessel may verify the accuracy of the information set forth on the application for a title certificate.

The Department and the state of Washington are immune from lawsuits arising from vessel registration and titling activities in the same manner that is provided for under motor vehicle laws.

VOTES ON FINAL PASSAGE:

House 94 4
Senate 46 0

EFFECTIVE: June 30, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed a section directing the Code Reviser to add the provisions of this bill to Chapter 82.02 RCW, which contains general provisions relating to excise taxes. This veto will enable the Code Reviser to codify these new provisions under Chapter 88.02, which pertains to watercraft registration. (See VETO MESSAGE)

SHB 855

C 164 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Wineberry, McMullen, Niemi, L. Smith, J. King, May, Lux, Schmidt, Smitherman, Dobbs, Vekich, Lundquist, Tanner, Rayburn, Kremen, Day, S. Wilson, Sayan and Wang)

Establishing the Washington state development finance authority.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

The availability of federal funds for economic development is speculated to decline in the next few years due to the federal deficit. Federal funds are flexible in the types of economic development projects for which they can be used. In particular, they can be used for making business loans. Use of state or local government funds for such loans is prevented by the gift and loan provisions of the state constitution. Many of the state's community development block grant funds are used as grants and do not recirculate in local communities.

SUMMARY:

The Washington State Development Loan Fund is established in the Department of Community Development. The fund will contain federal community development block grant funds and the

money in the fund will be used to make grants to local governments which in turn will use the grants for loans to businesses.

A distressed area is defined as: (a) a county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a community which has experienced sudden and severe loss of employment; or (c) is an area less than a county which has an unemployment rate forty percent above the county average and at least seventy percent of the families have per capita incomes twenty percent below the county median. Unemployment data shall be determined by the Commissioner of Employment Security.

A seven member loan committee is created to review and approve applications to the fund. The committee and chair are appointed by the director of the department. The seven member committee will have three members with experience in investment finance, two which are residents of distressed areas, one from organized labor and one from a minority business. Members serve three-year terms and four members represent a quorum. Four affirmative votes are necessary for transactions of business.

The committee may only approve an application for a project if the project is located in a distressed area and if: (a) the project is expected to increase or maintain employment; (b) the project conforms to applicable federal requirements; (c) the project will have a public purpose and benefits will accrue to residents of a distressed area; (d) the project will be successful; (e) private lenders have not provided adequate capital or terms which would make the project a success; (f) provision for adequate reporting has been made to the fund; (g) the project is not a shopping mall.

The committee may not make investments in excess of three hundred fifty thousand dollars.

The committee will receive applications on a quarterly basis. Each application will have a credit analysis of the business to receive the loan. The department will prepare applications for approval by the committee.

The committee is also authorized to make grants to areas which qualify as "entitlement communities" under the federal law authorizing community development block grants. Funds to entitlement communities must be matched with twice the amount of local dollars.

SHB 855

VOTES ON FINAL PASSAGE:

House 69 29
Senate 36 11

EFFECTIVE: July 28, 1985

SHB 863

PARTIAL VETO

C 433 L 85

By Committee on Transportation (originally sponsored by Representatives Kremen, Walk, Thomas, Schmidt, Tanner and May)

Funding transportation improvements necessitated by planned economic development.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

In order to attract major new business or industry to the state, or major expansion of an existing business, public works improvements (sewer, water, roads, etc.) are often necessary. In 1982 the Legislature created the Community Economic Revitalization Board (CERB) and, in 1983, authorized a \$20 million bond issue. Bond proceeds are available, as either loans or grants, to political subdivisions (counties, cities, port districts, water or sewer districts, etc.) to finance the necessary improvements.

In some cases, improvements to the state highway system are also necessary. However, CERB funds are not available to state agencies, and, without disrupting other planned work, the Department of Transportation has no funds available to it for this purpose.

SUMMARY:

The Secretary of the Department of Transportation is added as a member of The Community Economic Revitalization Board (CERB). In addition, the designation of the Chairman of the House Trade and Economic Development Committee and the Senate Commerce and Labor Committee as members of CERB is changed to a majority and minority member of each committee, chosen by their respective caucus leaders. The state agency

heads who are CERB members are authorized to send designees, with full voting rights, to any Board meeting.

When an application to CERB from a political subdivision contains a request for improvements to a state highway or highways, and meets initial CERB screening, it is forwarded to the Transportation Commission. The Commission must determine whether the proposed state highway improvements: (a) meet safety and design criteria of the Department of Transportation; (b) will impair operational integrity of existing highway system; (c) will affect other planned highway improvements; and (d) are consistent with Commission policies.

The Transportation Commission must forward to CERB its findings based on the factors listed above, in the form of approval of the application as submitted or amended, or disapproval. Reasons for disapproval must be stated. The Commission may also comment on desirability and feasibility on the proposed development.

CERB may not act on such an application prior to receiving the Transportation Commission report, and may not approve state highway improvements without Transportation Commission approval.

CERB notifies Transportation Commission of its decisions on all such applications. For those approved by CERB, the Transportation Commission must: (a) direct DOT to carry out improvements; and (2) notify Legislative Transportation Committee of all such projects.

Ten million dollars in bonds is authorized for such state highway improvements, by increasing the 1981 highway bond authorization from \$450 million to \$460 million. Bonds will be sold as needed by the State Finance Committee upon request of the Transportation Commission.

An "economic development account" in the Motor Vehicle Fund is created. Bond proceeds are to be deposited there, and expenditures by the DOT for work approved by the Transportation Commission and CERB are to be made only from that account. The Department is appropriated up to the full \$10 million in the 1985-87 biennium.

The bill also contains: (1) a "non-severability" clause; (2) a repeal of a 1981-83 appropriation of the original bond proceeds; and (3) an emergency clause.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	40	7	(Senate amended)
House			(House refused to concur)
Senate	41	3	(Senate receded)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed the sections which: 1) added to CERB membership the Secretary of Transportation and a minority member from the House Trade and Economic Development and Senate Commerce and Labor Committees; and 2) allowed state agency heads who are members of CERB to send designees to Board meetings. (Both provisions were also contained, and signed, in SHB 461 - Chapter 446, Laws of 1985).

The emergency clause was also vetoed. (See VETO MESSAGE)

SHB 865

C 410 L 85

By Committee on Environmental Affairs (originally sponsored by Representatives Valle, Rust, Isaacson, Jacobsen, Allen and Lux)

Creating a hazardous substances information and education office.

House Committee on Environmental Affairs

Senate Committee on Parks & Ecology

BACKGROUND:

Currently, through Public Disclosure provisions, the public and local officials have access to records regarding toxic substances which are maintained by the Department of Ecology or other public agencies. It may be difficult, however, for the public to, a) discover which agency compiles needed information, and b) how to proceed in requesting specific data.

SUMMARY:

A hazardous substance information and education office is established within the Department of Ecology (DOE). This office will: 1) facilitate access to existing information on chemicals; 2) obtain information about the hazardous substances present at

a given facility or location; 3) at the request of citizens for public health and safety organizations, compile existing information regarding chemical use at specified facilities or locations, and 4) provide education to the public on proper handling of hazardous substances. DOE will protect confidentiality in accordance with existing statutory provisions.

Agencies will not be required to compile any information that is not already required under existing laws or regulations.

Moneys in the worker and community right to know fund may be used to implement certain provisions of this act.

There is a \$45,000 general fund appropriation to DOE.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	43	2	(Senate amended)
House	92	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 877

C 421 L 85

By Committee on Judiciary (originally sponsored by Representative Dellwo)

Changing provisions relating to adoptions.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

In 1984, the legislature passed a major rewrite of the state's adoption code. The 1984 act made many structural and a few substantive changes in the prior adoption code.

One change involved the timing of consents to adoptions and filings of petitions to adopt. The law requires a wait of at least 48 hours after the birth of a child or the consent to adoption of the child, whichever is later, before the petition can be heard.

Although petitioners must wait at least 48 hours after consent or birth, they may wait longer. Also, a consent is revocable any time before its

approval by a court. One provision of the law allows revocation within 48 hours of consent by notice to the adoptions agency, but only if it is followed within another 48 hours by written notice to the court. This provision contemplates an immediate filing of the petition and immediate approval of the consent by the court. The provision creates confusion, however, regarding situations in which the filing or approval is delayed.

The law specifically enumerates who may file a petition for adoption. No express mention of adoption by a stepparent is made. The law also specifies who must receive notice of various proceedings associated with an adoption.

SUMMARY:

Several technical changes are made in the adoption law.

Provisions relating to revocation of consents and to the timing of filings of petitions for adoption are clarified. Revocation of consent is explicitly made possible in either of two ways. First, at any time prior to court approval of the consent, revocation can be made by written notice to the clerk of the court. Second, written revocation can be made after court approval, but only if made within 48 hours of a prior oral or written revocation to the adoption agency. The prior oral or written revocation must have been made before court approval and within 48 hours of the birth of the child.

Express provision is made for stepparents to file petitions to adopt. Alleged fathers are included among those authorized to petition for relinquishment of a child. Non-relinquishing parents and prospective adoptive parents are excluded from those to whom notice of a relinquishment must be given. A parent or alleged father who has already consented to the termination of the parent and child relationship need not be notified of the termination proceeding.

VOTES ON FINAL PASSAGE:

House	97	1	
Senate	45	0	(Senate amended)
House	95	2	(House concurred)

EFFECTIVE: May 20, 1985

SHB 890

C 412 L 85

By Committee on Agriculture (originally sponsored by Representatives Nealey and Baugher)

Reestablishing procedures for certain agricultural liens.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

In a bankruptcy proceeding, secured claims of creditors have priority over unsecured claims. That is, creditors with secured claims properly filed with the Bankruptcy Court are paid first, reducing the amount of the debtor's assets available for satisfying the claims of creditors with unsecured interests. A secured interest may be derived from: (1) a judicial lien obtained by judgment or other equitable process; (2) a lien created by statute; and (3) a lien created by a contractual agreement with the debtor.

In 1983, the Legislature established by statute certain "processor" and "preparer" liens. These liens were codified under the state's commission merchant statutes which require, with certain exceptions, that persons be licensed and bonded if they receive agricultural products for sale on consignment or otherwise sell such products on commission.

Under these statutes, a producer who delivers an agricultural product to a processor or conditioner has a first priority lien for the price or value of the product. The lien, called a "processor lien", applies to certain unprocessed products and attaches to the products delivered and the inventory and accounts receivable of the processor or conditioner. A similar lien is established for a producer who delivers grain, hay or straw to a person who feeds livestock or prepares livestock products for market. This "preparer lien" attaches to the products delivered and the preparer's accounts receivable.

State law establishes a lien for a person who furnishes commercial fertilizer, pesticides or weed killer to another for use on the lands owned or leased by the other person. The lien is on all of the crops on which the materials are used and is subordinate to a crop lien or crop mortgage that has

been filed prior to the time these materials are furnished.

SUMMARY:

Provisions of state law establishing processor and preparer liens are removed from the commission merchant statutes and recodified as a separate chapter of state law.

An exception is expressly provided to the requirement that a processor lien attach to the products delivered, the processor's inventory, and the processor's accounts receivable. No processor lien may attach to agricultural products delivered by a producer, or on the producer's behalf, to a processor that is organized on a cooperative basis and of which the producer is a member. Nor may such a lien attach to such a processor's inventory or accounts receivable.

It is stated expressly that the agricultural products to which a preparer lien attaches are the products delivered to the preparer by the producer.

Liens in favor of persons who furnish commercial fertilizer, pesticides or weed killers to landowners for use in growing crops take priority over any other security interest in crops for which no new value has been provided. This priority applies if the materials or services were given to enable the debtor to produce crops during the production season. A provision of the Uniform Commercial Code is amended. The provision requires, in certain instances, that an agreement for a security interest in timber to be cut include a description of the land involved. That requirement for a description of the land is made applicable when the security interest covers other, non timber crops growing or to be grown.

A procedure is established for filing statements of security interest in livestock with the Department of Agriculture. A filing fee is authorized and an account, subject to appropriation, is created in which fee receipts are to be deposited. The Department shall index the statements and regularly publish a listing of the filings on a subscription basis but is not liable regarding the administration of the program. A person who is registered under the Federal Packers and Stockyard Act and who sells livestock for others, or who purchases livestock byproducts for resale, takes the livestock free of any security interest created by the seller if the person is without knowledge of the security interest. The person has such knowledge if a cattle certificate is furnished by the seller

or a statement of security interest is filed with the Department. A person who has filed such a statement must, upon termination of the security interest, file a notice of termination with the Department or be subject to liability. The provisions of the bill regarding livestock sales and filing statements of security interests in livestock take effect on October 1, 1985.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	43	40	(Senate amended)
House	83	12	(House concurred)

EFFECTIVE: July 28, 1985
October 1, 1985 (Sections 13-20)

SHB 891

C 416 L 85

By Committee on Local Government (originally sponsored by Representative Ballard)

Revising provisions of park district annexation.

House Committee on Local Government

Senate Committee on Parks & Ecology

BACKGROUND:

Metropolitan park districts may be created in a first-class city and adjacent areas, not including a town. Metropolitan park districts provide parks and recreation facilities, and may impose regular property taxes of up to 75 cents per \$1,000 of assessed valuation. A ballot proposition authorizing a metropolitan park district to be created must be approved by a simple majority vote of resident voters.

SUMMARY:

Metropolitan park districts may be created in any city with a population of 5,000 or more. The district may also include areas adjacent to the city.

The election laws to be used are clarified to be general city and town laws.

Metropolitan park districts are authorized to annex adjacent areas located in another county.

SHB 891

Counties are authorized to give park and recreation lands to metropolitan park districts. If a metropolitan park district accepts county park and recreation lands that are being financed by indebtedness, the park district assumes the indebtedness.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	44	3	(Senate amended)
House	92	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 914

C 184 L 85

By Representatives Appelwick and Grimm

Modifying the distribution of timber taxes.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The 1984 Legislature enacted a new system of timber tax distribution. The system provides for priority distribution to bond levies and school district levies. The law requires that all of the first monies coming to the county timber tax account be directed to these levies. Thus, the distribution for bond levies and school districts must be completely satisfied before any funds are distributed to the other taxing districts. This creates a potential cash flow problem for other taxing districts.

In addition, the calculation of timber tax distribution to school districts is based on a new system as long as they are greater than amounts received under the old system. If a school district receives funds based on the old law, they are not included in the calculations of the levy. As a result, the tax levy paid by property owners may be too high, the school district may receive funds in excess of the amount levied, and other districts may receive smaller timber tax distributions.

SUMMARY:

The priority system is maintained but 50 percent of the funds are distributed in the first quarter and 50

percent in the third quarter. This system corresponds to the distribution of the property tax itself and addresses the cash flow concerns of the other taxing districts.

Calculation of a school district's levy rate is based on exactly the same method as their timber tax distribution. This change will require that all timber receipts be used to reduce the property tax levy. The effects of this change are as follows:

- School districts will not receive distributions in excess of their authorized property tax levies.
- The property taxes of all taxpayers in districts receiving a guarantee distribution will be reduced.
- The distribution of timber revenues to other taxing districts will be increased.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985
April 25, 1985 (Section 2)

SHB 932

C 259 L 85

By Committee on Judiciary (originally sponsored by Representatives K. Wilson, Allen, P. King, Armstrong, Miller, Leonard, Lewis, G. Nelson, Tanner, Patrick, Brough, May, Winsley and Todd)

Strengthening laws on reporting of child abuse.

House Committee on Judiciary

Senate Committee on Judiciary

BACKGROUND:

The law requires certain persons, such as teachers, doctors, and social workers, to report incidents of suspected child abuse to law enforcement agencies or the Department of Social and Health Services (DSHS). The report must be made at the first opportunity, but in no case longer than seven days after there is reasonable cause to believe that a child has suffered abuse. The report must include certain information required by statute.

Both DSHS and law enforcement agencies are required to report child abuse incidents to the proper law enforcement agency for prosecution. Failure to report child abuse as required by law is a gross misdemeanor. There is no mechanism which requires written reports by law enforcement and investigating agencies to facilitate tracking complaints of child abuse through the system.

SUMMARY:

Additional duties regarding the reporting of child abuse are created. The time period for specified persons, such as teachers, doctors, and social workers, to report suspected incidents of child abuse is reduced from seven days to 48 hours. The Department of Social and Health Services and law enforcement agencies are required to make their reports in writing and to include certain information required by statute. Law enforcement agencies are required to notify the Department of all reports received and the law enforcement agencies' disposition of them. If more than one investigating agency is involved in a child abuse case, the agencies are directed to coordinate the investigation. The Department, law enforcement agencies, and courts are required to maintain written records of suspected incidents of child abuse reported to them.

A prosecuting attorney who receives a child abuse report from a law enforcement agency is required to notify the victim, any persons the victim requests, and the Department, of the decision to charge or decline to charge a crime, within five days of making the decision.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	47	0	(Senate amended)
House	92	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 943

C 269 L 85

By Representatives Scott, Appelwick and Crane

Establishing a Washington technology exchange.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

An important step in the start-up of new companies is the development and transfer of new technologies to marketable products or services.

SUMMARY:

The Washington Technology Exchange is established within the Department of Commerce & Economic Development to facilitate an exchange of ideas between industry, investors and entrepreneurs. The Exchange is to be coordinated by the Department of Commerce and Economic Development and contracted to any public or private organization to provide for the services of the Exchange.

The Exchange is to:

1. Provide for an informal exchange between small firms seeking seed capital and seed capital investors;
2. Assist in the licensing and patenting of new inventions of private and public researchers and entrepreneurs;
3. Create an investor data base to determine potential sources and types of financing;
4. Establish an outreach network and referral process for entrepreneurs to locate research talent and conduct problem-solving for technological developments;
5. Assist in the market analysis of new product developments;
6. Create a process to encourage and reward entrepreneurs to patent inventions; and
7. Analyze other needs and promote steps to encourage technology transfer across the state.

The Exchange is to report to the governor on its activities. It is to secure matching funds and private sector support in order to become self-sufficient.

This program will expire June 30, 1987. Funding for the exchange must be included in the omnibus appropriation act enacted before July 1, 1985 or the bill will become null and void.

VOTES ON FINAL PASSAGE:

House	79	17
Senate	32	15

HB 943

EFFECTIVE: July 28, 1985

HB 949

C 169 L 85

By Representatives D. Nelson, Unsoeld and Isaacson; by Washington State Energy Office request

Establishing alternative procedures for municipalities to enter into performance-based contracts for energy equipment and services.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

Energy service companies sometimes install energy conservation measures on a "shared savings" basis. This approach allows an energy user to contract with an energy service company for the installation of energy savings equipment without having to pay up-front in full for the installation of that equipment. The energy service company agrees to install the equipment and, in return, is given a percentage of the annual energy cost savings attributable to the installation of the equipment.

Because of existing statutes requiring competitive sealed bids for equipment and services, cities, counties, and towns desiring to enter into a "shared savings" contract with an energy service company may have difficulties in doing so.

SUMMARY:

Cities, counties and towns are authorized to enter into performance based ("shared savings") contracts to obtain energy conservation services. Performance based contracts are those which require payment for services only if there are energy cost savings. These contracts are exempt from competitive bid requirements of existing law.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	44	0

EFFECTIVE: July 28, 1985

SHB 956

C 332 L 85

By Committee on Local Government (originally sponsored by Representatives Locke and Hine)

Relating to the powers of local government in relation to federal grants and programs.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Counties, cities, and towns were authorized by statute in 1974 to create public corporations, and to carry out federal or expend federal grant programs. These public corporations possess, among other authorities, the authority to borrow funds.

Most local governments are authorized to borrow money by issuing short-term obligations of up to three years duration.

The Governor vetoed a section of a bill this year that required counties to grant credit for past tax payments by residents of newly incorporated cities when the county contracts with a newly incorporated city to provide service to the newly incorporated city.

SUMMARY:

The statutory law authorizing counties, cities and towns to create public corporations to expend federal grants or carry out federal programs is altered to authorize counties, cities and towns to create public corporations to carry out programs in general.

These public corporations are authorized to issue bonds and other instruments evidencing indebtedness.

The definition of short-term obligations of local governments is altered to remove a three-year limitation on short-term obligations.

When a county contracts to provide services to newly incorporated cities, the contract should be negotiated as the basis of the county's cost of providing the services, without consideration of unamortized capital assets.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	36	8	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)
<u>Free Conference Committee</u>			
Senate	39	8	
House	91	6	

EFFECTIVE: July 28, 1985

SHB 957

C 328 L 85

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Winsley, Crane, Barrett, West, Zellinsky, P. King and Holland)

Revising coverage requirements on underinsured motor vehicles.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

Washington's underinsured motorist (UIM) law requires automobile insurance companies to offer underinsured motorist insurance to persons who purchase automobile liability insurance. UIM insurance provides compensation for bodily injury or property damage caused by a negligent motorist who is either uninsured or underinsured.

A person purchasing automobile liability insurance has a right to reject UIM coverage. If the coverage is purchased, the UIM statute requires the coverage to be provided in the same amounts as the liability coverage. Property damage coverage, however, is limited to damages caused to a motor vehicle unless the insurance company specifically provides coverage for vehicle contents or other forms of property damage.

In 1983, the Legislature amended statutory provisions governing rejection of UIM coverage. The amendment required a rejection of coverage to be made in writing by the "named insured". Some questions have been raised as to whether "named insured" can be interpreted to mean more than

one person, specifically, whether the language can be interpreted to require both a husband's and a wife's written rejection.

SUMMARY:

Insurance companies issuing general liability policies, commonly known as umbrella policies, or other policies which provide coverage in addition to the basic automobile liability policy, are not required to include underinsured motorists coverage in the policies.

Underinsured motorist insurance coverage is not required to be provided in the same amount as property damage liability coverage.

Provisions governing written rejection of UIM coverage are amended to clarify original legislative intent that only one particular person (or spouse) designated as the "named insured" needs to reject such coverage.

VOTES ON FINAL PASSAGE:

House	97	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 958

C 163 L 85

By Committee on Natural Resources (originally sponsored by Representatives McMullen, Haugen and Lundquist)

Transferring certain trust lands to the parks and recreation commission.

House Committee on Natural Resources

Senate Committee on Parks & Ecology

BACKGROUND:

Twenty-four state parks contain state trust land managed by the Department of Natural Resources (DNR). For many years, the Parks and Recreation Commission leased these parcels from DNR. As land values increased, rentals became increasingly expensive. In 1971, legislation was enacted directing DNR to enter into a sales agreement with the Parks and Recreation Commission for the land. At that time, DNR withdrew the properties from its

SHB 958

commercial harvest plans. The sale was consummated at fair market price, at an interest rate of six percent.

The 1981 Legislature modified the law to permit the purchase of the Heart Lake property under different circumstances than the 1971 sales. With respect to this property, both land and timber were sold on a contract basis at 10 percent interest. Payments to DNR were directed for use in purchasing replacement property.

The Commission pays about \$3 million per year to DNR in principal, interest and lease payments. By 1989, the Commission will have obtained title to the land and timber in all 24 parcels plus the Heart Lake property.

The sales price of the properties has not been determined.

SUMMARY:

Five designated tracts of land managed by the Department of Natural Resources (DNR) are to be sold to the State Parks and Recreation Commission for inclusion in four state parks. The two agencies shall mutually agree on a price for both land and timber. A ten percent maximum interest rate is set. A study on the future use of other DNR parcels adjacent to state parks shall be prepared for the 1987 Legislature.

The Commission shall use money generated by entrance fees to pay for five tracts. In order to maintain the trust land base, DNR shall use the payments to purchase replacement property. While subject to the Budget and Accounting Act, DNR does not require an appropriation to permit expenditures for acquiring replacement property. Expenditures need the authorization of the Board of Natural Resources.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	44	0

EFFECTIVE: July 28, 1985

SHB 974

C 456 L 85

By Committee on Ways & Means (originally sponsored by Representatives Rust, Allen, Jacobsen, Lewis, Unsoeld, Valle, May, Miller, K. Wilson and Todd)

Modifying provisions on acid rain.

House Committee on Environmental Affairs

House Committee on Ways & Means

Senate Committee on Parks & Ecology

BACKGROUND:

Acid deposition refers to the release of particles from the atmosphere which are more acidic than normal. This occurs when sulfur dioxide or nitrogen oxides, emitted primarily from industrial or transportation sources, are transformed into sulfuric acid and nitric acid while in the atmosphere. The acids may then drift hundreds of miles from their origin before they are deposited on the earth's surface.

The concerns about the effect of acid deposition are many. In highly acidified lakes the fish generally do not survive. Calcium levels of female fish may be lowered to a point of nonproduction of eggs. Fish are also killed by toxic metals that are leached from the soils by the acidic deposits, mercury poses an especially serious problem. Crop yield and quality may be reduced, and buildings, sculptures, and antiquities may deteriorate faster.

Washington is especially sensitive to acidification of its lakes and soils, because of limited buffering capacities. Acid deposition is most damaging in the Cascades due to the steep slopes, sparse vegetation, and thin soils. Because the limited soil cannot supply sufficient alkalinity to neutralize the acid in precipitation, lakes and other waterways could be easily acidified.

Last year, legislation was enacted directing the Joint Legislative Committee on Science and Technology to establish a consultant selection committee to evaluate existing information and data gaps about acid rain. \$100,000 was appropriated, and the deadline for the report was set for January 1, 1985.

The report concluded that: (1) Existing data is insufficient to identify long-term trends in acidification; (2) Washington state has reached the "level of concern", but is not up to "emergency" levels; (3) There is time to collect data necessary for a thorough analysis; and (4) A set of guidelines should be developed for acidification effects on regional areas that have significant emissions.

SUMMARY:

The Department of Ecology (DOE) is directed, in consultation with the Joint Legislative Committee on Science and Technology or the appropriate legislative committees, to continue the evaluation of existing data on acid rain and to notify the legislature if the critical level of acidification is reached. The critical level is the level at which irreparable damage will occur unless corrective action is taken.

DOE, in determining whether critical levels are reached, will consider current acid deposition and lake acidification levels, the changes in these current levels, the effects on the environment, and the need to prevent environmental degradation.

DOE shall maintain a program of periodic monitoring of acid deposition and lake acidification, and will report to the legislature the changes in acidification levels prior to each legislative session.

VOTES ON FINAL PASSAGE:

House	95	3	
Senate	45	0	(Senate amended)
House	93	3	(House concurred)

EFFECTIVE: July 28, 1985

2SHB 975

C 975 L 85

By Committee on Ways & Means (originally sponsored by Representatives Rust, Allen, Jacobsen, Unsoeld, Barnes, Valle and Lux)

Revising provisions relating to hazardous wastes.

House Committee on Environmental Affairs

House Committee on Ways & Means

Senate Committee on Parks & Ecology

BACKGROUND:

In 1983 the Department of Ecology (DOE), at the request of the Governor's Advisory Committee on Intergovernmental Relations, initiated the assessment of hazardous waste facility needs. The assessment was conducted in conjunction with a subcommittee of the solid waste advisory committee that included representatives of industry, local governments and the public. The project was completed in January of 1985 after a consensus was reached by the subcommittee. Legislation was prepared to implement the recommendations.

SUMMARY:

The Department of Ecology (DOE) will develop a state hazardous waste management plan. The plan will include: 1) an inventory of existing hazardous waste facilities; 2) a forecast of future hazardous waste generation; 3) a description of methods to implement waste reduction and recycling, which are the top two management priorities for hazardous wastes; 4) siting criteria and policies for hazardous waste facilities; and 5) a plan for public education.

DOE will develop siting criteria for all types of hazardous waste facilities, including treatment, storage, incineration and disposal facilities. The criteria may vary by type of facility and may consider natural site characteristics. Specific types of criteria are suggested.

Each local government, or group of local governments, will prepare a local hazardous waste plan. The plan will include: 1) a management program for household wastes and small quantity wastes which are jointly defined as "moderate risk" wastes; 2) plans for public involvement with the management of moderate risk wastes; 3) an inventory of local generators of hazardous wastes and local hazardous waste facilities; 4) a process for public involvement in developing the plan; and 5) a listing of areas suitable for treatment or storage facilities. DOE will prepare guidelines for the development of these plans. The plans will be completed by June 30, 1990 and may be amended from time to time by local governments. The plans are subject to review and approval by DOE. If a local government fails to prepare a plan, DOE will prepare a plan for that jurisdiction.

Each local government must designate land use zones or areas that are appropriate for siting treatment or storage facilities. Local governments

may be exempted from this requirement if 1) no hazardous wastes have been generated in their jurisdictions for two years, and 2) no area can meet the siting criteria established by DOE.

DOE may provide grants to local governments. Local governments must provide at least 25 per cent matching funds.

DOE is solely responsible for siting hazardous waste disposal and incineration facilities, and their permitting and regulatory actions in this regard will supersede the actions of any other state or local agency. DOE will also preempt local authorities for siting hazardous waste treatment and storage facilities if a local government fails to designate appropriate land use zones.

DOE will provide information to industries, state and local governments, and citizens regarding conflict resolution techniques. DOE will also assist in facilitating conflict resolution activities between facility proponents, host communities, and other interested persons. DOE may adopt rules identifying procedures to follow in conflict resolution activities, and may provide funding for these activities. Any agreements reached under these procedures may be written as binding conditions on a hazardous waste facility permit.

State and local planning responsibilities will not become mandatory until funding is appropriated by the legislature.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	39	2	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 999

PARTIAL VETO

C 434 L 85

By Representatives Appelwick, Jacobsen and Cole

Providing for the allocation of funds and programs for educational clinics.

House Committee on Education

Senate Committee on Education

BACKGROUND:

Educational clinics are private schools established to provide education in basic academic skills to students who have dropped out of the public schools. The State Board of Education certifies educational clinics. The Superintendent of Public Instruction reimburses educational clinics on a monthly basis for each student enrolled in the clinic. The Legislative Budget Committee is required to review the educational clinic program every other year.

The Superintendent of Public Instruction may adopt rules permitting dropouts to reenter public schools. An educational clinic student may, upon completion of the program, take the general educational development test (GED).

SUMMARY:

The Superintendent shall prepare a report on the educational clinic program. The report shall include identification of a funding level for the existing enrollment level, identification of areas where services are not provided, identification of locales where existing educational clinics are not meeting demands for services, and identification of locales where public school dropout programs are not serving or are underserving demands for assistance. The provisions relating to preparation of the report are subject to appropriation. If an appropriation is not provided by July 1, 1987, the section is null and void. The Superintendent of Public Instruction shall also establish a plan for allocation of funds appropriated for the educational clinic program. Elements of the allocation shall include priority funding for superior programs and a competitive review process to select new or expanded programs. If appropriations are reduced, the Superintendent of Public Instruction shall reduce allocations on a pro rata basis. If in an individual case, the Superintendent determines that a particular clinic cannot survive a pro rata reduction, a smaller reduction may be established. The Superintendent of Public Instruction shall include the educational clinic program in the biennial budget request.

The Superintendent of Public Instruction may not fund new clinics if appropriations in a new biennium are not sufficient to cover the cost of the new clinic without reducing funding to already funded clinics. The prohibition against SPI funding new educational clinics at the expense of existing clinics takes effect immediately.

Contracts between the Superintendent of Public Instruction and educational clinics shall include quarterly plans to maintain a stable enrollment recognizing seasonal variations. Funds allocated in one quarter but not spent may be carried forward to the next quarter. Payments to educational clinics shall be made on a monthly basis.

An educational clinic student who has completed the program and who has passed the general educational development test (GED) may reenter the public schools only to take vocational courses.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	43	4	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: May 21, 1985

PARTIAL VETO SUMMARY:

The provision prohibiting an educational clinic student who has obtained a GED certificate from reentering public schools for other than vocational education courses is vetoed. (See VETO MESSAGE)

HB 1000

C 132 L 85

By Representatives Appelwick, Hastings, Prince, Zellinsky, G. Nelson, Bond, J. Williams, Sanders, Isaacson and May; by Department of Revenue request

Exempting trade-in property of like kind from use taxation.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

In November 1984, voters approved a sales tax exemption for the value of a trade-in of similar property. This initiative did not include a use tax exemption. Failure to provide a use tax exemption means that the use tax is due on the trade-in value for out-of-state purchases. Such a distinction for out-of-state sales discriminates against interstate commerce and violates the U.S. Constitution.

SUMMARY:

A use tax exemption parallel to the sales tax exemption approved by the voters is established.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	0

EFFECTIVE: July 28, 1985

SHB 1003

C 414 L 85

By Committee on Ways & Means (originally sponsored by Representative Appelwick; by Department of Revenue request)

Modifying administrative provisions on excise taxes.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The Department of Revenue is required to carry uncollected accounts in their records for five years and such debts are not deemed uncollectible until after a 12 year period. The expense of carrying such records is sometimes much greater than the tax liability involved.

The present penalty for evading excise taxes is currently a gross misdemeanor. The penalty for a gross misdemeanor is a maximum of a \$5,000 fine and one year in jail.

In extreme cases, the Department must seize and sell a taxpayer's property for satisfaction of tax liabilities. In order to locate property, the Department sometimes doesn't have clear authority to obtain search warrants for this purpose.

The Department has very little recourse in collecting delinquent accounts from out-of-state residents. If initial efforts by the Department are unsuccessful, the Department usually categorizes the account as uncollectible.

The Department of Licensing is responsible for the collection and most of the administration of the aircraft excise tax. However, the Department of Revenue is responsible for handling refunds.

SHB 1003

The business of raising livestock or poultry under contract for another business is subject to B & O tax as a service business.

SUMMARY:

The Department is given the authority to cancel tax debts of \$100 or less if it considers it likely that the collection of the tax would be more costly than the amount to be recovered.

The penalty for evading state excise taxes is increased to a class C felony. A class C felony has a maximum penalty of five years in jail and a \$10,000 fine.

The Department is given authority to receive a warrant for search and seizure to discover and seize property in satisfaction of a tax warrant.

The Department is granted authority to contract with collection agencies for collection of taxes from sources outside the state.

The handling of refunds under the aircraft excise tax is transferred from the Department of Revenue to the Department of Licensing.

The business of raising animals, birds and other livestock under contract is exempted from B&O taxes.

VOTES ON FINAL PASSAGE:

House	81	0	
Senate	43	4	(Senate amended)
House	82	15	(House concurred)

EFFECTIVE: July 28, 1985

HB 1004

C 133 L 85

By Representatives Appelwick and Hastings; by Department of Revenue request

Authorizing the director of revenue to administer certain estates having escheat property.

House Committee on Judiciary

Senate Committee on Ways & Means

BACKGROUND:

Certain persons are authorized to administer the estates of persons who die intestate (without a

will). Authorized administrators, in descending order of preference, include the spouse, child, parent, sibling, grandchild, nephew or niece of the deceased, and creditors of the estate.

If a person dies leaving an estate to which no one is entitled either through a will or intestate succession, then property in the estate is designated as "escheat." Title to escheat property vests in the state at the time of the former owner's death. The department of revenue has jurisdiction over escheat property.

The attorney general is designated by law as the legal representative for state officers and agencies. However, certain state agencies and other state entities are exempted from the general requirement of using the attorney general for legal matters. Those exempted are the judicial qualifications commission, the judicial council, the state law library, the state law school and the state bar association.

SUMMARY:

The department of revenue is authorized to be an administrator of the estate of an intestate deceased person if the estate contains escheat property. The department is placed just above creditors of the estate in priority for selection as the administrator.

The department of revenue is exempted from the requirement of being represented by the attorney general in one situation. The exemption applies when the department is acting as the administrator of an estate containing escheat property.

VOTES ON FINAL PASSAGE:

House	89	0
Senate	46	0

EFFECTIVE: July 28, 1985

HB 1006

C 134 L 85

By Representatives Appelwick and Hastings; by Department of Revenue request

Modifying the definition of consumer for excise tax purposes.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

Definitions covering the application of the B&O tax to contractors working for government entities result in confusion to these contractors. When these contractors are engaging in clearing land and moving earth, an omission in the definition of consumer in law results in them reporting under the category of "wholesaling-other" rather than a new category of "government contracting".

SUMMARY:

The definition of consumer is expanded to include any person engaged in the business of clearing land and moving earth for the federal government, instrumentalities of the federal government and housing authorities.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	45	2

EFFECTIVE: July 28, 1985

HB 1009

C 135 L 85

By Representatives Appelwick and Hastings; by Department of Revenue request

Modifying excise tax provisions.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The tuition and fees of educational institutions including private colleges have been exempt from B&O taxes. It is questionable whether the tuition and fees of private colleges, such as University of Puget Sound, Whitworth and Pacific Lutheran, are exempt.

A reference to a deduction in the B&O tax statute relating to low level nuclear waste disposal is inaccurate in its reference to fees imposed by the Department of Ecology.

SUMMARY:

The B&O tax exemption for tuition and fees is expanded to include private colleges.

The incorrect reference in the low level waste section of the B&O tax is corrected.

VOTES ON FINAL PASSAGE:

House	91	0
Senate	47	0

EFFECTIVE: July 28, 1985

HB 1021

C 158 L 85

By Representatives Vekich and Nealey; by Department of Agriculture request

Providing civil penalties and enforcement for violations of certain pesticide control laws.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

The Washington Pesticide Control Act is administered and enforced by the Department of Agriculture. With certain exceptions, the Act requires every pesticide distributed within the state to be registered annually with the Director. Upon application, the Director shall register a pesticide if it satisfies certain criteria, including proper labeling. The Director may also register a pesticide for certain restricted uses or for use in certain restricted locations. It is unlawful to distribute a pesticide that has not been registered or that is misbranded or adulterated. It is also unlawful for any person to use a pesticide contrary to label directions or contrary to the rules of the Director.

The Act also requires pesticide dealers, dealer managers, and consultants to be licensed. The Director may deny, suspend, or revoke a license or registration for failure or refusal to comply with the Act or the Director's rules. Violations of the Act or such rules are misdemeanors.

The Washington Pesticide Application Act is also administered and enforced by the Department. Under the provisions of the Act, each person who commercially applies pesticides to the lands of

others must be licensed as a pesticide applicator. A person employed by an applicator who applies pesticides must be licensed as a pesticide operator. Licenses are also required for private commercial applicators, research and demonstration applicators, and governmentally employed public operators. Exempted from licensing requirements are foresters, farmers, researchers, and gardeners within certain limitations.

The Director of Agriculture may deny, suspend or revoke a license for certain specified violations of this Act. Violations are also misdemeanors. A person who commits more than one violation in 5 years is guilty of a gross misdemeanor for each such additional violation.

SUMMARY:

A civil penalty is established for violations of the Pesticide Control Act and implementing rules and for violations of the Pesticide Application Act and implementing rules. The penalty is as determined by the Director of Agriculture in an amount of not more than \$1,000 for each violation. Procuring, aiding or abetting the violation is also a violation. The Director is authorized to impose such a penalty subject to a hearing and the provisions of the Administrative Procedures Act.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	42	0

EFFECTIVE: July 28, 1985**SHB 1044**

C 160 L 85

By Committee on Agriculture (originally sponsored by Representatives Rayburn, Doty, Baugher, Hastings, Day, Dellwo, Isaacson, Chandler, Brooks and Tilly)

Requiring plats in irrigation districts to provide for irrigation before approval.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

The legislative authority of a city, town, or county may not approve a short plat or final plat for any division, parcel or site which lies in whole or in part within an irrigation district unless an irrigation water right-of-way has been provided for each parcel of land in the district.

SUMMARY:

Additional requirements are made for approving a short plat or final plat by the legislative authority of a city, town, or county for any division, parcel or site which lies in whole or in part within an irrigation district. If the division, parcel or site lies within land classified as irrigable, it must contain completed irrigation water distribution facilities. Facilities must be installed in the same manner and time as other utilities according to standards and ordinances of the local jurisdiction. The irrigation district must provide the local legislative authority with suggested specifications for the facilities and suggest the irrigation facilities that should be required as a condition for approving the short plat or plat.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	46	2

EFFECTIVE: July 28, 1985**SHB 1046**

C 283 L 85

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Ebersole, Patrick, Hankins, Lewis, Thomas, McMullen, Sutherland, Day, Leonard, Holland, P. King and Addison)

Expanding authority for disapproval of health maintenance contracts.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

The Insurance Commissioner may disapprove health care service contracts or health maintenance agreements that fail to conform with any statutory or regulatory requirement governing such contracts and agreements.

SUMMARY:

The Insurance Commissioner is authorized to disapprove of health care service contracts or health maintenance agreements if the contracts or agreements violate any state law.

VOTES ON FINAL PASSAGE:

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

EFFECTIVE: July 28, 1985

2SHB 1056

C 422 L 85

By Committee on Ways & Means (originally sponsored by Representatives Peery, Ebersole, Appelwick, Wang, Todd, Jacobsen, G. Nelson, Holland, J. Williams, Allen and May)

Establishing school-based management pilot projects.

House Committee on Education

House Committee on Ways & Means

Senate Committee on Education

BACKGROUND:

Recent studies have suggested that one element of improved education is involvement of the local community in decisions affecting a school. The Temporary Committee on Educational Policies, Structure and Management and the Citizens Education Center Northwest have both recommended that school-based management should be encouraged.

SUMMARY:

A school-based management pilot program is established. The Superintendent of Public Instruction will select the school districts to participate in

the program and evaluate the school based management program. At least one school district selected to participate in the pilot program will implement school based management in all the buildings in the school district.

Each school participating in the pilot school-based management program will set up a school site council. The school site council will develop an annual school improvement plan. The Board of Directors of the school district will approve the plan or must notify the school site council of reasons for not approving the plan.

Implementation of the pilot program is subject to funds being appropriated by July 1, 1987. The pilot program is not a part of the basic education program.

A report on the pilot programs and other similar programs will be submitted to the Legislature no later than January 1, 1988.

VOTES ON FINAL PASSAGE:

House 96 2
Senate 38 3 (Senate amended)
House 94 3 (House concurred)

EFFECTIVE: This act takes effect if funds are appropriated by July 1, 1987.

SHB 1060

C 413 L 85

By Committee on Ways & Means (originally sponsored by Representatives Appelwick, Hastings, Sommers and Tilly)

Modifying provisions on the taxation of food fish and shellfish.

House Committee on Ways & Means

Senate Committee on Ways & Means

BACKGROUND:

The tax on food fish and shellfish is imposed on the possession of these products for commercial purposes. The tax is collected from the person who has first possession after landing. The tax is based on the price of the fish. The rates are as follows:

Chinook, Coho and Chum Salmon - 5.35 percent
Pink and Sockeye Salmon - 3.21 percent

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Oysters - .0749 percent

Other fish/shellfish - 2.14 percent

The tax does not apply to fish entering the state frozen or packaged for retail. However, there has been continuing disagreement on the application of the tax to fish caught outside of Washington waters. As a result, many accounts are open pending a resolution of this issue.

Proceeds from the tax are placed in the General Fund.

SUMMARY:

The regions in which fish are subject to tax are defined. For all fish, this region is the territorial waters of Washington and any adjacent waters. For salmon, a broader definition is employed. This definition includes salmon from the territorial or adjacent waters of Oregon, Washington and British Columbia as well as all troll-caught salmon from southeast Alaska.

Fish are valued for tax purposes at the point of landing which is defined as physically placing fish on any land, wharf, or pier.

An exemption from the tax is provided for fish shipped into the state.

The credit allowed for taxes paid to another jurisdiction is expanded to include any taxing authority and not just states.

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 1061

C 231 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Rayburn, Nealey, Day, Lewis, Dellwo, Doty, Isaacson, Baugher, Tanner, Haugen, Ebersole, Armstrong and Wang)

Establishing a trade assistance center.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

The Export Assistance Center (EAC) was created in the 1983 legislative session to provide assistance with financing and exporting of products for small and medium-sized businesses.

SUMMARY:

The Export Assistance Center is renamed as the Small Business Export Finance Assistance Center.

The bill expands the board of directors from 11 to 17 members. Members are to be appointed by the governor and confirmed by the Senate. At least two members of state financial institutions and a representative of organized labor are added.

The Center is to provide export financial counseling to Washington exporters with annual sales of \$100 million or less, provided that the counseling is not available from a Washington nonprofit business. The Center may contract with the federal government to become a program administrator for federal risk insurance.

The Center is to make every effort to seek non-state funds and shall report twice annually to the department on its success. The contract with the Center is extended to 1987. All materials of the Export Assistance Center are transferred to the Small Business Export Finance Assistance Center.

The Center is to sunset June 30, 1990.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	43	3	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: May 10, 1985

SHB 1063

C 39 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Rayburn, C. Smith, McMullen, Vekich, West, Sayan, Hastings, Ballard, Lewis, Isaacson, Baugher, Kremen, Fuhrman, Nealey, J. Williams, Haugen and Armstrong)

Authorizing a permanent international marketing program for agricultural commodities and trade impact center.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

A provisional center for International Marketing Program for Agricultural Commodities and Trade (IMPACT) at Washington State University was created by the 1984 legislature. It was funded with a \$48,500 appropriation pending a report detailing a proposal for permanent operation.

SUMMARY:

An International Marketing Program for Agricultural Commodities and Trade (IMPACT) center is created at Washington State University. The center is to provide practical solutions to agricultural marketing problems.

The IMPACT center is to coordinate the teaching, research and extension expertise of the college of agriculture and home economics at Washington State University. It is to assist in the development of information and strategies to expand the long-term international markets for Washington agricultural products and the dissemination of information to Washington exporters, overseas users, and public and private trade organizations. It is expected to research and identify current impediments to increased exports of Washington agricultural products; assist in the teaching and training of students specializing in international trade in agricultural commodities; establish cooperative agreements with other private, state and federal programs of similar purpose; and report to the governor and legislature December 1 of each year on the IMPACT center. The center is to ensure that its activities reflect the objectives of the Department of Agriculture's market development program.

The IMPACT center shall be administered by a director appointed by the dean of the college of agriculture and home economics of Washington State University.

The IMPACT center is to establish a schedule of fees for actual services rendered. The center is to aggressively solicit financial contributions and support from nonstate sources.

The center is to sunset on June 30, 1990.

VOTES ON FINAL PASSAGE:

House	97	1	
Senate	41	0	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: June 30, 1985

2SHB 1065

C 423 L 85

By Committee on Ways & Means (originally sponsored by Representatives Rayburn, Long, Cole, McMullen, Betzoff, K. Wilson, Haugen and Todd)

Providing funds for an in-service program on academic efficiency and classroom management.

House Committee on Education

House Committee on Ways & Means

Senate Committee on Education

BACKGROUND:

The Washington Business Roundtable in its study of education recognized the importance of effective management and recommended that teachers be given the opportunity to learn effective classroom management skills.

SUMMARY:

The Superintendent of Public Instruction, in consultation with local districts, shall design and conduct a program of up to three days on effective classroom management. Participants may be teachers, administrators or teachers aides. An average of two persons per building will be selected to attend the program. On completion of the program the participants are encouraged to return to their building and conduct in-service training for the staff of their school.

Implementation of the training program is subject to appropriation being made by July 1, 1987. If funds are not appropriated for the training program, the bill is null and void. In-service training programs are not part of the basic education program.

2SHB 1065

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	41	1	(Senate amended)
House	95	2	(House concurred)

EFFECTIVE: This act takes effect when legislation providing funding takes effect.

2SHB 1078

C 418 L 85

By Committee on Ways & Means (originally sponsored by Representatives P. King, Betrozoff, Smitherman, Wang, Leonard, Vekich, Cole, Jacobsen, Basich, Appelwick, R. King, Tilly, Winsley, Armstrong and Todd; by Governor request)

Providing an early childhood assistance program.

House Committee on Education

House Committee on Ways & Means

Senate Committee on Education

BACKGROUND:

In 1965, Congress established the Head Start program to provide educational and social services to children of families who are below the poverty level. Estimates are that approximately 13.8% of children eligible for Head Start programs are currently being served by those programs. The Head Start program is administered by the Department of Community Development.

SUMMARY:

The Department of Community Development shall establish the state preschool education and assistance program for children from families below the poverty level. The program shall be offered only to the extent that funds are available. The program is not part of the state's obligation to provide a program of basic education.

The Department of Community Development shall administer the program for eligible, at risk children four years of age. The purpose of the program is to enhance the childrens' opportunity for success in the common schools. The department shall actively seek funds for the program from business, industry, and the federal government.

Approved preschool programs shall receive state support through the Department of Community Development. Approved programs shall assist with the educational, social, health, nutritional, and cultural development of the children. School districts may operate the programs and may contract with other governmental or non governmental organizations to conduct portions of the program. Funds appropriated shall be used to establish new or expanded preschool programs and not to supplant federally supported Head Start programs.

Eligible children, who are not participants in federal or state programs providing like educational services, shall be qualified for admittance to approved state supported preschool programs. Up to ten percent of the participants may be admitted pursuant to rules established by the Department of Community Development without meeting the eligibility criteria.

An advisory committee is created to assist in the establishment of the preschool program. The committee shall have representatives of parents, the Superintendent of Public Instruction, the Department of Social & Health Services, early childhood education programs, Head Start programs, and school districts.

The Department of Community Development shall adopt rules to establish the program. Federal Head Start criteria, to the extent possible, shall be a guide for the 1985-87 state early childhood assistance program.

The department shall review applications received within nine months of the effective date of the act and designate the initial programs to begin operation two months later.

The Governor, with the assistance of the Superintendent of Public Instruction, shall report to the Legislature on the merits of continuing and expanding the preschool program and on other means of providing preschool assistance.

If continuation is advised, the Governor's report shall include specific recommendations on: 1) the desired relationship of the state funded preschool assistance program and the common schools; 2) types of children and the needs that should be served; 3) appropriate level of state support; 4) the administrative structure necessary to implement the plan; and 5) a system to monitor the effectiveness of the program by comparing with students

not receiving assistance and the average level of student achievement.

State support shall be given to increase the eligible children assisted to 5,000 additional children. Priority shall be given to groups in areas with a high percentage of families qualifying under the federal criteria as "at risk". The overall funding shall be based on an average grant of no more than \$2,700 per child to cover all program costs. Special needs of a community may be addressed in the department's rules.

The Early Childhood Assistance Act shall expire two years after its effective date.

The act shall take effect when funds for the purposes of the act are appropriated referencing it by bill number. The act may not take effect later than July 1, 1987.

VOTES ON FINAL PASSAGE:

House	56	4	
Senate	30	16	(Senate amended)
House	66	31	(House concurred)

EFFECTIVE: This act takes effect if funds are appropriated by July 1, 1987.

SHB 1079

C 232 L 85

By Committee on Trade & Economic Development (originally sponsored by Representatives Peery, Holland, Hargrove, Bristow, Vekich, Haugen, Basich, B. Williams, Schoon, Fisch, Ballard, Betrozoff, Sanders, Isaacson, Long, Doty, May, Thomas, L. Smith, Kremen, O'Brien, Wang and Tilly; by Governor request)

Authorizing sales tax deferrals for investment projects.

House Committee on Trade & Economic Development

House Committee on Ways & Means

Senate Committee on Commerce & Labor

BACKGROUND:

Washington had a sales tax deferral program for businesses from 1972 until 1982 when it was terminated due to revenue constraints and questions about its effectiveness.

SUMMARY:

A sales tax deferral program for businesses is established. The program provides for a three-year deferral for the initial payment of sales taxes on "eligible investment projects" located within counties with an unemployment rate which is 20 percent above the average state unemployment rate for the previous three years. Application for deferral are to be made with the Department of Revenue.

In order to qualify as an "eligible investment project" the project must:

- (1) Create at least one new full-time permanent employee position for each \$200,000 of investment for the entire tax year.
- (2) Initiate a new manufacturing business or expand a current manufacturing business by expanding or renovating an existing building with costs in excess of 25 percent of the true and fair value of the plant prior to improvement.
- (3) Not exceed \$20 million in value.

The application to the Department for deferral of taxes is made by the business for the investment project. The application is made in a manner and form the Department prescribes. The application is to contain information on the location of the project, the applicant's average employment in the prior year, estimated or actual new employment related to the project, wages of the employees, estimated or actual costs, and time schedules for completion. The Department is to rule on the application within 60 days.

The Department is to grant a deferral of state and local sales and use taxes on each eligible project in an eligible county. The Department is to keep a running total of all deferrals. The total cannot exceed \$20 million for a biennium.

The recipient of the deferral will begin paying the deferred taxes three years after completion of the project. The first payment will be due on December 31 of the third calendar year after the certified completion date. A five-year payment

SHB 1079

schedule is developed proceeding from ten percent to 30 percent in five percent increasing increments.

A yearly report is required from each business receiving a deferral to determine continued eligibility and employment creation. If the Department finds the project ineligible the deferred taxes are immediately due. If the Department finds that an investment project has been complete for three years and has not created the employment required, the Department shall assess interest, but not penalties, on the project. The interest shall be assessed at the rate provided for delinquent excise taxes and is assessed retroactively to the date of the deferral and shall accrue until the deferred taxes are paid.

The Department of Employment Security will certify determinations of employment and wages under the chapter.

The Act will take effect immediately. However, taxes may not be deferred before July 1, 1985. The act will expire on July 1, 1991.

VOTES ON FINAL PASSAGE:

House	96	2	
Senate	38	8	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)
Senate	43	5	(Senate amended)
House	90	7	(House concurred)

EFFECTIVE: May 10, 1985

SHB 1080

C 221 L 85

By Committee on State Government (originally sponsored by Representatives J. King, G. Nelson, Cole, Haugen, Basich, Silver, B. Williams, Taylor, Lundquist and Ballard; by Governor request)

Increasing the number of certain positions exempt from state civil service law.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

There are two methods by which an employee may be exempted from State Civil Service Law. They are as follows: 1) Exemptions may be specifically provided by statute. Examples of specific exemptions include: Members and employees of the legislature; judges and employees of the courts; directors, confidential secretaries and statutory assistant directors in all state agencies; and officers and employees of the Fruit, Apple, Dairy Products and Tree Fruit Commissions, and 2) exemptions may be established by the State Personnel Board at the request of the Governor or an elected official. State law limits the total number of exemptions which can be granted at the Governor's request or at the request of elected officials, other than the Governor, to 175 and 25, respectively.

State Civil Service Law sets forth two criteria for the State Personnel Board to use in determining whether or not a position should be exempt. These criteria are as follows: 1) The position should be one "involving substantial responsibility for the formulation of basic agency or executive policy", or 2) the position should be one which involves "directing and controlling program operations of an agency or a major administrative division thereof".

Currently, the State Personnel Board has granted 167 exemptions from the 175 which may be granted at the Governor's request. Only 12 exemptions have been granted from the 25 which may be requested by elected officials other than the Governor.

SUMMARY:

The number of positions which the State Personnel Board may exempt at the request of the Governor is increased from 175 to 187. This represents an increase of 12 positions.

VOTES ON FINAL PASSAGE:

House	95	0
Senate	46	1

EFFECTIVE: July 28, 1985

SHB 1082

C 337 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Bristow, Wang, Patrick, McMullen, R. King, Sayan, K. Wilson and Haugen; by Joint Select Committee on Workers' Compensation request)

Modifying provisions on industrial insurance.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

Each employer who is covered by the state's industrial insurance program pays three separate premiums: 1) an accident fund premium which pays for time-loss and pension payments; 2) a medical aid fund premium which pays for medical and vocational rehabilitation expenses for injured workers; and 3) a supplemental pension premium which pays for cost-of-living increases on time-loss and pension payments.

Under this system, the Department of Labor and Industries adjusts each employer's accident fund base rate by an experience modification which takes into account the particular employer's claim loss experience. The experience modification is based on the actual time-loss and pension costs attributable to the employer in the three year period prior to the effective date of the rate. This allows employers with better than average safety records to pay reduced accident fund premiums, thus providing an incentive to employers to reduce workplace injuries.

The Department also offers a retrospective rating program which gives an employer the option of having the employer's accident fund premium based on actual claims loss experience during the period the premium is in effect.

The Department does not experience rate individual employers' medical aid fund premiums. All employers within a given rate class pay the same medical aid premium rate. The cost of the medical aid fund premium is equally shared by employees. Employers also do not have the option of having their medical aid fund premiums calculated under the retrospective rating programs.

SUMMARY:

The Department of Labor and Industries is required to report to the legislature by December 1, 1986, on a plan to provide for experience rating and retrospective rating of medical aid fund premiums. The report must contain information about the impact of experience rating on premium taxes for small and large employers.

An employer may request review of billings for medical services received by an injured worker. The cost of any unauthorized services may not be charged to the employer's account.

VOTES ON FINAL PASSAGE:

House	95	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 1084

C 339 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives R. King, Wang, Patrick, McMullen, Sayan, Basich, Fisch, Gallagher, Ballard, Winsley, Hine, Ebersole, Todd and Dellwo; by Joint Select Committee on Workers' Compensation)

Revising vocational rehabilitation laws.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The 1984 Joint Select Committee on Workers' Compensation focused a major part of its attention on the industrial insurance vocational rehabilitation program. The committee reported 17 recommendations for reforming the vocational rehabilitation system. Many of the committee's recommendations were made to ensure on-going analysis, legislative oversight and significant changes in administration by the Department of Labor and Industries. The committee was concerned about escalating increases in both time-loss payments and vocational rehabilitation expenditures in the relatively short time that vocational rehabilitation has been a mandatory benefit for injured workers.

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After the committee filed its report, the Department determined that the mandatory vocational rehabilitation program was a major factor in the increasing cost of time-loss benefits. This trend, along with other factors, led the Department to predict a trust fund deficit of 203 million dollars by the end of fiscal year 1985, unless significant changes were made.

SUMMARY:

The 1982 mandatory vocational rehabilitation program for workers covered by the state's industrial insurance law is repealed and a discretionary program is established under the supervisor of industrial insurance.

The Department of Labor and Industries and self-insurers are authorized to consult with vocational rehabilitation professionals to evaluate when rehabilitation services are both necessary and likely to enable the injured worker to become employable at gainful employment. When, in the supervisor's sole discretion, such services are to be provided for workers covered under the state fund, the state fund will make referrals based on performance criteria developed for vocational rehabilitation professionals.

In providing vocational rehabilitation services for a worker, the supervisor must consider returning the employee to work with the same employer in the same job, a modified job, or a new job, as the first priority before considering new jobs with other employers or retraining.

The supervisor may allow costs for necessary expenses, not to exceed \$3,000 per year, and may continue the injured worker on time-loss while the worker is successfully undergoing a vocational rehabilitation program.

The Department is directed to engage in a cooperative program with the Employment Security Department to provide job placement services where such a program is feasible and cost-effective.

Benefits allowed for state fund workers are also to be provided for workers of self-insured employers. Self-insurers must report to the Department when vocational services have been allowed or denied. The director of Labor and Industries is given authority to investigate and decide the issue when disputes arise over the provision of vocational rehabilitation services.

The Office of Financial Management must make annual performance audits of the vocational rehabilitation activities of the Department and self-insurers and report to the legislature.

The completion of vocational rehabilitation plans approved prior to the effective date of the act is not prohibited. Injured workers who do not have approved plans prior to the effective date of the act may receive vocational rehabilitation services if such services are applicable under the provisions of the act.

VOTES ON FINAL PASSAGE:

House	96	1
Senate	37	9

EFFECTIVE: May 16, 1985

SHB 1085

C 338 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives Rayburn, Patrick, Baugher, Wang, McMullen, R. King, Bristow, Sayan, Basich, Peery, Fisch, Leonard, Gallagher, Ballard, Cole, Unsoeld, Winsley, K. Wilson, Haugen, Ebersole, Wineberry, Todd, Dellwo and Armstrong; by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to prompt actions by the department of labor and industries.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

The Joint Select Committee on Workers' Compensation heard extensive testimony during the 1984 interim regarding delayed actions by the Department of Labor and Industries.

During the department's conversion to the Medical Information Payment System in 1984, payments to all medical providers were not timely. In the first half of that year it was not unusual for payments to be delayed three to four months. Some businesses found it necessary to borrow money in order to meet their fixed costs.

At that time, the department also did not have a comprehensive system to verify the accuracy of medical billings. Most private casualty insurers and many self-insurers have instituted retrospective billing reviews and proactive verification programs that are effective in minimizing inaccurate and fraudulent billings.

The department does not notify an employer of an employee's claim until a warrant (payment) is issued on a compensable claim. On the average, warrants are issued 27 days after the time of the injury. The Joint Select Committee determined that prompt employer notice that a claim has been accepted would ensure early and accurate flow of information between all parties to a claim.

SUMMARY:

The Department of Labor and Industries must pay billings for services provided to injured workers within sixty days of receipt of a proper billing or within sixty days of a final order or judgment allowing the claim, if an otherwise proper billing was received by the department. Interest must be paid on the billings at the rate of one percent per month whenever payment exceeds the sixty days. All interest payments must be made from the department's administrative funds and reports must be filed with the legislature. Interest payments are not required on billings for claims which are ultimately rejected or for charges which are otherwise not allowed.

The director of labor and industries is authorized to establish procedures for selective or random auditing of the accuracy of medical billings.

The department is required to promptly notify an employer when it has determined that an employee of that employer is entitled to time-loss compensation. When such notification is given, the department is also required to provide the employer in non-technical terms an explanation of the employer's rights under workers' compensation law.

VOTES ON FINAL PASSAGE:

House	92	5	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

EFFECTIVE: July 28, 1985

SHB 1089

C 347 L 85

By Committee on Commerce & Labor (originally sponsored by Representatives McMullen, R. King, Patrick, Wang and Sayan; by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to industrial insurance penalties.

House Committee on Commerce & Labor

Senate Committee on Commerce & Labor

BACKGROUND:

During its study of the industrial insurance system in Washington, the 1984 Joint Select Committee on Workers' Compensation determined that the law's reporting requirements were often not met by many participants in the system. The Select Committee recommended that the legislature review the various penalty provisions to determine whether the penalties were too low to provide effective incentive for compliance.

Among these penalty provisions is a requirement that a self-insurer who unreasonably delays in paying benefits due will be assessed a penalty of twenty-five percent of the amount owing. In many cases, the amount due to the claimant is very small. The Select Committee recommended that the legislature consider establishing a minimum assessment.

Employees who exercise their rights under workers' compensation laws may be subject to retaliation by their employers. For example, an employer might discharge an employee or alter the employee's terms or conditions of employment because the employee filed a workers' compensation claim or testified in a workers' compensation proceeding. Washington's industrial insurance law contains no provisions protecting employees who are discriminated against by their employers for filing workers' compensation claims.

SUMMARY:

The maximum penalty prescribed for persons who fail to submit reports required by the workers' compensation law is raised from one hundred to two hundred and fifty dollars. The penalty for failure to secure payment of compensation for injured

SHB 1089

workers is changed from a maximum of two hundred to five hundred dollars or double the incurred premium amount, whichever is greater. Penalties are to be determined by the director, but not to exceed the statutory amount.

Violation of the Department's rules is subject to a maximum penalty of five hundred dollars.

A self-insured employer is subject to a minimum assessment of five hundred dollars for unreasonably delaying payments to claimant.

No employer may discharge or in any manner discriminate against a worker because the worker has filed or communicated to the employer an intent to file a claim for compensation or exercise any rights provided under this title. A procedure is established for workers to seek relief under these provisions. However, an employer is not prevented from taking action against a worker for other reasons, including failure to observe the employer's safety standards, or the frequency or nature of the worker's job-related accidents.

VOTES ON FINAL PASSAGE:

House	96	1	
Senate	43	3	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: July 28, 1985**HB 1094**

C 212 L 85

By Representatives L. Smith, Dellwo, Brooks, Schmidt, Rayburn and Bond

Expanding eligibility for issuance of identicards.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

The Department of Licensing issues identification cards, having a picture, to nondrivers. The purpose is to provide positive identification for individuals who do not possess state driver's licenses. The issued "identocard" may be used by nondrivers to cash government checks and other money drafts at banking institutions, or for other identification purposes.

SUMMARY:

Identicards may be issued to individuals possessing state driver's licenses.

VOTES ON FINAL PASSAGE:

House	98	0
Senate	47	0

EFFECTIVE: July 28, 1985**SHB 1107**

C 424 L 85

By Committee on Transportation (originally sponsored by Representatives Long, Armstrong, Walk, Berozoff, Brough, Tilly, Holland, Tanner, Silver, Schmidt, Wineberry, Taylor, Patrick, Cole, Walker, Sanders, and May)

Requiring a valid driver's license for issuance of a vehicle license.

House Committee on Transportation

Senate Committee on Transportation

BACKGROUND:

Any person who is over 18 years old, or is emancipated or is in the armed services may register a vehicle so long as a certificate of ownership ("title") has been issued for the vehicle. Vehicle registration includes acquisition of metal license plates and a paper certificate of vehicle registration.

SUMMARY:

Generally, a person is required to have a valid driver's license to register a vehicle or renew a vehicle registration. Corporations are exempt as are certain individuals who provide the department of licensing with information showing a legitimate need for registration.

VOTES ON FINAL PASSAGE:

House	94	3	
Senate	47	1	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)
Senate	36	13	(Senate amended)
House	97	0	(House concurred)

EFFECTIVE: July 1, 1986

SHB 1114

C 144 L 85

By Committee on Energy & Utilities (originally sponsored by Representatives Todd, Allen, Long, D. Nelson and Unsoeld)

Revising procedures for adoption of energy related building standards.

House Committee on Energy & Utilities

Senate Committee on Energy & Utilities

BACKGROUND:

The federal Regional Power Act created the Northwest Power Planning Council. Pursuant to the Act, the Council, in April, 1983, developed Model Conservation Standards to obtain the maximum cost-effective energy conservation for the region. Implementation of these standards depends upon action by state or local governments as the Council itself has no power to implement them. The Council, however, has recommended that the Bonneville Power Administration impose a surcharge on those who purchase power within jurisdictions which have not adopted the Model Conservation Standards. This surcharge would take effect in 1986. State adoption of a building energy code equivalent to the model standards is one way of avoiding the surcharge.

SUMMARY:

The 1980 state energy code, currently in regulation form, is incorporated by reference as the statutory state energy code. The State Building Code Advisory Council (SBCAC) is directed to update this code for new buildings according to specified guidelines. The SBCAC is to adopt an updated code by January 1, 1986. Local governments must either adopt the updated code by April 1, 1986 or adopt an alternative code if it is more cost-effective to consumers. Any alternative code must provide reimbursement to builders or owners for any increase in cost to comply with the local code over the cost to comply with the state code.

The updated state code will not preempt any local code already adopted. In addition, it will not preempt any future code of large cities which meet certain criteria.

The State Energy Office through a study to be performed by the University of Washington is to evaluate the performance of the Model Conservation Standards proposed by the Northwest Power Planning Council. A committee consisting of the energy office director, two persons recommended by the building industry and appointed by the governor and two experts in building energy performance chosen by the governor shall oversee the study. The director of the state energy office shall report to the legislature and the SBCAC by January 15, 1988 on the cost-effectiveness of the updated state energy code. The study shall be funded by a surcharge on building permits or by federal funds.

VOTES ON FINAL PASSAGE:

House	57	51	
Senate	32	16	(Senate amended)
House	58	37	(House concurred)

EFFECTIVE: April 24, 1985

SHB 1116

C 425 L 85

By Committee on Local Government (originally sponsored by Representatives Day, Padden, Dellwo, Silver, Barrett, Taylor, Haugen, Isaacson, J. King, Bond, West and Fuhrman)

Authorizing the establishment of aquifer protection areas.

House Committee on Local Government

Senate Committee on Parks & Ecology

BACKGROUND:

Cities, towns, counties, sewer districts, and water districts can provide stormwater sewer facilities and sanitary sewer facilities. The installation of such facilities could protect subterranean waters from being polluted or reduce the amount of pollution reaching subterranean waters.

SHB 1116

SUMMARY:

Counties are authorized to create aquifer protection areas to finance: (1) plans to protect and rehabilitate subterranean waters; (2) the construction of facilities for water quality improvement, sewage collection and treatment, and stormwater collection and treatment; and (3) the proportionate reduction of special assessments imposed for such facilities. No territory located in a city may be included without the approval of the city governing body.

A ballot proposition describing the aquifer protection area must be approved by simple majority vote of the resident voters before the aquifer protection area is created. The ballot proposition describes the fees to be imposed, places maximum rates on the fees, describes the uses for the fees, and indicates the life of the aquifer protection area. Fees may be increased, and functions added by subsequent voter approval.

Fees may be imposed on the withdrawal of water and on on-site sewage disposal. Fees are described in a dollar value per household unit basis. If both types of fees are imposed, the on-site sewage disposal fees cannot be greater than the withdrawal of water fees.

Aquifer protection districts are dissolved by vote of the county legislative authority, or by a petition and vote of resident voters.

VOTES ON FINAL PASSAGE:

House	96	0	
Senate	44	3	(Senate amended)
House	96	1	(House concurred)

EFFECTIVE: July 28, 1985

SHB 1129

C 128 L 85

By Committee on Local Government (originally sponsored by Representatives O'Brien, G. Nelson and May)

Expanding the authorized purposes of parking and of business improvement areas.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Counties, cities and towns are authorized to create parking and business improvement areas within which special assessments are imposed on businesses to finance the: (1) construction, acquisition or maintenance of parking facilities for the area; (2) decoration of public areas; (3) promotion of public events in public places within the area; (4) furnishing of music in any public place in the area; or (5) provision of management, planning and promotion for the area, including the promotion of retail trade activities in the area.

SUMMARY:

Counties, cities and towns are authorized to create parking and business improvement areas to provide for the maintenance and security of common public areas.

The special assessments, imposed in a parking and business improvement area that provides more than one activity, may be imposed in a manner that measures benefit from each of the separate activities, or any combination of the separate activities.

The special assessments may be collected annually or on another basis specified in the ordinance creating the parking and business improvement area.

VOTES ON FINAL PASSAGE:

House	96	0
Senate	41	5

EFFECTIVE: July 28, 1985

SHB 1153

C 205 L 85

By Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Madsen, Barrett, Barnes, Miller, Vander Stoep, Betzoff, Sanders, Hargrove, Wineberry and Brough; by Secretary of State request)

Facilitating registration and voting by handicapped persons.

House Committee on Constitution, Elections & Ethics

Senate Committee on Judiciary

BACKGROUND:

In September 1984, the Congress enacted the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435). The Act applies to federal elections taking place after December 31, 1985. The Act contains requirements regarding polling places, registration facilities, and registration and voting aids.

Under the federal Act, each political subdivision of a state responsible for conducting elections shall assure that all polling places for federal elections are accessible to handicapped and elderly voters. The requirement does not apply if the state's chief elections officer determines that there is an emergency or: (1) determines that all potential polling places have been surveyed and no such accessible place is available; and (2) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request, will be assigned to an accessible polling place or will be provided with an alternative means of casting a ballot on election day. The chief election officer must report to the Federal Election Commission every two years until 1994 regarding the number of accessible and inaccessible polling places in the state.

Each state or political subdivision responsible for registration for federal elections shall provide a reasonable number of accessible, permanent registration facilities or provide an opportunity for each potential voter to register by mail or at the voter's residence.

Each state shall make available registration and voting aids for federal elections for handicapped and elderly persons including: instructions printed in large type at each permanent registration facility and each polling place; and information by telecommunication devices for the deaf. The state's chief election officer shall provide public notice of the availability of those aids and certain other information.

State law requires county auditors to make reasonable efforts to use locations for polling places which are accessible to handicapped persons. The efforts include making minor, inexpensive modifications and replacing poor facilities with new, accessible polling places. The Secretary of State was required to adopt guidelines by January 1, 1980 for the accessibility of polling places. State agencies and local governments must permit the use of their buildings when required by a

county auditor to provide accessible places in each precinct.

SUMMARY:

The Secretary of State shall adopt standards for accessible polling places and provide them to county auditors by July 1, 1985. The standards shall be revised whenever the applicable rules of the state Building Code Advisory Council are significantly amended. County auditors shall seek alternative polling places or other low-cost alternatives including procedural changes and assistance from private sources before incurring costs for modifications regarding accessibility. In a state primary or state general election in an even-numbered year, the cost of modifications to buildings or other facilities that are necessary to permit the use of the facilities as polling places and the cost of providing alternatives shall be treated as election costs and prorated under state laws.

Not later than April 1st of each even-numbered year until and including 1994, each auditor shall report to the Secretary a list of all polling places, specifying any that have been found to be inaccessible, the reasons for the inaccessibility, and efforts to locate alternatives or to make the facilities temporarily accessible. Not later than July 1st of each even-numbered year, the Secretary shall review the reports and check each polling place identified as inaccessible and any polling place which the Secretary has substantial reason to believe does not comply with accessibility standards. The Secretary shall establish procedures to assure that, in an election in an even-numbered year, a handicapped or elderly voter assigned to an inaccessible polling place will, upon request, be permitted to vote at an alternative, not overly inconvenient, polling place or be provided an alternative means of casting a ballot. The auditor shall make necessary accommodations to allow the affected persons to use alternative polling places.

Each polling place for a state primary or state general election in an even-numbered year shall be accessible unless the Secretary determines that an emergency exists or has determined that no alternative, accessible polling place is available and the county auditor has complied with requirements regarding alternative polling places or means of casting ballots. Not later than December 31st of each even-numbered year, the Secretary shall report to the Federal Election

SHB 1153

Commission regarding the accessible and inaccessible polling places in the state.

Each county auditor shall report to the Secretary locations of all permanent voter registration facilities indicating which meet the Secretary's standards. The Secretary shall determine if the locations and number are reasonable to meet the needs of the elderly and handicapped.

Each county auditor shall provide voting and registration instructions in large type to be displayed at each polling place and permanent registration facility. The Secretary shall make information available for deaf persons by telecommunications and shall provide notice of the availability of such aids and certain other information. Each county auditor shall provide a notice of the accessibility of polling places, the availability of registration and voting aids, and certain other information.

The Secretary may adopt rules to facilitate the implementation of these provisions of law regarding accessibility for elderly and handicapped persons.

Repealed are sections of law requiring reports on polling place accessibility in 1980 and establishing a 1980 goal for providing accessibility.

The bill declares an emergency and provisions regarding establishing standards for polling place accessibility and providing the Secretary rule-making authority take effect immediately. The remaining provisions regarding implementation take effect on January 1, 1986.

VOTES ON FINAL PASSAGE:

House	93	0
Senate	43	0

EFFECTIVE: May 7, 1985 (Sections 1, 2, 13)
July 28, 1985 (Sections 15, 16)
January 1, 1986 (Sections 3-12, 14)

SHB 1169

C 329 L 85

By Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Winsley, J. King, Wineberry, D. Nelson, Sayan, Todd and Niemi)

Enacting the Community Reinvestment Act.

House Committee on Financial Institutions & Insurance

Senate Committee on Financial Institutions

BACKGROUND:

In 1977, Congress adopted the Community Reinvestment Act. The act requires federal financial institution regulators to review the credit practices of financial institutions. The act also requires federal regulators to evaluate an institution's community reinvestment practices when considering an application by the institution for a charter, for a new branch, for relocation of an existing branch, and for a merger or acquisition. If the regulator determines that the applicant institution does not have a good record in meeting the credit needs of the institution's community, including low- and moderate-income neighborhoods, then the regulator may disapprove the application.

The federal agencies have adopted regulations outlining the factors which will be used to judge community reinvestment performance by financial institutions. After assessing a financial institution's performance, the regulator assigns a community reinvestment rating to the institution. This rating ranges from 1 (strong record of performance) to 5 (substantially inadequate record of performance). Generally, a rating of 3 (less than satisfactory) will not result in unfavorable action on applications submitted by financial institutions. Ratings of 4 or 5 will result in pressure from regulators on financial institutions to improve these ratings and may result in denial of an application.

State chartered commercial banks have limited authority to invest in real estate. Banks are generally limited to owning and managing real property used as bank offices, managed for trust accounts or obtained through a loan foreclosure.

SUMMARY:

Legislative intent is expressed that financial institutions have a responsibility to meet the credit needs of the businesses and communities of Washington State.

Whenever the Supervisor of Banking conducts an examination of a bank, the supervisor is required to investigate the bank's record of performance in meeting the credit needs of the bank's entire community, including low- and moderate-income neighborhoods. The supervisor shall use, in lieu of an investigation, any federal report filed by the

institution that helps the supervisor make an assessment of the bank's performance.

The supervisor is directed to make an assessment of a bank's performance independently of any federal assessment. The supervisor must utilize the 12 factors used by federal regulators in making an assessment of performance.

The supervisor must assign a numerical rating annually to each bank based upon the supervisor's assessment of the bank. This rating ranges from 1 (excellent) to 5 (poor).

Whenever the supervisor considers an application by a bank for a new branch, satellite facility, purchase of assets, a merger, an acquisition or a conversion not required for solvency reasons, or for authority to engage in a business activity, the supervisor is required to use the bank's community reinvestment record as a factor in deciding whether to approve or disapprove the application.

Banks are authorized to invest in unimproved or improved real property. Banks may not conduct a property management business, act as a real estate agent or broker, or acquire an equity interest in one- to four-family dwellings used as a principal residence by the owner but may make shared appreciation loans.

The aggregate amount of funds a bank may invest in real estate cannot exceed two percent of the bank's capital, surplus and undivided profits. A bank may invest more depending upon the bank's community reinvestment rating. The maximum amount that a bank can invest in real estate, assuming an excellent rating, is 10 percent of capital, surplus and undivided profits.

Until a bank is examined by the supervisor, each bank is presumed to have an excellent community reinvestment rating for purposes of determining investment limitations in real estate.

If a bank makes an investment in real estate in compliance with the investment limitations, a lower limit in a subsequent year cannot be used to force a bank to divest itself of property legally acquired in prior years.

The supervisor is directed to set investment limitations for single investments and is authorized to adopt any rule necessary to ensure that banks exercise real estate investment powers in a safe and sound manner.

Banks must invest an amount equal to 10% of the total amount invested in real estate, in "qualifying community investments" as that term is defined.

Qualifying community investment is defined to mean direct or indirect investments which benefit low- or moderate-income areas of the state. Specific types of such investments include governmentally insured or sponsored programs for housing, small farms or businesses; loans for housing, small farm or businesses; and, investments for the preservation or revitalization of urban or rural communities in low- or moderate-income areas.

A qualifying community investment made by a subsidiary of a bank, a subsidiary of a bank's holding company, or by a holding company is deemed to be made by the bank for purposes of satisfying the requirements of "qualifying community investments".

The Supervisor of Banking must investigate savings banks for community reinvestment performance and assign a rating in the same manner as required for banks.

The Supervisor of Banking must take such steps necessary to implement the act by the effective date.

VOTES ON FINAL PASSAGE:

House	81	16	
Senate	30	17	(Senate amended)
House	83	14	(House concurred)

EFFECTIVE: January 1, 1986

SHB 1170

C 409 L 85

By Committee on Environmental Affairs (originally sponsored by Representatives Lux, Wang, Rust, Ebersole, Valle, Cole, Scott, D. Nelson, Unsoeld, Leonard, Sayan, Wineberry, Hine, Fisher and Todd)

Adding requirements to the worker and community right to know act.

House Committee on Environmental Affairs

Senate Committee on Commerce & Labor

SHB 1170

BACKGROUND:

Last year the legislature passed the Community and Worker Right-To-Know Act. This act was substantially vetoed by the Governor, but sections were enacted that established a Right-to-Know Advisory Council and an assessment on employers of \$.75 per employee. The Department of Labor and Industries (L&I) was also directed to adopt rules to implement the act.

Subsequently, to comply with federal requirements, L&I adopted rules requiring employers to provide a written hazard communication program for their employees. The program includes requirements for: (a) lists of chemicals present at the workplace, (b) access to material safety data sheets, and (c) information and training for employees. Employers engaged in agriculture are exempt from these requirements.

SUMMARY:

The Department of Labor and Industries will provide, upon request, translations of written hazard communications programs, material safety data sheets and other written materials. These translations will be limited to the five most common foreign languages used in the workplace. Employers must make reasonable efforts to post these translated materials if they employ non-English speaking employees.

Employers must provide agricultural employees with information and training at the time of their initial assignment and whenever a new hazard is introduced in the work area. Seasonal and temporary employees are not required to receive training if they are not exposed to hazardous substances. Agricultural employers must maintain all material safety data sheets that are received and make them available to employees. Labels may not be removed or defaced. Immediate family members of agricultural employers are exempt from these provisions.

The Department of Labor and Industries will adopt rules to establish trade secret provisions. Purchasers will be notified if a trade secret claim has been made on products offered for sale.

The Right-to-Know Advisory Council is expanded from 15 to 16 members in order to include a representative of migrant labor organizations.

VOTES ON FINAL PASSAGE:

House	59	39	
Senate	40	5	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985**SHB 1190**

C 408 L 85

By Committee on Higher Education (originally sponsored by Representatives Peery, L. Smith, J. King and Tanner)

Changing provisions relating to the joint center for education.

House Committee on Higher Education

Senate Committee on Education

BACKGROUND:

The 1983 high-technology and training act authorized Washington State University, in cooperation with Clark Community College, to establish a Southwest Washington joint center to provide graduate and continuing education in high-technology fields. When necessary, the joint center facilities are also available to other institutions. In 1984, the two schools and The Evergreen State College signed a memorandum of agreement establishing the joint center. The center is housed in a Vancouver high school. In the Fall of 1984, it served 128 students. A survey conducted by the center indicates that educational needs extend beyond the high-technology fields. Among other findings, the survey showed a need for continuing education in the fields of business and education.

SUMMARY:

The participating institutions in the Southwest Washington joint center are expanded to include The Evergreen State College and Lower Columbia Community College.

The joint center's function is modified to encompass the coordination, rather than provision, of education and is expanded to include undergraduate education and other programs in addition to high technology. These provisions are contingent on the approval of the council for post-secondary education or its successor.

VOTES ON FINAL PASSAGE:

House 94 0
 Senate 42 3 (Senate amended)
 House 96 0 (House concurred)

EFFECTIVE: July 28, 1985

SHB 1191

PARTIAL VETO

C 143 L 85

By Committee on Local Government (originally sponsored by Representatives Brough and Schoon)

Providing for equitable distribution of county property to new city.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Under existing law no formal process exists for a county to distribute a portion of its equipment or revenues to a newly incorporated city.

SUMMARY:

(1) Counties would have to continue providing law enforcement services to a newly incorporated city for a period of the shorter of either 60 days after the incorporation or until the city could have begun receiving sales tax distributions.

Counties would have to continue providing road maintenance to a newly incorporated city for a period of the shorter of either 60 days after the incorporation or until the city receives road district tax receipts from the county under an existing statute.

(2) Counties are permitted to contract with newly incorporated cities for the provision of essential services until the newly incorporated city has attained an ability to provide such services at the levels provided by the county before incorporation. Under these contracts, counties shall grant credit to the newly incorporated city for the value of capital equipment and assets, and current county budgetary amounts, attributable to taxes that have been imposed on behalf of the county and road district within the newly incorporated

city. Nothing in this legislation prohibits contracts for higher levels of service or for longer time periods.

VOTES ON FINAL PASSAGE:

House 95 3
 Senate 44 2

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

Language was vetoed that permitted counties to contract for the provision of services to a newly incorporated city, and which granted credit to the city for past tax payments to the county. (See VETO MESSAGE)

SHB 1195

C 411 L 85

By Committee on State Government (originally sponsored by Representatives Addison, P. King and Holland)

Directing state agencies to establish flexible-time work schedules for employees.

House Committee on State Government

Senate Committee on Governmental Operations

BACKGROUND:

Flexible time or "Flex-time" work schedules are work schedules that give employees a certain degree of flexibility to determine their own hours of work. While there are a number of variations regarding how an employee's work hours may be scheduled, a common approach is for an agency to allow its employees discretion regarding when they begin and leave work so long as they are present for an established "core time" during the middle of the day.

The use of flex-time is very common in Europe. Approximately 30 percent of the work force in Switzerland is on flex-time schedules. In Germany 10 percent and in Austria 25 percent of the work forces are on flex-time schedules.

In the United States an estimated one million workers use flex-time schedules. Private sector employers who offer flex-time schedules to their employees include: General Motors, Nestle',

American Airlines, Blue Cross - Blue Shield of California, Exxon, Hewlett Packard, and John Hancock Life.

Forty-two states have implemented flex-time scheduling in at least one agency, either administratively or through legislative action. Most notable is Massachusetts which offers employees several different models to consider when selecting a flex-time schedule.

In the State of Washington, some agencies have implemented flex-time schedules administratively. In the Department of Licensing, for example, employees can arrive between 7:00 a.m. and 9:30 a.m., work their 8 hours, take lunch, and then leave between 3:30 p.m. and 6:00 p.m. The Department of Transportation allows flex-time scheduling on a limited basis.

Some companies that have instituted flex-time schedules have reported cost savings. The following are examples: 1) Continental Insurance spent \$189,000 implementing flex-time in its Pacific Region and claims that it recovers that cost every 1.5 months; and 2) the Boston First National Bank reported an increase in productivity of 9.5 percent. It also claims a reduction in its turnover rate by 55 percent and a reduction in overtime by 38 percent.

The experience of Boston's State Street Bank indicates that the use of flex-time scheduling may also have a positive effect on employee morale. A survey of bank employees who were on flex-time schedules showed that: 63 percent of the employees felt more satisfied with their jobs, 59 percent noted that their commuting time had lessened, 70 percent reported more time for leisure or family activities, 42 percent received cross-training, and 47 percent believed they were more productive under a flex-time schedule.

Several federal agencies allow flex-time scheduling. A 1977 survey of these agencies conducted by the U.S. General Accounting Office indicated that 71 percent of the agencies experienced increased productivity, 71 percent experienced decreased short-term leave use, and 82 percent experienced decreased tardiness.

Proponents of flex-time argue that it: Improves morale; has positive impact on traffic congestion;

saves fuel; decreases air pollution; reduces driving time; causes reduced turnover; requires that cross training take place - more experienced work force and better service to customers; enhances recruitment; expands the hours of business without overtime payment; and almost eliminates tardiness.

Opponents of flex-time argue that: Under flex-time scheduling and planning work flow can be more demanding; employees frequently will not be present when supervisors are on duty; managers will be challenged to plan the work and develop better ways to increase effectiveness of their work units; administrative problems with timekeeping occur; additional energy may be needed to heat and cool buildings for the additional hours of operation; flex-time bites into employee overtime pay; and under flex-time cross training is necessary.

SUMMARY:

Each agency is required to prepare a flexible-time work schedule, or schedules, and to offer that schedule, or schedules, to employees as an option to the traditional work day schedule. The schedule, or schedules, is to include a "core time" during which employees are required to be present and "flexible-time" before or after the core time during which employees can exercise flexibility in selecting their working hours. Agencies are not required to prepare a flexible-time work schedule if doing so would serve as an impediment to the provision of services to the public or would serve as an impediment to the agency's meeting its goals.

An employee's use of a flex-time schedule is subject to approval by the agency. If a bargaining unit is affected by flex-time schedules, then the agency must first negotiate flex-time issues with the unit's representative.

VOTES ON FINAL PASSAGE:

House	95	1
Senate	48	0

EFFECTIVE: July 28, 1985

SHB 1207

C 437 L 85

By Committee on Trade & Economic Development
(originally sponsored by Representative McMullen)

Establishing an emergency pilot vocational training program.

House Committee on Trade & Economic Development

Senate Committee on Commerce & Labor

BACKGROUND:

Frequently, workers who have been displaced from traditional industries lack the skills and training necessary to obtain new jobs. Community colleges are located in many distressed areas of the state and are able to provide vocational training programs to these workers.

SUMMARY:

An emergency pilot vocational training program is created to provide retraining in vocational skills. Eligible persons are not to be required to pay tuition and their participation in this program will not make them ineligible for unemployment compensation. The program is to be implemented through Lower Columbia Community College, Centralia Community College, Grays Harbor Community College, Skagit Valley Community College, Spokane Community College and Yakima Valley Community College. The program shall expire on July 1, 1987.

A person is eligible to participate in this program if he or she:

1. Meets the requirements of a resident student;
2. Resides in a community where the unemployment rate is 20 percent above the state average;
3. Has been unemployed full-time for a minimum of two years in a trade or occupation where he or she had used a skill which is in declining demand;
4. Is unemployed due to a significant reduction in force or a plant closure within two years before the person applied for the program; and

5. Has been continuously unemployed for the period of ten weeks prior to application to the program.

An eligible person may also attend a vocational technical-institute. The State Board for Community College Education is to pay vocational-technical institutes for their provision of services.

The State Board of community college education is to administer the program. The act will be implemented only to the extent that funds are available.

VOTES ON FINAL PASSAGE:

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

EFFECTIVE: June 30, 1985

SHB 1232

C 141 L 85

By Committee on Local Government (originally sponsored by Representatives Haugen and May)

Changing provisions relating to sewer and water district annexations.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Counties are authorized to operate sewer systems, water systems, or combined water and sewer systems. Counties are authorized to transfer such systems to sewer or water districts. Such a transfer is deemed to constitute an annexation by the sewer or water district of the area.

Water districts can operate sewer systems pursuant to the laws of sewer districts. Sewer districts can operate water systems pursuant to the laws of water districts.

A sewer district generally cannot be created that includes territory in another sewer district. A water district generally cannot be created that includes territory in another water district. However, a sewer district and water district may merge, where either the sewer district includes territory

SHB 1232

from another water district in part of its boundaries or the water district includes territory from another sewer district in part of its boundaries, but the water systems or sewer systems of the merged district shall not compete with those of the other sewer district or water district.

Vacancies on a sewer district board or water district board, where at least one commissioner remains on the board, are filled by action of the remaining board member or members.

Areas contiguous to a sewer district or water district may annex to the district if a petition requesting such annexation is signed by the owners of at least 60 percent of the land area.

When two or more sewer districts, or two or more water districts, consolidate, there are no elections for new commissioners until less than three commissioners remain on the board, at which time a new commissioner is or commissioners are elected to provide for a three member board.

SUMMARY:

Whenever a county transfers a sewer system or combined sewer and water system to a water district, the water district shall have the authority to operate the sewer system. Whenever a county transfers a water system or a combined water and sewer system to a sewer district, the sewer district shall have the authority to operate the water system.

A water district that includes a county sewer system within part of its boundaries may accept the sewer system from a county. A sewer district that includes a county water system within part of its boundaries may accept a water system from a county.

If a vacancy on a sewer district or water district board remains unfilled for six months, the county legislative authority shall make the necessary appointment or appointments.

Ownerships of some county or state lands are not considered under the 60 percent ownership petition method of annexation to a sewer or water district. The county and state properties included in such annexations are not subject to the sewer or water districts special assessments, rates or charges, except where service has been requested and provided to the properties.

At the initial elections following the consolidation only two or more sewer districts, or two or more

water districts, one commissioner position shall be filled, so that gradually the number of commissioners is gradually reduced to three persons.

VOTES ON FINAL PASSAGE:

House	95	3
Senate	45	1

EFFECTIVE: July 28, 1985**SHB 1234**PARTIAL VETO

C 159 L 85

By Committee on Agriculture (originally sponsored by Representative Vekich)

Designating state agency responsibilities for agricultural market development programs and activities.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

State law requires the Director of Agriculture to promote the economical and efficient distribution of farm products. To accomplish this task, the Director may conduct a variety of activities including maintaining a market news service and investigating transportation methods and rates. State law also assigns the Director and the Department of Agriculture various authorities for providing administrative support to the commodity commissions and boards created by marketing orders and agreements.

Among the divisions of the Department of Commerce and Economic Development created by statute is the foreign trade division, known as the Office of Foreign Trade. The duties of the Office include: studying the potential marketability of various agricultural, natural resource, and manufacturing commodities of this state in foreign trade; collecting, preparing and analyzing foreign and domestic market data; making Washington's agricultural, natural resource, and manufacturing concerns more aware of the potentials of foreign trade; and establishing an honorary commercial attache program.

In 1984, the Legislature created a provisional International Marketing Program for Agricultural Commodities and Trade Center at Washington State University (WSU).

SUMMARY:

The Department of Agriculture is designated as the agency of state government for administering and implementing domestic and foreign agricultural market development programs. Among the powers and duties assigned to the Department are those to: study the potential marketability of commodities; collect and analyze market data; promote the establishment and use of public markets and the sale of agricultural products at the site of their production; maintain close contact with foreign firms and governments; and conduct an active program of representation in foreign countries. The Department shall develop a coordinated marketing program with the Department of Commerce and Economic Development using existing trade offices and mutual trade missions and activities.

The authority of the Department of Commerce and Economic Development, through its Office of International Trade, to promote the international trade of agricultural commodities and goods is removed.

An Agricultural Market Development Advisory Committee is created to advise the Department of Agriculture, the Dean of the College of Agriculture and Home Economics at WSU, and the Department of Commerce and Economic Development regarding agricultural marketing and support activities. Twelve members are appointed by the Governor. The Chairpersons of the House and Senate Agriculture Committees and the ranking minority members of those committees are ex officio members of the advisory committee. The Directors of the Departments of Agriculture and Commerce and Economic Development as well as the Dean of the College of Agriculture and Home Economics at WSU are nonvoting ex officio members.

VOTES ON FINAL PASSAGE:

House	95	2
Senate	45	0

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The provisions of the bill establishing the Agricultural Market Development Advisory Committee were vetoed by the Governor. (See VETO MESSAGE)

SHB 1269

C 348 L 85

By Committee on Local Government (originally sponsored by Representative Haugen)

Authorizing emergency medical service levies.

House Committee on Local Government

Senate Committee on Governmental Operations

BACKGROUND:

Counties, cities, towns, fire protection districts, public hospital districts, and emergency medical service districts are authorized to impose regular property taxes of 25 cents or less per \$1,000 of assessed valuation each year for six consecutive years for the provision of emergency medical care of emergency medical services. Such taxes may only be imposed if the voters of the taxing district approve a ballot proposition authorizing the tax by a 60/40 percent vote.

If the county levies this tax, no taxing district within the county may impose this tax.

SUMMARY:

Whenever a county levies an emergency medical service property tax of less than 25 cents per \$1,000 of assessed valuation, other taxing districts authorized to impose this tax may levy such a tax at rates not exceeding the difference between the county rate and the 25 cent ceiling.

If the county submits a ballot proposition to the voters concerning this tax, no other ballot proposition by another taxing district in the county concerning this tax may be submitted at the same election. However, if another taxing district submits a ballot proposal at an election after the countywide ballot proposal has been approved, the new tax levy, if approved, must expire concurrently with the countywide levy.

SHB 1269

VOTES ON FINAL PASSAGE:

House	98	0	
Senate	47	1	(Senate amended)
House	96	0	(House concurred)

EFFECTIVE: July 28, 1985

HB 1326

C 2 L 85 E 1

By Representative Peery (by Governor request)

Authorizing sales and use tax deferral on certain investment projects for persons not currently engaged in manufacturing or research and development in Washington state.

BACKGROUND:

The sales tax on new investments in Washington is the highest in the country. The tax can add up to 8.1 percent to the cost of building a manufacturing facility in Washington.

One possible solution to this problem is a sales tax deferral. Washington had a sales tax deferral program between 1972 and 1982. The program was repealed in 1982 after several studies indicated that the program was expensive and ineffective.

In the hope of attracting investment to distressed areas in the state, a limited and targeted sales tax deferral program was passed during the 1984 regular legislative session. The program has the following limitations:

- 1) Only investments made in counties with high unemployment are eligible for the program (counties with unemployment rates which exceed the state rate by 20% or more).
- 2) Firms must create new jobs in order to receive the deferral without interest penalties (one new job must be created per \$200,000 of investment).
- 3) Firms may defer taxes for only the first \$20 million of investment.
- 4) The total amount of all taxes deferred cannot exceed \$20 million per biennium for all firms.

The state is now attempting to attract a new manufacturing firm to Washington. The firm would not be eligible for a deferral under the current program since it would not be located in a distressed area.

SUMMARY:

A separate sales tax deferral program is enacted. The existing deferral program is not affected by the new program. The purpose of the new program is to assist the state in convincing an out-of-state firm to locate in the state.

The new program applies only to firms which are building manufacturing or research and development facilities in Washington for the first time.

Out-of-state manufacturers and research and development companies, in-state firms which are not engaged in manufacturing or research and development activities and, new start-up firms are eligible for the deferral. In-state manufacturers and in-state research and development firms are not eligible.

Eligible firms need not locate in distressed areas and are not subject to any type of performance criteria. There are no limits on the amount of taxes deferred or the total amount of deferrals granted during the year.

Only firms who begin construction before December 31, 1986 are eligible.

Like the existing program, taxes can be deferred for three years and are paid back over a five year period. No interest is charged on taxes deferred.

VOTES ON FINAL PASSAGE:

<u>First Special Session</u>		
House	54	36
Senate	44	3

EFFECTIVE: June 14, 1985

HB 1327

C 3 L 85 E 1

By Representatives Grimm, P. King and Holland

Authorizing the issuance of general obligation bonds for common school facilities.

BACKGROUND:

In 1983 and 1984 the common school construction fund revenues were declining below estimates. The reduced revenues would not have been sufficient to meet the construction needs of the common schools. In order to maintain an orderly

construction program, the Legislature authorized the sale of bonds so that the capital budget appropriation could be implemented. The additional bonds were authorized in an amount not to exceed \$40,170,000 with the debt service to be reimbursed from the interest on the permanent common school fund.

SUMMARY:

The bond issue for the common school facilities is amended to remove reference to the 1983 capital budget. This change will permit the State Finance Committee to sell any remaining capacity under the original authorization (\$40,170,000) for the support of the common schools during the 1985-87 biennium. The capital budget appropriation for the 1985-87 biennium assumes the availability of these funds and the State Board for Education has committed state matching funds based upon the sale of these bonds.

The 1984 bond authorization is also amended to conform with revised technical language as requested by the State Finance Committee.

VOTES ON FINAL PASSAGE:

<u>First Special Session</u>		
House	90	7
Senate	43	4

EFFECTIVE: June 14, 1985

HB 1328

C 4 L 85 E 1

By Representative Grimm

Authorizing the issuance of general obligation bonds for capital projects.

BACKGROUND:

Bond issues to fund capital projects for various state agencies including the institutions of higher education and common schools are required to carry out the purposes of the capital budget.

SUMMARY:

The State Finance Committee is authorized to issue, subject to legislative appropriation, \$285,851,000 of general obligation bonds to finance capital projects as follows:

1. \$38,054,000 of general obligation bonds to finance capital projects for the Department of General Administration, Commerce and Economic Development, Military Department, Parks and Recreation Commission and the Department of Corrections;

2. \$4,635,000 of general obligation bonds to finance the Washington State Agriculture Trade Center;

3. \$38,762,000 of general obligation bonds to finance capital projects for the Department of Social and Health Services and Corrections;

4. \$3,230,000 of general obligation bonds to finance capital projects for the Departments of Ecology, Parks and Recreation, Fisheries, Game, and Natural Resources;

5. \$3,359,000 of general obligation bonds to finance capital projects for the Department of Fisheries;

6. \$59,630,000 of general obligation bonds to finance capital renewal projects for state agencies and the institutions of higher education including community colleges;

7. \$23,643,000 of general obligation bonds to finance capital projects for the University of Washington and state community colleges;

8. \$33,928,000 of general obligation bonds to finance capital projects for the institutions of higher education;

9. \$80,610,000 of general obligation bonds to finance capital projects for the institutions of higher education including the community college system.

A \$34,500,000 bond authorization for salmon hatcheries approved by the Legislature in 1977 required that the bonds be sold prior to January 1, 1985. This requirement is removed.

Previous bond authorizations approved by the Legislature in 1969 and 1980 for common school plant facilities, in 1973 and 1977 for institutions of higher education, and in 1979 for the Legislature and other agencies are reduced to reflect actual bond sales.

HB 1328 authorizes \$285,851,000 in new state general obligation bonds. Included within this total are \$33,928,000 of reimbursable bonds, the remaining \$251,923,000 are authorizations subject to the states' statutory debt limit. Assuming these bonds are sold during the 1985-87 biennium at an

average interest rate of 10.1%, the remaining capacity for additional new bond sales for the biennium would be approximately \$62,000,000.

VOTES ON FINAL PASSAGE:

<u>First Special Session</u>		
House	70	21
Senate	41	5

EFFECTIVE: June 14, 1985

HJM 1

By Representatives Walk, Schmidt, Patrick, Lundquist, Schoon and Gallagher

Requesting Congress to allow release of Interstate Highway construction funds.

House Committee on Transportation

BACKGROUND:

Nationwide, distribution of over \$7 billion of federal Interstate construction funds continue to be held up due to the failure of Congress to approve the revised Interstate Cost Estimate (ICE). The ICE is a technical measure, developed by the Federal Highway Administration and requiring congressional ratification, which establishes the remaining cost to complete the Interstate System in each state. It is used to determine each state's share of annual federal authorizations for Interstate construction.

Federal Interstate construction funds have been authorized by Congress and are available in the Federal Highway Trust Fund. Congress failed to approve the ICE in time for the Federal Highway Administration to release annual apportionments of these funds to the states which were due on October 1, 1983 and October 1, 1984. In February 1984 Congress did pass interim legislation releasing six months' worth of funds to the states. This leaves 18 months worth of these funds sitting idle in the Highway Trust Fund. This delay in congressional action has been the result of controversy over funding for a series of new Interstate projects and segments beyond those already approved.

Many states, including Washington, have obligated all of their Interstate construction apportionments, and can begin no new Interstate construction projects until additional federal funds are received. In Washington this negatively impacts progress on I-90 (Seattle), I-82/182 (Tri-Cities), I-705 (Tacoma Spur), and I-5 (Olympia). Although work currently in progress can continue, no new contracts for further work can be advanced.

Washington is awaiting receipt of approximately \$238 million of federal Interstate construction funds, a large portion of which is needed immediately. Washington has over \$200 million worth of Interstate construction projects which could be initiated early in 1985 if this funding is received. If additional federal funding is not received by the end of the current Federal Fiscal Year, the value of delayed projects will be in excess of \$300 million.

The major concern is that if additional federal funds are not received soon, the entire 1985 construction season could be lost. This would not only jeopardize the state's ability to complete all Interstate segments by the congressional target date, but it would have serious impacts on employment levels and other economic activity related to highway construction.

SUMMARY:

Congress is urged to immediately: 1) approve the Interstate Cost Estimate; and 2) permit future Interstate Cost Estimates, as developed by the Federal Highway Administration, to be implemented if Congress has not acted prior to expiration of the previous estimate.

NOTE: Subsequent to passage of this Memorial, the Interstate Cost Estimate was approved by Congress and was signed by the President on March 13, 1985.

VOTES ON FINAL PASSAGE:

House	92	0
Senate	46	0

EHJM 2

By Representatives Addison, Niemi, Padden, Brekke and D. Nelson

Requesting the President and Congress to effect the protection of Orthodox Christians.

BACKGROUND:

Orthodox Christians in Turkey, the Soviet Bloc countries, Iran and Iraq are subjected to persecution for the practice of their faith.

SUMMARY:

The President and Congress are asked to petition the Turkish, Soviet Bloc, Iranian and Iraqi governments to protect the civil liberties of Orthodox Christians.

VOTES ON FINAL PASSAGE:

House	89	6
Senate	46	0

SHJM 16

By Committee on Local Government (originally sponsored by Representatives Niemi, Armstrong, Valle, Brekke, Betrozoff, Rust, Unsoeld, Vekich, Wineberry, Miller, J. Williams and D. Nelson; by Washington Centennial Commission request)

Requesting the federal government transfer ownership of the South Lake Union Naval Reserve Base.

House Committee on Local Government

Senate Committee on Parks & Ecology

BACKGROUND:

The United States maintains a naval reserve base at the southern end of Lake Union in Seattle.

SUMMARY:

The legislature memorializes the President and Congress to authorize the Washington congressional delegation to study the feasibility of transferring the South Lake Union Naval Base to

ownership that will allow development of a maritime historical center and public waterfront park as part of the 1989 Washington State Centennial.

VOTES ON FINAL PASSAGE:

House	86	9
Senate	49	0

HJR 12

By Representatives Peery, R. King, Wang, Walker, C. Smith, Patrick, Chandler, Ebersole, Valle, McMullen, O'Brien, Belcher, Lux, Ballard, B. Williams, Hargrove, K. Wilson, Long, Haugen, Unsoeld, Hine, Sutherland, Bristow and Day; by Joint Select Committee on Workers' Compensation request

Permitting investment of industrial insurance trust funds.

House Committee on Commerce & Labor

Senate Committee on Rules

BACKGROUND:

Article 12, Section 9, and Article 8, Sections 5 and 7 of the State Constitution have been interpreted by the courts to prohibit the state from investing in the stock of any corporation. In 1968, the voters approved Amendment 49 to the State Constitution (Article 29, Section 1) which exempted public pension and retirement funds from these constitutional prohibitions.

According to a recent Attorney General Opinion (AGO 1984, No. 22), Article 29, Section 1, does not also exempt the trust funds maintained for the state's industrial insurance program from the prohibitions contained in Articles 8 and 12. The State Investment Board estimates that the industrial insurance trust funds could earn an additional 2 to 3 percent interest per year if the funds were evenly invested in equity (stock) and fixed income investments. With the combined assets of the trust funds in fiscal year 1983 at 1.7 billion dollars, this extra rate of return would have resulted in an additional 34 to 51 million dollars of investment income.

HJR 12

SUMMARY:

If approved by the voters, Article 29 of the State Constitution is amended to exempt the states industrial insurance trust fund from the prohibition against the state investing in corporate stock. By including the industrial insurance trust fund within Article 29, the State Investment Board would have the same latitude in choosing investments for industrial insurance trust funds that it currently has with respect to public pension and retirement funds.

VOTES ON FINAL PASSAGE:

House	91	5
Senate	48	1

HJR 22

By Representatives Cole, R. King, Ebersole, Scott, Betrozoff, Walker, Taylor, Armstrong, Jacobsen, Basich, Unsoeld, P. King, Leonard, Long, Appelwick, Vekich, Rust, Todd, D. Nelson, Belcher, Brough, Holland and Wang

Removing 40% validation requirement for excess levy elections for public schools.

House Committee on Education

Senate Committee on Education

BACKGROUND:

The State Constitution imposes requirements on the number of voters and the percentage of votes that are necessary to pass a special levy for maintenance and operations and to retire general obligation bonds. For school districts, the number of voters voting on a special levy for either maintenance and operations or to retire general obligation bonds for capital purposes must be at least forty percent of the total number of voters at the last general election in the district. At least sixty percent of those voters must vote for the measure. However, if the total number of voters voting yes on a special levy for maintenance and operations is equal to sixty percent of forty percent (i.e. twenty-four percent) of the number of voters voting in the last general election in the district, forty percent of the voters do not actually need to vote.

SUMMARY:

The only requirement with respect to the number of voters necessary to approve a special levy for either school district maintenance and operations or to retire school district general obligation bonds for capital purposes is that at least sixty percent of the voters actually voting on the measure must vote yes.

VOTES ON FINAL PASSAGE:

House	73	22
Senate	33	15

HJR 23

By Representative Tanner

Authorizing ad valorem taxing districts for public improvements.

House Committee on Trade & Economic Development

Senate Committee on Governmental Operations

BACKGROUND:

Tax increment financing is a technique used in other states to finance public improvements. Generally these improvements are constructed in declining urban areas and are used as a stimulus to redevelop such areas. Tax increment financing blends the concept of a local improvement district with property tax collections. Generally, the concept is as follows: bonds are issued to pay for constructing a public improvement. Boundaries are drawn around the public improvement, and the boundaries encompass the real property whose value is likely to increase as a result of constructing the improvement. All or part of the property tax revenue on such real property that results from property taxes being imposed on increases in the value of the property, is diverted from the taxing districts imposing the taxes to repay municipal bonds issued to finance the improvement. Once these bonds are repaid, the tax collections cease being so diverted and are again distributed to the taxing districts.

The uniformity clause (Article VII, Section 1) of the State Constitution requires that property taxes imposed by a taxing district be uniform throughout the taxing district. It can be argued that a

diversion of part of the property tax collections from taxing districts, under a tax increment financing scheme, violates the uniformity clause.

SUMMARY:

A constitutional amendment is proposed to authorize the use of tax increment financing as a means of paying for the construction of public improvements.

VOTES ON FINAL PASSAGE:

House	81	17	
Senate	33	15	(Senate amended)
House			(House refused to concur)
Senate			(Senate refused to recede)

Free Conference Committee

Senate	33	14
House	80	16

HJR 42

By Representatives Baugher, Nealey, Peery and Vekich

Permitting agricultural assessments for agricultural development or trade promotion as a public use.

House Committee on Agriculture

Senate Committee on Agriculture

BACKGROUND:

The state's Constitution prohibits the state from giving or lending its credit to, or in aid of, any individual, association, company or corporation. The Constitution also prohibits a county, city, town, or other municipal corporation from giving any money or property or loaning its money or credit to such entities. Various provisions of the Constitution provide exemptions from these restrictions. One establishes an exemption for trade promotion and promotional hosting by port districts.

SUMMARY:

The state's Constitution is amended. The use of agricultural commodity assessments imposed by agricultural commodity commissions in the manner prescribed by the Legislature for agricultural development or trade promotion and promotional hosting shall be deemed a public use and not a

gift within the meaning of the provision of the Constitution prohibiting the state from giving or lending its credit.

Notice of this amendment shall be published and the amendment shall be submitted to the voters for approval and ratification or rejection at the next general election.

VOTES ON FINAL PASSAGE:

House	97	0
Senate	46	2

SSB 3001

SSB 3001

C 87 L 85

By Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman, Conner and von Reichbauer)

Changing manner of filling port commissioner vacancies.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

A vacancy on a board of port commissioners must be filled by the remaining majority of commissioners within fifteen days. Should it be necessary for the county legislative authority to make the appointment, the time limit is also fifteen days. Boards of port commissioners have had difficulty in filling vacancies within the fifteen-day limit.

Appointments of port commissioners are made on an interim basis until the next general election. The current statutory language has led to some confusion, however, because general elections for port commissioners are held every two years instead of each year. In addition, if a vacancy occurs shortly before an election, it could be argued that a write-in election must be held instead of waiting until the following general election. If the language on the length of appointments is made consistent with other statutory language on appointments, this confusion could be eliminated.

SUMMARY:

The period in which a vacancy on a board of port commissioners must be filled is extended from fifteen to sixty days. Should it be necessary for the county legislative authority to make the appointment, the period is extended from fifteen to thirty days.

The language pertaining to how long an appointed port commissioner may serve is made consistent with other statutes.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	94	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3007

PARTIAL VETO

C 353 L 85

By Committee on Transportation (originally sponsored by Senators Bauer, Zimmerman and Thompson)

Specifying motor vehicle licensing exemptions to be declared by the department for vehicles registered in other jurisdictions.

Senate Committee on Transportation

Senate Committee on Ways & Means

House Committee on Transportation

BACKGROUND:

Any person who owns a vehicle in this state is subject to an annual registration fee and an excise tax based upon 2.354 percent of the fair market value of the motor vehicle. In addition, motor vehicles brought into this state by non-residents are subject to the use tax. The use tax supplements the retail sales tax by taxing the use of any article of tangible personal property, where the sale or acquisition has not been subject to the sales tax. The use tax rate is equal to the sales tax rate.

The Department of Licensing has no reciprocity agreements with other jurisdictions that would exempt non-resident vehicles from this state's vehicle registration laws. In the absence of such agreement, Chapter 46.85 RCW provides that vehicles properly registered in another jurisdiction that are operated in this state shall receive the same exemptions granted by that jurisdiction to properly registered Washington vehicles.

Department of Licensing rules provide vehicle registration exemptions under the following circumstances: (1) non-residents engaged in temporary employment operating vehicles without registration in this state for a period not to exceed six months; (2) non-resident salesmen operating vehicles of less than 12,000 pounds (gvw) licensed in another jurisdiction; (3) business vehicles less than 12,000 pounds (gvw), except when a branch office is located in this state or when the vehicle is in the overnight custody of a Washington resident;

and (4) non-residents employed in Washington who maintain no residence in this state.

The Washington-Oregon Ad Hoc Committee on Taxation was formed to seek repeal or modification of Oregon's income tax as it applies to Washington residents in return for modification of several Washington taxes which adversely affect Oregon residents working in Washington. The issue of registration and taxation of motor vehicles was raised by Oregon legislators.

SUMMARY:

The definition of "resident" used in WAC rules is incorporated into statute, and requires a resident of Washington to register a motor vehicle operated on the highways of this state.

Three exemptions from vehicle registration are created by statute for vehicles registered in other jurisdictions. First, a nonresident does not have to register the vehicle in this state if the nonresident either operates the vehicle for less than 180 days in this state, or does not maintain a residence here. Second, a Washington resident employed out of state does not have to register a business vehicle used in this state only to transport the person to his or her residence. Third, a nonresident salesperson doing business here does not have to register a vehicle of less than 12,000 pounds (gvw).

Any vehicle or trailer that is exempt from registration pursuant to Chapter 46.85 RCW is also exempt from the use tax. Personal property that has been owned for more than 90 days by any person moving to Washington is exempt from the use tax.

The penalty for failure to register a motor vehicle is increased from a traffic infraction to a misdemeanor.

In lieu of the present motor vehicle valuation scale used by the Department of Revenue, the amount of tax payable will be determined by the value declared by the applicant at the time of registration.

Revenue: Exemptions are granted for qualifying motor vehicles and trailers from motor vehicle registration fees, the motor vehicle excise tax and the use tax.

VOTES ON FINAL PASSAGE:

Senate	44	3	
House	94	4	(House amended)
Senate	46	1	(Senate concurred)

EFFECTIVE: May 20, 1985
September 1, 1985 (Section 1)

PARTIAL VETO SUMMARY:

The section vetoed would have changed the method for determining the amount of tax due on a motor vehicle following a sales transaction between two parties. In lieu of the present motor vehicle valuation scale used by the Department of Revenue, the use tax would have been determined by a bill of sale signed by both parties. (See VETO MESSAGE)

SB 3008

C 222 L 85

By Senators Thompson, Zimmerman and Bauer

Modifying valuation provisions for certain articles for use tax purposes.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The use tax supplements the retail sales tax by imposing a tax upon the "use" of any article of tangible personal property where the sale or acquisition has not been subject to the sales tax. For example, if a Washington resident buys a car in Oregon, then that car is subject to Washington's use tax. An Oregon construction company bringing equipment into this state for a short period is required to pay the use tax on the full value of that equipment. The use tax rate is equal to the sales tax rate.

The recent "Washington-Oregon tax war" began when Oregon amended its personal income tax to effectively raise the income tax on Washington residents working in Oregon. Oregon's 1983 amendments required that the progressive income tax rate be based on a taxpayer's total income, although tax is paid only on the income earned in Oregon. In retaliation, Washington passed a local

option "commuters' tax" on nonresidents employed in Washington.

The Washington-Oregon Ad Hoc Committee on Taxation was formed to discuss repeal or modification of Oregon's income tax as it applies to Washington residents, in return for modification of several Washington taxes that adversely affect Oregon residents working in Washington.

SUMMARY:

For use tax purposes, the definition of value is modified for articles which are owned by a user engaged in business outside Washington, and which are brought into Washington for business purposes for no more than three months of a year. The value of these articles is to be their reasonable rental value instead of their full market value.

Revenue: Administrative provisions relating to the use tax are modified.

VOTES ON FINAL PASSAGE:

Senate	47	1
House	96	0

EFFECTIVE: July 28, 1985

SSB 3012

C 288 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Moore, Conner, Wojahn, Williams, Rasmussen and Peterson)

Enacting penalties and procedures to prevent harassment.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Several people have complained of being harassed by strangers or casual acquaintances. The harassment may involve threats to cause bodily harm, to kidnap the person, or to do other acts designed to frighten, scare, or intimidate.

Most unsolicited actions and threats are not penalized under criminal law. If the contacts are made over the phone, telephone harassment may be

charged. If the harassment is based on race, ethnicity, religion, or mental or physical disability, malicious harassment may be charged. If the harasser refuses to leave the premises after being asked to leave, trespass may be charged. If the defendant threatens bodily harm in an effort to obtain sexual favors, extortion may be charged. Any threat actually carried out, such as to kill or rape the person, may be charged.

SUMMARY:

A new offense of harassment is created. It is committed when a person threatens to cause bodily injury or physical damage or physical restraint of another, or maliciously threatens any other act intended to substantially harm the mental or physical well being of the person threatened or of another. The first offense is a gross misdemeanor (up to one year of confinement/\$5,000 fine); a subsequent offense involving the same victim or a member of the victim's family or a person named in a protective order is a class C felony (five years of confinement/\$10,000 fine).

After an arrest has been made for harassment or a harassment related offense, the defendant may be issued a no-contact or no-harassment order prohibiting further contact or acts of harassment against the victim or any other persons specifically named in the order. A defendant violating any portion of this order may be charged with a misdemeanor. The court may make other conditions before granting the defendant pre-trial release. The no-contact or no-harassment order may be enforced throughout the state. An offender who violates a no-contact condition of sentence may be charged with a misdemeanor.

Law enforcement officers are granted civil immunity for a harassment arrest based on probable cause, for enforcement in good faith of a court order, or for any other action or omission in good faith.

The penalty for telephone harassment is increased to a gross misdemeanor for the first offense, and to a class C felony for a second offense involving the same victim or member of the victim's family or household. The elements of the offense are brought into conformity with a recent appellate court decision.

VOTES ON FINAL PASSAGE:

Senate	38	7	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
<u>Free Conference Committee</u>			
House	97	0	
Senate	43	1	

EFFECTIVE: May 13, 1985

SSB 3015

C 70 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Williams, Lee, Garrett and Vognild)

Exempting dealers of certain used items from the requirements for second-hand dealers.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

In 1984, the Legislature enacted uniform statewide legislation regulating pawnbrokers and second-hand dealers. Record-keeping, reporting, and holding property for a set period prior to resale were required for purposes of crime detection and recovery of stolen property. Used book dealers and metal junk dealers were covered under the Act's definition of "Second-Hand Dealers."

Some dealers have found it difficult to comply with the record-keeping requirements of the Act. Law enforcement officers agree with this assessment. In particular, the Act's property-holding periods and item-by-item disclosure requirements are burdensome and impractical for used-book sellers and metal junk dealers who have a rapid inventory turnover and a high-volume business. Some argue that the cost to these dealers of complying with the Act's requirements is higher than the cost of their losses due to theft, especially because used-book and metal junk dealers have relatively inexpensive inventories.

SUMMARY:

In order to remove used book dealers from the Act's coverage, used books are excluded from the definition of second-hand property.

In order to remove metal junk dealers from coverage, they are added to the list of persons exempt from the Act.

VOTES ON FINAL PASSAGE:

Senate	41	0
House	95	0

EFFECTIVE: July 28, 1985

SSB 3027

C 309 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Williams and Warnke)

Requiring refueling services for disabled drivers except by stations which are solely cashier-attended.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

A gasoline station is not required to provide refueling services to disabled drivers at self-service gasoline prices. This creates a disparate impact on disabled drivers who need assistance to refuel their cars.

In California, gasoline stations are required to provide refueling services to disabled drivers. The price charged for the fuel is no greater than that which the facility otherwise would charge for fuel without refueling service.

SUMMARY:

Gasoline stations, or other facilities offering gasoline, are required to provide, upon request, refueling services to disabled drivers of vehicles that are properly identified by the Department of Licensing. Refueling service is required only for those disabled drivers who are unaccompanied by passengers capable of safely providing refueling service. The price charged for the fuel shall not be greater than that which the facility charges

SSB 3027

for fuel without refueling services. Services other than refueling services need not be provided.

Self-service gas stations and convenience stores are exempted when they have remotely controlled gas pumps and never provide pump island service.

VOTES ON FINAL PASSAGE:

Senate	34	15	
House	88	2	(House amended)
Senate	34	9	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3028

C 64 L 85

By Senator Williams

Revising procedures for the disposition of archaeological materials from cairns or graves.

Senate Committee on Parks & Ecology

House Committee on State Government

BACKGROUND:

It is a gross misdemeanor to willfully remove, damage or destroy any native Indian cairn or grave, or any painted record of prehistoric tribes. No archaeological records or material may be removed except for exhibit and perpetual preservation in a recognized museum. Permission for scientific research and removal of such materials must be granted by the president of the University of Washington or a Washington State University, or by a designated faculty member. Vandalism of tribal graves has been increasing, and accidental uncovering is not uncommon. A recent federal study has reiterated that disturbance of tribal graves is repugnant to religious traditions.

SUMMARY:

A record, remains or archaeological material removed from a site must be destined for reburial or perpetual preservation in a recognized archaeological repository. Permission for removal and research is granted by the State Historic Preservation Officer.

The State Historic Preservation Officer must notify affected tribes when requests are received for permission to remove material from grave sites.

The Historic Preservation Officer may spend appropriated funds to assist Indian tribes of the state in removing prehistoric remains for scientific examination and reburial. Such authority is granted if the remains have been unearthed inadvertently or through vandalism and if no other public agency is legally responsible for their preservation.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	96	0	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3035

C 234 L 85

By Committee on Transportation (originally sponsored by Senators McManus, DeJarnatt, Stratton, Talmadge, Garrett and Moore)

Modifying provisions relating to drivers' and motorcyclists' licenses.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

A person 16 years old may be granted an instruction permit to operate a motorcycle; the permit is valid for one year. Law enforcement records show that many people are renewing the instruction permit rather than taking the driver's test and obtaining a license.

A person under the age of 18 years applying for a driver's license must have satisfactorily completed a traffic safety education course. Operating a motorcycle requires special skills, but there is no requirement that an applicant for a motorcycle endorsement must have taken any related training courses.

The fee for an instruction permit is \$2.50 for a year; the cost of a license to operate a motorcycle for

four years is the \$14 basic driver's license fee plus \$4 for the "special skills and knowledge" test.

Three categories of motorcycle endorsement include: 150 CC or less, 500 CC or less, and 501 CC or more.

A person with a motorcycle instruction permit may not carry passengers, may not operate a motorcycle after dark or on a fully controlled limited access facility and must be in direct visual supervision by a person with a proper endorsement.

Lack of adequate training prompted a voluntary statewide motorcycle training program. This course is operated by the Motorcycle Safety Foundation through the Department of Licensing. It is designed to insure that persons riding motorcycles are adequately trained.

Motorcycle Safety Foundation statistics indicate that young motorcycle operators are involved in most motorcycle-related accidents. The average age of individuals who participate in the statewide voluntary motorcycle training classes is 35 years.

SUMMARY:

The duration of a motorcycle learning permit is reduced from one year to 90 days. One additional permit may be issued for 90 days. After investigation, the Department may issue a third permit under certain circumstances.

Conditions for issuing a motorcycle endorsement require a valid driver's license, completion of the state motorcycle skills test and, if the applicant is under age 18, an application signed by a parent or guardian and successful completion of a motorcycle safety education course approved by the Department of Licensing.

Course requirements may be waived if the applicant has been previously licensed and demonstrates the required education equivalent.

The Department of Licensing is allowed to approve motorcycle safety education courses that are not part of the Superintendent of Public Instruction's traffic safety education program.

VOTES ON FINAL PASSAGE:

Senate	33	16	
House	96	0	(House amended)
Senate	32	11	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3040

C 6 L 85

By Senators Talmadge, Newhouse and von Reichbauer; by Department of Community Development and Office of the Code Reviser request

Correcting obsolete references relating to the department of community development.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Numerous enactments over the years have included references to the Planning and Community Affairs Agency, the name of which has been changed to the Department of Community Development.

SUMMARY:

Twenty-six sections of the Revised Code of Washington are amended, seven are decodified, and one is repealed. Various obsolete references to the Planning and Community Affairs Agency are corrected to reflect current nomenclature. In those instances where the obsolete reference has no current effect or vitality, the section is repealed or decodified.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	95	0

EFFECTIVE: July 28, 1985

SB 3041

C 7 L 85

By Senators Talmadge, Newhouse, Conner and Rasmussen; by Office of the Code Reviser request

Deleting obsolete statutory references and nomenclature from the Revised Code of Washington.

SB 3041

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Numerous enactments over the years have included references to state statutes which contain obsolete terminology or have been repealed.

SUMMARY:

One hundred thirty-eight sections of the Revised Code of Washington are amended and one section is decodified. In most cases, the references to a repealed statute are deleted or replaced with references to a later enactment which contains the substance of the repealed statute. In those instances in which the section containing the obsolete reference has no current effect or vitality, the section is repealed or decodified. In addition, various obsolete references to state agencies are corrected to reflect current nomenclature.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	94	1

EFFECTIVE: July 28, 1985

SSB 3047

C 21 L 85

By Committee on Governmental Operations (originally sponsored by Senators McDermott and Zimmerman; by Legislative Budget Committee request)

Establishing the western library network.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

The Washington Library Network Computer System was authorized by the Legislature in 1976. The computer system provides electronic channels of communication between all member libraries within the state, allowing them to transmit and

receive printed and graphic information. The computer system consists of three interrelated subsystems:

- (1) Bibliographic Subsystem - which provides data base maintenance, on-line searches, and product generation;
- (2) Batch Retrospective Conversion Subsystem - which allows call numbers to be added and information to be located in the data base; and
- (3) Acquisition Subsystem - which provides for the ordering, claiming, and fund accounting necessary in the purchase and receipt of library materials.

The Washington State Library Network is a division of the Washington State Library, but supports library services and resource sharing over several western states. It is self-supporting based on monies it receives from charges, grants, and commercial sales of its software. There is no specific statutory authority for the Network to sell or promote the sale of its computer software. The Washington State Library Network is scheduled to sunset on June 30, 1985.

SUMMARY:

The Washington State Library Network is continued as a division of the Washington State Library, but its name is changed to the Western Library Network to reflect its service area.

The Network is authorized to incur reasonable expenses in promoting its products and services. The Network may enter into contracts with public or private vendors for the promotion of the Network when cost effective or otherwise in the best interest of the users. The Network may issue licenses for its software.

The Data Processing Authority and the State Library Commission are required to develop a schedule of fees for the Network's services, products, and licenses which will generate enough revenue to cover the costs related to the Network.

VOTES ON FINAL PASSAGE:

Senate	48	1
House	96	0

EFFECTIVE: June 30, 1985

SSB 3059

C 270 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Vognild, Newhouse, Warnke, Hansen, Bottiger, Benitz, McManus and Barr)

Changing manner in which certain unemployment benefit payments are charged to employers for purposes of calculating contribution rates.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Under current law, employers pay their unemployment insurance (UI) tax on the basis of an experience rating system. Each employer's unemployment experience is determined from UI benefit charges over a four-year period against the employer. UI claimants are considered to have "marginal labor force attachment" if their total wages earned in the higher of two comparable quarters of the two years prior to the claim are lower than their quarterly benefit amounts. A portion of the benefits paid to claimants in this category is not charged to the employer's experience rating accounts or UI tax rates. Although the effective date of these provisions is July 1, 1985, the marginal labor force attachment will not be reflected in UI tax rates until calendar year 1987. Full implementation of these provisions will not occur until calendar year 1989. Some seasonal employers contend that the relief provided by the marginal labor force attachment provision is essential to the continuation of their business under the new experience-rated system. They further argue that such relief should be fully effective on July 1, 1985.

SUMMARY:

Currently there are no records of claimants identified as marginally attached to the labor force. However, there are wage and benefit data available for identifying marginal labor force attachment claimants for tax year 1985. The marginal labor force attachment provisions are made fully effective on July 1, 1985.

The Employment Security Department (ESD) is required to identify claimants with marginal labor

force attachment on an employer-by-employer basis and to calculate the percentage rate of savings for tax year 1985. This rate will apply to experience years 1984, 1983, 1982, and 1981. For tax year 1986, this same rate will apply to experience years 1982, 1983, 1984, and 1985. For tax year 1987, ESD is required to calculate the average percentage rate of savings for fiscal years 1985 and 1986, and to apply this rate to experience years 1984 and 1983. For tax year 1988, ESD is required to calculate the average percentage rate of savings for fiscal years 1985, 1986, and 1987, and to apply this rate to 1984.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	98	0

EFFECTIVE: May 10, 1985

SB 3065

C 3 L 85

By Senators Bottiger and Hayner

Revising provisions relating to subsistence and lodging for members of the legislature.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The present statutory provisions for legislative per diem are contained in two sections. RCW 44.04.080 provides \$44 per day for the period of the session, and RCW 44.04.120 provides per diem of \$44 per day or the per diem paid to federal employees (based on economic factors) for all other periods.

The present general federal rate paid for the state, including Olympia, is \$50 per day.

SUMMARY:

RCW 44.04.080 is repealed and RCW 44.04.120 is amended to apply the general federal rate to all legislative per diem.

VOTES ON FINAL PASSAGE:

Senate	40	8
House	58	37

EFFECTIVE: February 4, 1985

SSB 3066

SSB 3066

C 468 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Moore, Sellar, Warnke, Barr, Vognild, Bottiger, Deccio, Peterson, Conner, Newhouse and Hansen)

Modifying provisions relating to gambling.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Gambling Commission, through administrative rules, prohibits a public cardroom from having more than five separate card tables on its premises.

Cardroom fees are limited to \$1 per half hour of playing time. The fee for entry into a card tournament is limited to \$25 per player. Additionally, punch boards and pull-tab(s) fees are limited to \$.25 per chance.

SUMMARY:

A licensed public cardroom is prohibited from having more than five separate card tables on its premises. The maximum cardroom and card tournament fees are increased to \$2 per half hour and \$50 respectively. The maximum fees for punch boards and pull tabs are increased to 50 cents per chance.

VOTES ON FINAL PASSAGE:

Senate	27	22	
House	61	37	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	67	22
Senate	28	18

EFFECTIVE: July 28, 1985

SB 3067PARTIAL VETO

C 457 L 85

By Senators Hansen, Gaspard, Bottiger, Barr, Benitz, Vognild, Sellar, Goltz, Bailey and Newhouse

Modifying provisions relating to aquatic farming.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

The State of Washington is a major center for aquatic farming in the nation. Aquatic farmers believe that over-regulation by a variety of state agencies hinders growth of their industry. The federal National Aquaculture Act recognizes aquaculture as an agricultural industry. Aquatic farmers feel that aquaculture should be under the control of the Department of Agriculture. The Department of Agriculture could not only provide the efficiency of an umbrella agency regulating the industry but would also grant aquatic farmers access to those resources that are received by agricultural producers.

SUMMARY:

Private sector cultured (PSC) aquatic products are treated as agricultural commodities under various state laws. The Department of Agriculture is designated as the principal agency for providing state marketing support services for the private sector aquaculture industry. The Directors of Fisheries and Agriculture are required to establish a joint disease inspection and control program to protect the aquaculture industry and wildstock fisheries from a loss of productivity. The program shall be administered by the Department of Fisheries. PSC aquatic products are exempted from regulation under various statutes administered by the Departments of Fisheries and Game. Ocean ranching by private parties is prohibited.

DISEASE CONTROL. The disease inspection and control program developed and adopted jointly by the Directors of Fisheries and Agriculture may include elements such as those for establishing importation and transfer requirements and certifying stocks as well as those for the destruction or quarantine of diseased cultured aquatic products. The Director of Fisheries may enter into contracts

or interagency agreements for diagnostic field services. The Director is to consult with certain other agencies to assure the protection of state, federal and tribal resources and to protect PSC aquatic products from disease that could originate from the waters or facilities managed by those entities.

In administering the disease control program, the Director of Fisheries is to use the services of a veterinary pathologist and is not to place more rigorous constraints on the aquaculture industry than those placed on the Department of Fisheries, Department of Game, or other fish-rearing entities. The jointly adopted rules shall specify the emergency enforcement actions which may be taken by the Department of Fisheries without first providing the affected party with an opportunity for a hearing. If a hearing is requested, no enforcement action may be taken before the conclusion of the hearing. These restrictions shall not preclude the Department of Fisheries from requesting the initiation of criminal proceedings for violations. In a civil action resulting from the Department's ordering and obtaining the destruction of PSC aquatic products, the court may award an aquatic farmer damages not exceeding three times the actual damages sustained in certain instances. The Director of Fisheries shall establish a roster of qualified biologists having a specialty in the diagnosis or treatment of diseases of fish or shellfish.

USER FEES. The Directors of Agriculture and Fisheries must jointly adopt a schedule of user fees for the disease inspection and control program. The program is to be entirely funded by revenues from such fees by the beginning of the 1987-89 biennium. An Aquaculture Disease Control Account is created which is subject to appropriation. Proceeds of the user fees are to be deposited in the account and used solely for the disease inspection and control program. The Department is to report to the Legislature on the expenditure of funds needed to implement the disease program. The report is to be delivered by January 1, 1987.

REGISTRATION AND PENALTIES. All private sector aquatic farmers are to register with the Department of Fisheries and provide production data. The Department is to provide the State Veterinarian and Department of Game registration and statistical data by the Department. Violations of the disease inspection and control rules and this registration requirement are misdemeanors.

OCEAN RANCHING. It is a gross misdemeanor for any person, other than certain governmental units (including federally recognized Indian tribes) and their agencies, to release salmon or steelhead trout into the public waters of the state and subsequently to recapture and commercially harvest such salmon or trout.

ADVISORY COUNCIL. The Aquaculture Advisory Council is created. The Council is composed of six voting members appointed by the Governor, four voting ex officio members, and one non-voting ex officio member. The Council is to advise the Departments of Agriculture, Fisheries and Game on all aspects of aquatic farming. The Council expires on June 30, 1991.

IDENTIFICATION. The Director of Agriculture may adopt rules requiring certain PSC aquatic products that are transported or possessed on lands other than aquatic lands to be in labeled containers or accompanied by identifying documentation in certain instances. The Director is to adopt such rules as are necessary to permit the Departments of Fisheries and Game to administer effectively the food fish and shellfish and the game and game fish statutes.

AGRICULTURAL COMMODITIES. The Department of Agriculture is to develop a program for assisting the state's aquaculture industry to market and promote the use of its products. PSC aquatic products are expressly added to the list of agricultural commodities for which commodity boards or commissions and marketing agreements may be established under the state's agricultural enabling acts. They are also added to the agricultural commodities over which the Director of Agriculture has general authority.

EXEMPTION FROM FISHERIES AND GAME PROGRAMS. PSC aquatic products are expressly exempted from the general authority of the Director of Fisheries to adopt rules implementing the food fish and shellfish statutes and from certain licensure and permit requirements established under those statutes. No license or permit is required under those statutes for the production or harvesting of PSC aquatic products nor for the delivery, processing, or wholesaling of such products when adequately identified under rules of the Department of Agriculture. A mechanical harvester license is not required for harvesting clams from a clam farm if the requirements of the hydraulic project approval statute are fulfilled.

PSC aquatic products are not game fish for the purposes of the game and game fish statutes and game farm licenses are not required for their production. PSC aquatic products adequately identified under rules of the Department of Agriculture are exempted from game code requirements that certain wildlife be tagged or labeled.

TRUCK AND TRAILER LICENSES. A reduced rate provided by law for licensing trucks and trailers used to transport agricultural products or machinery in certain instances is also applied to those used for transporting PSC aquatic products.

OTHER. Statutes authorizing the issuance of aquaculture permits by the Department of Fisheries and requiring oyster or clam farm licenses are repealed. The Department of Fisheries shall survey the boundaries of the state's Puget Sound oyster reserves and report to the Legislature regarding the optimum use of the reserves.

VOTES ON FINAL PASSAGE:

Senate	38	9	
House	85	13	(House amended)
Senate	45	2	(Senate concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed the Aquaculture Advisory Council, the possible treble damages a court could award an aquatic farmer where the Department has acted unreasonably, and the boundaries survey of the state's Puget Sound oyster reserves. (See VETO MESSAGE)

SSB 3068

C 22 L 85

By Committee on Transportation (originally sponsored by Senators Thompson, Barr and Peterson)

Providing for a special movement permit decal for mobile homes.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Any person moving a mobile home must purchase a special permit from the jurisdictions responsible for the maintenance of the roads upon which the mobile home will be transported. The special permit is not valid unless attached to a tax certificate issued by the county treasurer in the county where the mobile home was located before being transported. The tax certificate states that all property taxes on the mobile home have been paid, and includes a description of the mobile home, its destination, and its owner. The special permit is not required for the movement of mobile homes from the manufacturer, or from the sales location, to the purchaser's designated location.

Counties are currently losing revenue when mobile home owners move their homes into other jurisdictions without first paying the property taxes they owe.

SUMMARY:

Whenever a special mobile home movement permit that is attached to a tax certificate is approved by the county treasurer, an easily recognizable decal shall be issued for display during transit.

A crime is created that is punishable as a gross misdemeanor for people who alter or forge a decal, or who knowingly display an altered decal.

VOTES ON FINAL PASSAGE:

Senate	42	2
House	95	1

EFFECTIVE: July 28, 1985

SSB 3069

PARTIAL VETO

C 431 L 85

By Committee on Human Services & Corrections (originally sponsored by Senators Moore, Sellar, Kreidler and Conner; by Lieutenant Governor request)

Providing that licensed health care professionals may organize nonprofit nonstock corporations.

Senate Committee on Human Services & Corrections

House Committee on Judiciary

BACKGROUND:

Pursuant to the Professional Service Corporation Act, certain licensed service providers are allowed to incorporate. Unlike corporations, service providers are not shielded from personal liability under this Act.

The Professional Service Corporation Act specifically refers to formation as a "for profit" corporation, but does not appear to authorize formation of a professional service corporation as a nonprofit corporation.

Nonprofit corporations may be organized for charitable, cultural and other purposes. These corporations have no shareholders, pay no dividends and may be eligible for tax exempt donations under federal law. Additionally, some nonprofit corporations may pay reduced business and occupation taxes if they qualify as "health and social welfare organizations".

SUMMARY:

Nonprofit corporations are specifically authorized to provide professional services. To provide those services, a nonprofit corporation may employ professionals who are themselves incorporated under the Professional Services Corporation Act.

A nonprofit corporation that provides professional services may not qualify as a health or social welfare organization.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	50	47	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed section 1, which would have authorized nonprofit corporations to employ individuals who are themselves incorporated under the Professional Services Corporation Act. (See VETO MESSAGE)

SB 3070

C 44 L 85

By Senators Vognild, Zimmerman and Conner

Revising the record keeping requirements for the county auditor.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Record-keeping requirements for county auditors have not been revised in many years (some date to 1869). With the increased use of microfilm and the modernization of accounting practices, county auditors find that certain requirements hinder their ability to standardize indexing procedures or to record documents. Some requirements, such as filing rather than recording, are obsolete. Fees used to cover the costs of administering the record-keeping function are no longer sufficient to cover processing expenses.

County clerks and auditors currently are directed to furnish certain documents free of charge to surviving spouses of veterans.

SUMMARY:

Marriage licenses are recorded in the same manner as real property instruments (allows standardization of indexing system). Fees are increased as follows:

- 1) Recording Instruments \$3 to \$5
- 2) Certified Copies \$2 to \$3
- 3) Non-certified Copies 50 cents to \$1
- 4) Searching Records \$4 to \$8 per hour
- 5) Miscellaneous Recordings \$3 to \$5

The fee book requirement is eliminated (due to modern accounting practices, public inspection of all fees and charges collected daily is not necessary).

Notary law is amended to replace a seal with a stamp. Notaries previously commissioned may continue to use a seal until expiration (an inked stamp enhances the image on microfilm and the reproduced copy clearly shows the notary).

Claims (chattel mortgages) are recorded as deeds (there is no longer a need for filing).

SB 3070

Marginal notation for satisfaction of mortgages is eliminated (microfilm technology makes notations obsolete, because marginal notation cannot be done on microfilm).

Previously recorded instruments may be processed and preserved by various modern means tested and approved by the State Archivist (for example, microfilm and other durable mediums). County auditors are authorized to preserve old transcribed and photocopied documents on microfilm.

"Red ink" marginal notations for releases and satisfactions are eliminated (satisfactions are accomplished by recording a document of satisfaction referencing the original mortgage).

Redundancies are eliminated.

County clerks and auditors are directed to record and issue certain documents free of charge to surviving spouses of veterans.

The fee book requirement and the title search requirement are repealed.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	88	8	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3072

C 30 L 85

By Senators Talmadge, Newhouse, Halsan and Moore

Making technical corrections and reenacting fiduciary provisions from the Washington trust act of 1984.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1984, the Legislature enacted the Washington Trust Act, a major revision of the procedures involved in the operation of private and public charitable trusts and wills. There is a concern that the Washington Trust Act might violate the "one-

subject rule" of Article II, Section 19 of the State Constitution.

The major substantive changes in the 1984 Act include authorization for extra-judicial dispute resolution and for simplified trusts and estate management, modernization of powers of trustees, and clarification of fiduciary duties including responding to the Allard decision. There are some technical errors in the Act, such as erroneous or imprecise cross references. In addition, some sections are inconsistent with other provisions of the Act.

Various sections are technically imprecise. The provisions on gifts to minors do not specify all the duties and liabilities of a personal representative or trustee. The list of powers included in a durable power of attorney does not include the authority to change the principal's employee benefit plan beneficiary designee. The conditional exercises of lifetime powers of appointment appear to be irrevocable unless the instrument specifically states otherwise.

The notice and actions necessary to discharge or replace a trustee are unclear. The ability of a fiduciary to make another investment in an untried investment is unclear.

The application of various sections of the act to estate trusts and charitable remainder trusts is unclear.

SUMMARY:

The Washington Trust Act of 1984 is reenacted. In addition, several technical errors, such as imprecise cross references, are corrected. The various provisions of the Act are brought into conformity with each other. The effective date is clarified; some provisions are retroactive to March 7, 1984 (the effective date for some of the 1984 Act) and the rest are retroactive to January 1, 1985 (the overall effective date for the 1984 Trust Act). The application of various sections of the Act to estate trusts and charitable remainder trusts is clarified. In addition, some clarifications are made to the procedures established in the Act.

The provision on gifts to minors clarifies that even though a personal representative or trustee may have statutory authority to distribute property to a custodianship, rather than distributing property outright to an 18 year-old beneficiary, the personal representative or trustee is under no

requirement to establish a custodianship. The personal representative or trustee does not commit a breach of duty by not distributing property to a custodian as authorized by the statute.

A power of attorney includes the authority to change the principal's employee benefit plan beneficiary designee. A conditional exercise of a lifetime power of appointment is revocable unless the instrument exercising the power states otherwise. The notice required and actions necessary to replace a trustee are simplified and specified.

A fiduciary who has invested in an untried investment that has proved successful may invest again in an untried enterprise, up to 10 percent of the value of the trust, even though the original investment may have increased in value at a faster rate than the balance of the trust. If the original untried investment did poorly, its reduced market value prohibits the fiduciary from investing again.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	94	1	(House amended)
Senate	43	0	(Senate concurred)

EFFECTIVE: April 10, 1985

SB 3073

C 23 L 85

By Senators Talmadge, Newhouse, Halsan and Moore

Making technical corrections and reenacting wills provisions from the Washington trust act of 1984.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1984, the Legislature enacted the Washington Trust Act, a major revision of the procedures involved in the operation of private and public charitable trusts and wills. There is a concern that the Washington Trust Act might violate the "one subject rule" of Article II, Section 19 of the State Constitution.

The 1984 Act allowed "pour-overs" from a will to an unfunded trust. It also allowed a person writing a will to direct who is to receive certain personal property in a separate writing and established how that writing can be incorporated into the will by reference.

SUMMARY:

The provisions of the 1984 Trust Act regarding gifts by will to trusts, incorporation by reference, and a separate writing identifying bequests of personal property are reenacted. They apply to wills of persons who die after December 31, 1984.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	95	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: April 10, 1985

SB 3074

C 8 L 85

By Senators Halsan, Newhouse, Talmadge and Moore

Reenacting and changing partnership provisions from the Washington trust act of 1984.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1984, the Legislature enacted the Washington Trust Act, a major revision of the procedures involved in the operation of private and public charitable trusts and wills. There is a concern that the Washington Trust Act might violate the "one-subject rule" of Article II, Section 19 of the State Constitution.

The 1984 Act established the nature of the liability of a trustee or personal representative acting as a partner by referring to another section of the code. It referenced only a trustee's contractual liability. It also did not conform with the indemnification and liability provisions under the business powers sections of the 1984 Act.

SB 3074

SUMMARY:

The provisions of the 1984 Act regarding the liability of a trustee or personal representative are reenacted.

The liability of a fiduciary in a general partnership is limited. There is no individual liability of the fiduciary unless (1) the fiduciary has signed a contract for the partnership and has failed to disclose that the fiduciary is signing as a fiduciary and (2) there are insufficient assets in the partnership and the estate or trust out of which such liability can be satisfied.

VOTES ON FINAL PASSAGE:

Senate 46 0
House 95 0

EFFECTIVE: April 2, 1985

SB 3075

C 9 L 85

By Senators Halsan, Newhouse, Talmadge and Moore

Reenacting declaratory judgment provisions from the Washington trust act of 1984.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1984, the Legislature enacted the Washington Trust Act, a major revision of the procedures involved in the operation of private and public charitable trusts and wills. There is a concern that the Washington Trust Act might violate the "one subject rule" of Article II, Section 19 of the State Constitution.

The 1984 Act establishes a method of resolving disputes involving trusts and repeals a conflicting statute in the Declaratory Judgment Chapter.

SUMMARY:

The provisions of the 1984 Trust Act concerning declaratory judgments are reenacted. This includes repealing the special proceeding for declaratory judgments for persons interested in an estate.

VOTES ON FINAL PASSAGE:

Senate 46 0
House 95 0

EFFECTIVE: April 2, 1985

SB 3076

C 24 L 85

By Senators Talmadge, Newhouse, Halsan and Moore

Establishing a two-dollar filing fee for the nonjudicial resolution of certain trust provisions.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The Washington Trust Act of 1984 created a nonjudicial method of settling certain disputes involving trusts. Although a filing is required in a nonjudicial dispute resolution, the filing fee is not specified.

SUMMARY:

A \$2 fee is established for the filing of a nonjudicial resolution of certain trust provisions.

If a person is simply noting that a nonjudicial resolution has been achieved, the filing fee is \$2. If a person is objecting to a nonjudicial resolution and requesting a court hearing, the normal superior court filing fee is charged.

VOTES ON FINAL PASSAGE:

Senate 49 0
House 95 0 (House amended)
Senate 39 0 (Senate concurred)

EFFECTIVE: April 10, 1985

SB 3077

C 10 L 85

By Senators Halsan, Newhouse, Talmadge and Moore

Reenacting and changing joint tenancy provisions from the Washington trust act of 1984.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1984, the Legislature enacted the Washington Trust Act, a major revision of the procedures involved in the operation of private and public charitable trusts and wills. There is a concern that the Washington Trust Act might violate the "one subject" rule of Article II, Section 19 of the State Constitution.

One section of the Washington Trust Act of 1984 clarified that joint tenancies held by a husband and wife are presumed to be community property. This was designed to assure the step up basis for both halves of community property upon the death of the first to die of a husband or wife.

SUMMARY:

The provision of the 1984 Trust Act concerning the characterization of joint tenancies held by a husband and wife is reenacted.

Joint tenancy interests held by husband and wife, in both names, are treated as community property in all respects, except that the interest will pass to the survivor.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	95	0

EFFECTIVE: April 2, 1985

SB 3078

C 11 L 85

By Senators Talmadge, Newhouse, Halsan and Moore

Reenacting statute of limitations provisions from the Washington trust act of 1984.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1984, the Legislature enacted the Washington Trust Act, a major revision of the procedures

involved in the operation of private and public charitable trusts and wills. There is a concern that the Washington Trust Act might violate the "one-subject rule" of Article II, Section 19 of the State Constitution.

The 1984 Act established a statute of limitations for actions against a personal representative or trustee for breach of fiduciary duties. The time allowed for filing the action varies with the type of action to be filed.

SUMMARY:

The provisions of the 1984 Act regarding the statute of limitations for actions brought against a personal representative or trustee for breach of fiduciary duties are reenacted.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	95	0

EFFECTIVE: April 2, 1985

SB 3079

C 31 L 85

By Senators Talmadge, Newhouse, Halsan and Moore

Making technical corrections and reenacting procedural provisions from the Washington trust act of 1984.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1984, the Legislature enacted the Washington Trust Act, a major revision of the procedures involved in the operation of private and public charitable trusts and wills. There is a concern that the Washington Trust Act might violate the "one subject rule" of Article II, Section 19 of the State Constitution.

The 1984 Act clarified the procedures for resolving disputes involving trusts. Its provisions included where the suit may be brought, how and to whom notice is to be given, and when the suit may be brought. There were a few technical errors, such

SB 3079

as imprecise references, in some of these provisions.

SUMMARY:

The provisions of the 1984 Trust Act regarding the procedures for judicial resolution of disputes involving trusts are reenacted. In addition, some technical corrections are made.

The discharge of a trustee is added as an event which starts the running of the statute of limitations on when a suit may be brought. The statute of limitations does not stop running if any unascertained or unborn heirs, beneficiaries, or other persons had a guardian ad litem, limited or general guardian of the estate, or a special representative during the probate or dispute resolution proceeding. Trustors and grantors are added to the list of persons able to initiate a judicial proceeding involving the trust or estate.

The ordinary rules of civil procedure govern matters of form in pleadings in probate and trust proceedings. Judicial proceedings for declaration of rights or legal relations regarding trusts or estates do not supersede other provisions for establishing rights or legal relations in Probate Law. Certain persons are authorized to reach an agreement, through nonjudicial dispute resolution, on whether personal representatives or trustees may be given powers in addition to those granted in the instrument or given by law.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	95	0	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: April 10, 1985

SB 3081

C 48 L 85

By Senators Warnke and Newhouse

Authorizing reciprocal agreements with other states to collect claims payable to the department of labor and industries.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Department of Labor and Industries has no statutory authority to enter into reciprocal agreements with other states' labor agencies for collection of wage claim judgments against out-of-state employers. The Department believes this creates a hardship for workers, particularly in the areas near bordering states.

According to the Department, 12 states, including Oregon, Alaska and California, have legislation enabling such reciprocal agreements. The Interstate Labor Standards Association has requested all states to adopt reciprocal agreements.

SUMMARY:

The Director of Labor and Industries is permitted to enter into reciprocal agreements with the labor department or corresponding agency of another state. The Director is permitted to maintain actions in other states for the collection of claims for wages, judgments, or other demands and to assign such claims for collection. The Director may also, on behalf of another state, maintain legal action in Washington State for the collection of wages, judgments or other demands.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: July 28, 1985

SB 3085

C 304 L 85

By Senators Patterson, Peterson, Barr and Garrett

Permitting application of approved sunscreens to vehicle windows.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Existing law prohibits the application to vehicle windows, except the rear passenger seat windows, of any material which reduces light transmittance, unless the material is applied at the time of manufacture.

SUMMARY:

Sunscreen material may be applied to vehicle windows after the point of manufacture if it meets the standards adopted by the state Commission on Equipment.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	96	2	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3087

C 73 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse, Halsan, Hayner, Williams and Granlund)

Revising provisions relating to disposition of juvenile offenders.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The Juvenile Disposition Standards Commission is statutorily required to establish and review disposition standards for all juvenile offenses.

One of the criteria the Commission is required to consider in developing its proposed standards is the capacity of the state juvenile facilities. This statutory requirement sunsets on June 30, 1985. The Commission supports continuing this explicit statutory requirement.

A fine of up to \$100 may be imposed as part of a diversion agreement. Proceeds from the collection of the fine are used for juvenile services in the county. A diversion fine may be converted into community service hours if the juvenile is unable to pay the fine due to a change in circumstances. The authority to impose and collect fines terminates on June 30, 1985.

SUMMARY:

The authority of the Juvenile Disposition Standards Commission to consider the capacity of juvenile detention facilities in developing its proposed

standards for juvenile offenders does not terminate on June 30, 1985.

The authority to impose and collect fines as a part of a diversion agreement does not terminate on June 30, 1985.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	95	0

EFFECTIVE: June 30, 1985

SSB 3090

FULL VETO

By Committee on Judiciary (originally sponsored by Senators Talmadge and Halsan)

Providing for state reimbursement of the expenses of law enforcement officers in coroner's inquests.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Under current law, no person in the state may be placed in legal jeopardy for protecting, by any reasonable means, person or property against certain heinous crimes.

In addition, in a case of self-defense, Washington law provides reimbursement to defendants for lost time, legal fees, or other expenses associated with a legal investigation or court action when it is found that the defendant's actions are justified.

However, there is no provision for a similar reimbursement when a law enforcement officer's conduct is the focus of a coroner's inquest, and the officer's conduct is found to be justified.

SUMMARY:

A person cannot be held criminally or civilly liable for defending, by reasonable means, person or property against certain heinous crimes. Burglary and arson are added to the list of crimes, and obsolete language is deleted from the statute.

A law enforcement officer must be indemnified for loss of time, reasonable legal fees, or other expenses involved in the officer's defense when the officer's conduct is subsequently found justified

SSB 3090

as a result of a coroner's inquest or similar proceeding required by law.

VOTES ON FINAL PASSAGE:

Senate 45 0
House 95 0

FULL VETO: (See VETO MESSAGE)

SB 3091

C 237 L 85

By Senators Talmadge, Newhouse and Hayner

Providing for the forfeiture of real estate contracts.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

A real estate contract is a method of conveying property in which the seller provides the financing to the purchaser and retains the legal title and interest in the property as security. Usually, the purchaser takes possession of the property and makes installment payments over a period of time. The seller does not convey legal title to the purchaser until the final payment is made on the contract.

Because no third party, such as a bank or mortgage company, is involved, many real estate contracts are written by the parties alone. The contract may or may not include provisions for when the purchaser fails to make the necessary payments or breaks some other condition of the contract. In those cases, it is unclear how the seller can close out or forfeit the purchaser's rights in the contract.

Deeds of trust and mortgages, two other prevalent means of financing real estate sales, have statutory methods of closing out the purchaser's rights. There is no statutory method of closing out a real estate contract.

SUMMARY:

A method of forfeiting real estate contracts is established.

After the purchaser has caused a default by breaking a condition of the contract, such as

making periodic payments, the seller sends the purchaser and other interested persons a notice indicating that, unless the default is cured, the purchaser's rights in the contract will be forfeited. The notice specifies what the default is and gives the purchaser ninety days to cure it.

If the default is not cured within the ninety day period, the seller sends the purchaser and the other interested persons a declaration of forfeiture. The purchaser then has ten days to surrender the property to the seller. After the declaration of forfeiture is recorded with the court, the forfeiture is complete.

The purchaser may contest the forfeiture by going to court and obtaining an order preventing the forfeiture. The court may prevent the forfeiture if the purchaser shows that there is no default, or that the purchaser has a claim against the seller which would release, discharge, or excuse the default, or that the seller has not complied with the forfeiture procedures set out in the law.

The court may prevent the forfeiture altogether or may allow the purchaser more time to cure the default in appropriate cases, such as when the default is not monetary and simply cannot be cured within ninety days. If the court finds that the fair market value of the property substantially exceeds what the purchaser still owes on the contract, it may order a public sale. The purchaser receives part of the proceeds of the sale to avoid the unjust enrichment of the seller.

VOTES ON FINAL PASSAGE:

Senate 47 1
House 96 0

EFFECTIVE: January 1, 1986

SSB 3094

C 193 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse, Halsan and Hayner)

Modifying provisions relating to deeds of trust.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The Deed of Trust Act was originally enacted in 1965. The Act has not been substantially revised since that date and does not reflect either recent court decisions or effective methods and procedures to provide for nonjudicial foreclosures of deeds of trust.

SUMMARY:

A deed of trust is subject to all laws relating to mortgages on real property, except for nonjudicial foreclosures set forth in the Deed of Trust Act.

A notice procedure is established for persons, other than those statutorily entitled to notice, to request a notice of sale subject to a deed of trust.

The statute specifically sets forth those persons who are entitled to receive notice of a trust deed sale. Beneficiaries of a deed of trust, lien holders, vendees of a real estate contract, lessee of a lease, and other holders of any interest in the property are entitled to notice if such interest was filed after the recordation of the deed of trust and prior to the recordation of the notice of sale. Judgment lien holders subordinate to the deed of trust are generally entitled to notice.

Recordation of a pending lawsuit in any county where the property is located is sufficient to create the right to receive notice of the sale.

Procedures are clarified for nonjudicial foreclosure where the property covered by a deed of trust is situated in more than one county.

The format and wording of the statutorily prescribed notices of trustee's sale and foreclosure are modernized and made consistent with other provisions of the Act.

The Act applies to foreclosures commenced after the effective date of the Act.

A grantor of a deed of trust cannot preclude a nonjudicial foreclosure by filing a lawsuit involving the secured obligation. Only lawsuits commenced by the beneficiary of the deed of trust can prevent a nonjudicial foreclosure of the deed of trust.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	95	0

EFFECTIVE: July 28, 1985

SB 3096

C 45 L 85

By Senators Talmadge and Halsan; by Secretary of State request

Regarding the elections held to fill the vacancies in federal offices.

Senate Committee on Judiciary

House Committee on Constitution, Elections & Ethics

BACKGROUND:

The state laws providing procedures to fill a vacancy in the U.S. House of Representatives give clear, detailed requirements to meet a variety of contingencies. By contrast, the procedure for filling a vacancy in the U.S. Senate is contained in a single sentence, which merely says that the Governor must make a temporary appointment "until the people fill the vacancy ... at the next ensuing general state election."

SUMMARY:

Washington State's special election laws with respect to vacancies in congressional offices are amended.

The state assumes a prorated share of the costs of a primary or vacancy election held to fill a vacancy in the position of United States Senator or United States Representative.

When a vacancy occurs in the representation of this state in the United States Senate, the Governor is required to make a temporary appointment until the people fill the vacancy by election.

A vacancy in the Office of United States Senator is filled in the same manner as a vacancy in the United States House of Representatives. The Governor fixes the dates for the special filing period and designates the term or part of the term for which the vacancy exists.

The canvass of the votes cast at a special vacancy election for a United States Senator or Representative must be completed in each county within 15 days after the vacancy election. The returns are transmitted to the Secretary of State, who certifies the returns in the manner provided by statute.

Certain statutory deadlines that cannot be met in a timely fashion may be modified for the purposes

SB 3096

of a specific primary or vacancy election by the Secretary of State's rulemaking authority.

Technical changes are made to improve the language of the provisions.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3099

C 354 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse, Halsan and Granlund)

Providing mental health treatment for juveniles.

Senate Committee on Judiciary

House Committee on Social & Health Services

BACKGROUND:

Existing statutes relating to mental health care and treatment do not specifically or comprehensively address many of the unique problems and issues of administering mental health care to children. Because the statutes and administrative rules for providing mental health care to juveniles are vague or nonexistent, mental health care for children is not provided in a routine and predictable manner throughout the counties of the state. Mental health specialists, social workers, judges, attorneys and others have expressed a need for a separate statute which specifically and comprehensively addresses the various issues relating to the evaluation, treatment and care of mentally ill children.

SUMMARY:

The purpose is to ensure that procedural safeguards are specifically set forth in the statute so that minors receive appropriate voluntary and involuntary mental health care.

Minors may receive voluntary outpatient treatment and inpatient treatment. Any minor 13 years or older may receive outpatient treatment without parental consent. Any minor under 13 years of

age may only receive voluntary inpatient treatment with parental consent. A minor 13 years of age or older may receive voluntary inpatient treatment with parental consent. A minor 13 years of age or older may also receive voluntary inpatient treatment without parental consent, but a court hearing must be held and the evaluation and treatment facility must demonstrate the need for inpatient treatment.

Minors 13 years of age or older may receive involuntary mental health services. A minor may be initially detained for 12 hours at an evaluation and treatment facility to allow a county designated mental health professional to determine if the minor, as a result of a mental disorder, presents a likelihood of serious harm or is gravely disabled. If an initial detention is warranted, a commitment hearing must be held within 72 hours, with the minor advised of his or her legal rights. During the 72-hour commitment period, the minor is to be examined by a children's mental health specialist and a physician.

The professional person in charge of an evaluation and treatment facility may petition the Superior Court for a 14-day commitment period. The hearing must be held within 72 hours of the minor's emergency admission. The court must find by a preponderance of the evidence that the minor has a mental disorder and presents a likelihood of serious harm or is gravely disabled. Contents of the petition are specified.

Procedures are also set forth to allow for a 180-day commitment. The court must find by clear and convincing evidence that the minor is suffering from a mental disorder, presents a likelihood of serious harm or is gravely disabled, and is in need of further treatment.

A placement committee composed of children's mental health specialists and appointed by the Secretary of the Department of Social and Health Services is to place the minor in the most appropriate state-funded long-term evaluation and treatment facility. The facility is to make a report periodically to the placement committee regarding the patient's treatment plan and progress.

Procedures are set forth for the revocation of less restrictive alternative outpatient treatment if the minor fails to adhere to conditions established by the court.

The minor, the minor's parents, or other persons legally responsible for support of the minor are

liable for the costs of treatment, care, and transportation to the extent of their ability to pay as established by rule of the Department.

Counties are responsible for development of evaluation and treatment programs and services for minors. Counties are responsible for maintaining support of involuntary treatment services for minors at the 1984 levels, adjusted for inflation. The Department is responsible for additional costs to the county resulting from this chapter.

The rights of minors receiving mental health care are specified and are to be prominently posted at each facility.

The admission and treatment of a minor for mental health care is to be confidential and may only be disclosed under specified circumstances.

DSHS is permitted to transfer committed juvenile offenders to other than state operated evaluation and treatment facilities for observation, diagnosis, and treatment, if the facilities will accept the transfer.

A minor may not be detained under these provisions beyond the age of 18 unless there is self-admission or unless adult involuntary commitment proceedings are initiated. Court records are available only to the minor, the minor's parents, the minor's attorney or upon court order. Disclosure of any information regarding the minor's treatment is to be reflected in the minor's clinical record.

Parents of a minor may be represented at the minor's commitment hearing. Electric-shock treatment cannot be performed on a minor without a court hearing. Psycho-surgery on a minor is prohibited.

Statutes pertaining to psychopathic delinquents are repealed.

VOTES ON FINAL PASSAGE:

Senate	41	7	
House	90	6	(House amended)
Senate	43	5	(Senate concurred)

EFFECTIVE: January 1, 1986

SB 3103

C 194 L 85

By Senators Rasmussen and Talmadge

Modifying references to the award in lieu of homestead.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The homestead award and award in lieu of homestead are traditionally adjusted over the years. Several sections of the code pertaining to the award in lieu of homestead refer to a specific dollar amount. Future adjustments are anticipated, so it is simpler to contain the dollar amount in one section.

SUMMARY:

Technical changes are made so that the dollar amount awarded in lieu of homestead is referenced in one section of the Revised Code of Washington.

VOTES ON FINAL PASSAGE:

Senate	43	0
House	96	0

EFFECTIVE: July 28, 1985

SB 3104

C 68 L 85

By Senators Talmadge and Newhouse

Repealing statutes superseded by court rules.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Court rules adopted by the state Supreme Court supersede inconsistent statutes relating to court procedure. Numerous statutes conflict with court rules promulgated over the years. The continued existence of these statutes is a source of confusion

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to judges, lawyers and others concerned with practice in the state's courts.

SUMMARY:

Statutes inconsistent with court rules are repealed.

VOTES ON FINAL PASSAGE:

Senate	35	5
House	95	2

EFFECTIVE: July 28, 1985

SSB 3116

C 355 L 85

By Committee on Natural Resources (originally sponsored by Senators Patterson, Owen, Hansen and Metcalf)

Modifying provisions relating to damage being done by wildlife.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

Wild animals, or wild birds, that are damaging agricultural crops, domestic animals, fowl or other property may be trapped or killed by a property owner or tenant under the authority of a permit issued by the Director of Game. Wild shrubs and range land vegetation are excluded from the definition of agricultural crops.

Deer and elk are damaging privately owned range land.

SUMMARY:

The Director of Game may delegate the authority to issue kill permits for wild animals or birds. Emergency, for animal damage control purposes, is defined as an immediate threat to crops, domestic animals, fowl, or other property. In emergency conditions, the Game Department Regional Administrator may issue verbal permission to trap or kill wildlife causing damage. Endangered species may not be killed or trapped for damage control purposes. The Department must dispose of wildlife killed for damage control purposes within three working days. The Department is to consider special hunts to reduce wildlife

populations that are causing damage in areas that have recurring damage complaints.

The definition of "crop" for damage control purposes includes wild shrubs and range land vegetation on privately owned cattle ranching lands. The Department has 48 hours to respond to wildlife damage concerns on private cattle ranching lands. After that period, the landowner may declare an emergency. Damage to wild shrubs, and range land vegetation is not eligible for monetary compensation from the Department. Deer and elk may not be killed on privately owned cattle ranching lands that were not open to public hunting during the previous hunting season unless cattle ranching lands were closed in coordination with the Department. The Department is to work with landowners and tenants to solve game damage problems.

VOTES ON FINAL PASSAGE:

Senate	47	2	
House	96	0	(House amended)
Senate	43	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3120

C 351 L 85

By Senators Conner, Hansen and Garrett; by Department of Transportation request

Modifying certain motor vehicle standards.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Lack of uniformity of vehicle regulation among states can be burdensome on truckers involved in interstate commerce. Maintenance engineers from the states of Washington, Oregon and Idaho met at the request of their respective agency heads to develop recommendations to standardize truck size and weight limitations among the three states. Specific regulatory differences that affect interstate movement of vehicles were negotiated and recommendations for state legislation were developed. The Department of Transportation requested

certain legislation developed pursuant to those negotiations.

The operation of a vehicle combination with three cargo units is unlawful. A truck tractor with two trailers constitutes a legal vehicle combination, but a tractor trailer equipped with a freight compartment (dromedary) pulling two trailers constitutes an illegal triple-unit combination.

SUMMARY:

The legal length for double trailers is increased from 59 feet to 60 feet. For truck and trailer combinations, the special permit requirement for units 65 to 75 feet long is repealed.

Minor amendments to the legal axle weight loadings, based on the number of vehicle axles and the vehicle length, are made in order to conform to Idaho statutes.

A uniform 600 pounds load per inch of tire width replaces the former 550 pounds per inch width for tires under 12 inches and 660 pounds per inch width for tires over 12 inches.

The operation of a vehicle combination consisting of a truck tractor equipped with a freight box and pulling two trailers is legalized. The freight box (dromedary) is limited to 8 feet in length and the overall vehicle length is limited to that of a truck and trailer combination (75 feet).

Statutory references are brought up to date.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	93	2	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	27	20	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3121

C 20 L 85

By Senators Granlund, Hansen, Garrett, Vognild and Bender; by Department of Transportation request

Authorizing DOT activities to receive federal funds.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

The U.S. Department of Transportation has several transportation grant programs that distribute federal funds to local agencies. Pursuant to federal law, the governor of each state is the grant administrator. The Governor has designated the state Department of Transportation (DOT) as the administrator of the federal public transportation and rail assistance programs.

DOT officials are concerned that the agency lacks specific statutory authority to administer the grant programs. When legislation creating the DOT was enacted in 1977, the transportation-related powers of the Planning and Community Affairs Agency were transferred to the Department. Although Planning and Community Affairs was then the agency designated by the Governor to administer public transportation and railroad programs, the agency had no statutory authority to engage in such activities. As a result, the Department inherited no specific statutory authority to administer transit and rail program grants. The Department has the statutory authority to receive and distribute highway and aviation grants.

SUMMARY:

The Department of Transportation is authorized to enter into such agreements with federal agencies as may be necessary to secure federal grants or loans, on its own behalf or on the behalf of other public or private recipients, for public transportation purposes, or rail transportation purposes. Public transportation purposes include, but are not limited to, bus transportation, ride-sharing activities, and transportation services for the elderly or handicapped.

VOTES ON FINAL PASSAGE:

Senate	44	1
House	96	0

EFFECTIVE: July 28, 1985

SSB 3122

SSB 3122

C 242 L 85

By Committee on Transportation (originally sponsored by Senators Garrett, Hansen, Granlund and Vognild; by Department of Transportation request)

Permitting the DOT to deliver plans and specifications for bid proposals without advance payment or written request.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Current statute requires the Department of Transportation to receive written request and payment before any maps, plans or specifications are released to interested persons.

An annual audit by the State Auditor revealed an internal Department procedure which allows maps, plans and specifications to be released to requesting firms upon oral request and subsequent payment. This procedure, which conflicts with the statutory language, has been used by the Department to facilitate the flow of contract information since 1967.

SUMMARY:

The Department of Transportation is authorized to release maps, plans, specifications and directions to any person upon request and subsequent payment.

Language is clarified which relates to the withdrawal of bid proposals and the reading of bid prices at public openings.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: July 28, 1985

SSB 3125

C 228 L 85

By Committee on Transportation (originally sponsored by Senators Conner, Hansen and Garrett; by Department of Transportation request)

Authorizing construction of the Quinault Tribal Highway.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

State Route 109 serves Washington coastal traffic north of Grays Harbor. The designated route for SR 109 begins at a junction with SR 101 in Hoquiam then goes northwesterly to Ocean City, Moclips, and along the coast to a junction with SR 101 near Queets. This highway has only been constructed as far north as Taholah, approximately eight miles north of the southern boundary of the Quinault Indian Nation but 14 miles from the highway's intersection with SR 101. Some right-of-way for the highway was acquired as far north as the township line, approximately six miles north of Taholah. In the late 1960s, construction began on the uncompleted segment of SR 109 running through the Quinault Indian Reservation. Work on the highway was halted due to land and highway access issues.

In October 1984, the Department of Transportation and the Quinault Indian Nation reached an agreement on a "statement of understanding" setting forth the conditions for completing the Taholah to Queets section of State Route 109. Legislative authority is necessary before the Department can enter into and carry out the agreement with the Quinault Indian Nation.

The "statement of understanding" designates the Department as the agent for the Quinaults to construct the highway. The Indian Nation is to control access along this section of highway and own the right of way; however, a perpetual easement along the route is to be granted for public travel from the southern reservation boundary to Queets. The Nation is to perpetuate existing property access rights on and off the highway from the south reservation boundary to Taholah and access rights from Taholah to the township line as shown on previously developed limited access plans.

Both parties are to cooperate in seeking federal funds to construct the highway.

Existing limited access statutes are inconsistent with concepts in the proposed agreement. Further, there is not any specific statutory authority for the Department to enter into and carry out the contemplated agreement.

Numerous owners of property on the Quinault Reservation are concerned about access rights to the highway from their property and about development policies restricting use of that property.

Certain owners of property on the Quinault Reservation challenge the jurisdiction of the Quinault Nation over properties and people within the Reservation.

SUMMARY:

The Department of Transportation is authorized to enter into a cooperative agreement with the governing authority for the Indian peoples of the Quinault Indian Reservation and appropriate federal agencies to build the Tribal Highway, the section of State Route 109 from the south boundary of the Quinault Indian Reservation to an intersection with SR 101 near Queets.

The agreement may make the Department responsible for the highway's maintenance and operation. The agreement may reserve to the governing authority access controls to the highway, except that existing access rights from adjoining property to existing SR 109 from the south reservation boundary to Taholah, and to the proposed highway from Taholah to the township line are preserved.

A process is prescribed to determine access to the new section of highway north of the township line. The Indian governing authority and the Bureau of Indian Affairs must approve highway access provisions before any highway right-of-way may be acquired.

The Secretary of Transportation is authorized to convey by deed to the Indian governing authority all state right-of-way north of the south reservation boundary previously acquired for SR 109, in return for a perpetual easement for public travel on the highway. Similarly, the Department may acquire needed SR 109 right-of-way and convey it on the same terms. The Department is authorized to join with the governing authority to seek funds

for the highway and to proceed with design and construction of the uncompleted portion.

VOTES ON FINAL PASSAGE:

Senate	44	4	
House	66	31	(House amended)
Senate	29	19	(Senate concurred)

EFFECTIVE: May 8, 1985

SB 3127

C 195 L 85

By Senators Moore, Newhouse and Stratton

Authorizing the assistant state treasurer to serve on the state investment board.

Senate Committee on Governmental Operations

House Committee on Ways & Means

BACKGROUND:

The State Investment Board invests public trust and retirement funds. The Board consists of nine voting members, including the State Treasurer, and five nonvoting members. The State Treasurer is not always able to attend meetings of the State Investment Board.

SUMMARY:

The State Treasurer or the Assistant State Treasurer, if designated by the State Treasurer, is authorized to serve on the State Investment Board.

VOTES ON FINAL PASSAGE:

Senate	42	5
House	70	28

EFFECTIVE: July 28, 1985

SB 3129

C 63 L 85

By Senators Rasmussen, Conner, DeJarnatt, Metcalf and Granlund

Adding a member to the veterans affairs advisory committee.

SB 3129

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

For many years, membership on the State Veterans Affairs Advisory Committee has included representatives from congressionally chartered veterans' organizations. The Gold Star Mothers, Inc. received its charter in 1984 (36 U.S.C. 2401).

SUMMARY:

Membership on the State Veterans Affairs Advisory Committee is increased from 13 to 14, to include a representative of the Gold Star Mothers.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	95	0

EFFECTIVE: July 28, 1985

SSB 3131

C 12 L 85

By Committee on Natural Resources (originally sponsored by Senators Thompson, Owen, Johnson and Zimmerman)

Permitting the sale or transfer of dredge spoil or materials from certain rivers free of any interest of the department of natural resources.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

Following the 1980 eruption of Mount St. Helens, the Legislature enacted several statutes pertaining to the dredging of the Toutle, Cowlitz and Cowlitz Rivers. The law allowed the extraordinary amounts of dredge spoils to be placed upon private property. Subsequently, those private owners were allowed to sell or otherwise dispose of the dredge spoils placed upon their land without payment to the state and without any state interest being attached to the dredge spoils. The law was for the limited period from 1980 through 1985. The Department of Natural Resources has requested

this permission be continued until December 31, 1990.

SUMMARY:

The current expiration date in RCW 79.90.160 is changed from December 31, 1985 to December 31, 1990.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	95	0

EFFECTIVE: July 28, 1985

SB 3134

C 356 L 85

By Senators Goltz, Patterson, Gaspard, Saling, Johnson, Bauer, Garrett, Benitz, McDermott, Stratton, Rinehart and Lee

Permitting installment payments of tuition and fees at institutions of higher education.

Senate Committee on Education

House Committee on Higher Education

House Committee on Ways & Means

BACKGROUND:

Tuition costs are projected to increase by 20 to 23 percent in Washington's public two- and four-year institutions on July 1, 1985. Room and board fees are also expected to increase during the next biennium. At the same time, federal financial aid appropriations are being targeted for reductions, and federal and state financial aid packages are increasingly directed to students in the lowest income brackets.

For students whose family incomes fall within the middle ranges, costs of higher education are increasingly difficult to meet. For years, public and private institutions have offered students the opportunity to pay higher education fees and room and board fees on a monthly payment plan instead of in two or three semester or quarterly payments.

Boards of trustees and regents are empowered to set deadlines for payment of tuition and fees at their institutions. Statute requires the institutions to

transmit revenue from those fees to the State Treasurer within 35 days of receipt.

The Joint Legislative Advisory Committee on Higher Education Governance, Tuition, Fees and Financial Aid proposed that the state permit higher education institutions to offer a periodic tuition and fee payment plan on a pilot basis during the 1985-87 biennium. The committee has recommended that the state fully fund the cost(s) of any such pilot program(s). The proposal requires that participating institutions be allowed to transmit revenue from those fees within five days of the close of registration instead of within 35 days of receipt.

SUMMARY:

Washington public higher education institutions are permitted to offer students an optional plan to pay in advance the costs of tuition, operating, and services and activities fees in periodic installments.

Current laws are amended to permit institutions participating in the periodic payment plan to transmit moneys received as operating fees to the State Treasurer within five days following the close of registration of the appropriate quarter or semester.

All institutions participating in the periodic payment plan are required to report on the plan's effectiveness and administrative costs to the Legislature by January 1, 1988. \$18,000, or as much thereof as may be necessary to implement one periodic payment plan pilot program, is appropriated for the biennium ending June 30, 1987 from the general fund to Western Washington University.

Appropriation: \$18,000

VOTES ON FINAL PASSAGE:

Senate	42	4	
House	95	2	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to grant conference)
House			(House refused to recede)
Senate	46	0	(Senate amended)
House	70	26	

EFFECTIVE: July 28, 1985

SB 3143

C 88 L 85

By Senators Talmadge, Newhouse and Conner; by Department of Licensing request

Extending the period for reregistration of trade names with the state.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The purpose of the trade name law is to require a person operating a business under an assumed name to disclose his or her true name.

The Legislature substantially revised the trade name law in 1984. The law requires businesses which are presently registered under a trade name to reregister with the Department of Licensing (DOL) by October 1, 1985.

SUMMARY:

The deadline for businesses to reregister trade names with DOL is extended to October 1, 1986.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	95	0

EFFECTIVE: July 28, 1985

SB 3144

C 19 L 85

By Senators Garrett and Barr

Updating statutory references in the Model Traffic Ordinance.

Senate Committee on Transportation

House Committee on Transportation

SB 3144

BACKGROUND:

The Washington Model Traffic Ordinance (MTO) was enacted in 1975 to provide a comprehensive and uniform guide to traffic laws within the state. It is a listing of all state traffic laws, and can be adopted, by reference, by any local authority to serve as its local traffic ordinance. A local authority may adopt the MTO in full or in part, and may at any time exclude any section or sections it does not wish to include in its local traffic ordinances.

The addition of any new section or amendment, or the repeal of an existing section in the Model by the Legislature, automatically amends any city, town or county ordinance that has been adopted by reference. This makes it unnecessary for the legislative authority of any city, town or county to take action with respect to any additions, amendments, or repeals.

Periodically, the Model needs to be updated to reflect legislative changes in state traffic laws.

SUMMARY:

The Model Traffic Ordinance is updated to include legislative enactments from the 1984 Regular Session of the Washington State Legislature that relate to traffic and motor vehicles. These statutes create traffic infractions or misdemeanor offenses or provide procedures to be followed by police and government officials.

The 1984 legislative enactments included in this ordinance are as follows:

A provision is made to release the owner of a motor vehicle from future civil or criminal liability after the sale of the vehicle if certain conditions are met.

A procedure to be followed by the county auditor and other public agencies is provided for release of the name and address of an owner of a motor vehicle.

Out-of-state holders of permits that indicate that the occupant of a vehicle is disabled may lawfully park in parking places reserved for the physically disabled in this state.

It is a misdemeanor for a person to drive a motor vehicle on any public highway in the state while that person's license is in a suspended or revoked status.

A procedure is provided to be followed by the arresting officer for violation of the DWI statutes. This provision is effective until December 31, 1985.

A procedure is provided to be followed by the arresting officer for alcohol violators in relation to RCW 46.20.308, the implied consent law. This provision is effective January 1, 1986.

The state statutes on drinking and on open containers in motor vehicles are not intended to prohibit a local ordinance on those same subjects with equal or greater penalties.

It is a traffic infraction to label incorrectly the original container for an alcoholic beverage and then to violate the open container law in RCW 46.61.5191.

Marking regulations are provided for parking spaces for the physically disabled.

A special license or decal issued by another state indicating that the occupant of the vehicle is disabled entitles the vehicle on which it is displayed to the same overtime parking privileges granted to vehicles with a similar special license issued by this state.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	96	0

EFFECTIVE: July 28, 1985**SSB 3145**

C 311 L 85

By Committee on Ways & Means (originally sponsored by Senators Rasmussen and DeJarnatt; by State Treasurer request)

Clarifying the distribution of forest reserve funds for county roads and schools.

Senate Committee on Ways & Means

House Committee on Education

BACKGROUND:

When the federal government sells timber on its land, 25 percent of the funds received are given to the state and deposited in the forest reserve fund.

These funds are distributed to counties for the purposes of schools and public roads. The present law is unclear as to the total distribution of these funds.

SUMMARY:

Funds received into the forest reserve fund are to be distributed as follows: 50 percent is to go to counties to be spent on public schools or public roads, and 50 percent is to go to counties to be spent on public schools. The funds are distributed to counties and school districts based on the amount of logging activity done on federal land within each county.

Language is changed to comply with the federal exception permitted to Skamania County and to specify the October enrollments as the base for the apportionment of the school money.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: July 28, 1985

SSB 3146

C 350 L 85

By Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Kreidler, Kiskaddon and Deccio; by Department of Corrections request)

Updating the names and capacities of corrections institutions.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The statutes authorizing the Secretary of Corrections to manage and govern the state's adult correctional facilities do not reflect the recent addition of facilities. Other statutes restrict the Secretary's ability to manage prison populations.

Cells at the Washington State Correctional Center are double bunked as a result of continued overcrowding. By July 1, 1985, each prisoner at the Correctional Center is to be provided a single cell.

SUMMARY:

Statutory references to the proposed medium security facility at Monroe are deleted and the facility is retitled Twin Rivers Correction Center. The state penitentiary and the state reformatory are renamed the Washington State Penitentiary and the Washington State Reformatory. Other named facilities are redesignated as corrections facilities and the Secretary is given the authority to manage and govern Twin Rivers Corrections Center and the proposed 500-bed facility at Clallam Bay.

Language limiting the age of offenders housed at the Washington State Reformatory to between sixteen and thirty years is stricken.

The effective date for the requirement for a single cell for each prisoner at the Washington State Correctional Center is changed from July 1, 1985 to July 1, 1987.

VOTES ON FINAL PASSAGE:

Senate	40	2	
House	95	3	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	97	0
Senate	43	0

EFFECTIVE: July 1, 1985

SB 3148

C 52 L 85

By Senators Granlund, Kreidler, Kiskaddon and Deccio; by Department of Corrections request

Repealing provisions relating to special adult supervision programs.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The Probation Subsidy Act was enacted in 1973 to encourage local government to manage and serve adult probationers at the local level. The Legislature, however, has not appropriated funds for such programs for several years. Furthermore,

the Sentencing Reform Act of 1981 (SRA) specifies that the provisions of the Probation Subsidy Act do not apply to any felony offense committed on or after July 1, 1984, the effective date of the SRA.

SUMMARY:

The Probation Subsidy Act is repealed.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	95	0

EFFECTIVE: July 28, 1985

SSB 3162

C 47 L 85

By Committee on Commerce & Labor (originally sponsored by Senators McDermott and Warnke)

Defining employer and employee relationships for entertainers for unemployment insurance.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Under the current law there is no language that defines the employer/employee status in the case of professional musicians. As a general rule, however, Employment Security has considered the purchaser of the band's services as the employer when the band is not separately established as a business entity. Thus, in the case of a club that has hired local musicians, the club as a purchaser of the services would be held to be the employer. On the other hand, a club that hires a "name band" is not the employing entity. In a case where the distinction between a casual performer and name band is blurred, a decision must be made on the preponderance of evidence. This decision process has resulted in controversy.

At least one other agency has had a similar experience. The Department of Labor and Industries had the same problem of identifying liability when services of musicians or entertainers were involved. In 1983, legislation was passed that more clearly defined the relationship of music providers and music purchasers.

SUMMARY:

The Employment Security Department is required to handle the issue of employer/employee status in the case of professional musicians as follows:

1. Businesses that contract with musicians or entertainers are not liable employers unless the individual performs services other than entertainment for the business or is regularly and continuously employed by the business. There must be a written contract designating the leader of the music or entertainment group.
2. A musician or entertainer who performs as a member of a music or entertainment business or group is an employee of the business or group. The business or leader of the group is required to register with the Department as an employer.
3. Businesses that contract for services of musicians or entertainers are excluded from the principal's liability provisions of RCW 50.24-.130 if the services are purchased from a business or group registered as an employer with the Department.
4. The terms "music or entertainment business" and "group" are defined as entities whose principal business activity is music or entertainment. Entities who provide music or entertainment to members or patrons as something incidental to their primary business activity are specifically excluded from the definition.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	95	0

EFFECTIVE: July 1, 1985

SSB 3165

C 357 L 85

By Committee on Judiciary (originally sponsored by Senators Bottiger, Thompson, Vognild, Bauer, von Reichbauer and Bailey)

Creating new superior court judicial positions.

Senate Committee on Judiciary

House Committee on Judiciary

House Committee on Ways & Means

BACKGROUND:

The number of Superior Court judges in each county is prescribed by statute. Data provided by the State Court Administrator indicate that several counties need additional Superior Court judges to handle increasing caseloads. There are currently five Superior Court positions authorized for Clark County, 13 positions in Pierce County and eight in Snohomish County.

SUMMARY:

The number of superior court judicial positions is increased from 13 to 15 in Pierce County, five to six in Clark County, and eight to nine in Snohomish County.

The effective date for the new judicial position in Snohomish County is January 1, 1986. The effective date of the new positions in Clark and Pierce Counties is January 1, 1987. The creation of the additional judicial positions is effective only if, prior to the respective effective dates, each county approves the additional positions and agrees that the county will pay the expenses of the additional positions to the same extent it pays for existing judicial positions.

Any new superior court positions, including the new positions, are to be authorized only for counties that have instituted mandatory civil arbitration to the maximum extent permitted by law.

VOTES ON FINAL PASSAGE:

Senate	47	2	
House	92	5	(House amended)
Senate	41	3	(Senate concurred)

EFFECTIVE: July 28, 1985 (Section 5)
 January 1, 1986 (Section 3)
 January 1, 1987 (Sections 1 & 2)

SB 3167

C 358 L 85

By Senators Talmadge, Hayner and DeJarnatt

Extending timeshare regulation.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The promotion and sale of timeshares, a right to occupy or use certain premises or items, have been regulated in this state since 1983. The regulations were enacted after several residents lost their investments when some timeshare promoters experienced financial difficulty or bankruptcy. The Legislature placed a termination date on timeshare regulation, repealing the chapter July 1, 1987.

SUMMARY:

The termination date on timeshare regulations is extended to 1989.

A timeshare offering must be registered if it includes the right to occupy a unit three or more times over a period of at least three years.

VOTES ON FINAL PASSAGE:

Senate	48	1	
House	91	3	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	94	3
Senate	43	1

EFFECTIVE: July 28, 1985

SSB 3170

C 93 L 85

By Committee on Natural Resources (originally sponsored by Senators Owen and Metcalf)

Establishing criteria for annual natural resources reports.

Senate Committee on Natural Resources

SSB 3170

House Committee on Natural Resources

BACKGROUND:

Currently, none of the natural resource management agencies are required to provide uniform reports to the Legislature concerning the operations of the respective agencies or the status of the respective resources managed. The Department of Fisheries is currently required to report to the Governor annually; the Commissioner of Public Lands is currently required to report, and recommend, to the Legislature any changes in law relating to public lands; and the Department of Game currently has no legislative reporting directive.

SUMMARY:

The Departments of Game and Fisheries and the Commissioner of Public Lands are individually required to submit a comprehensive annual report to the Legislature by October 30 of each year. The reports shall describe revenues generated, program costs, capital expenditures, special projects, research, environmental controls, cooperative projects, agreements and litigation on major issues. The reports are to describe the status of the resource managed and its use.

The reports are to be submitted to legislative committees on Natural Resources and Ways and Means.

VOTES ON FINAL PASSAGE:

Senate	40	0
House	97	0 (House amended)
Senate	47	0 (Senate concurred)

EFFECTIVE: July 28, 1985

SB 3173

C 289 L 85

By Senators Owen, Metcalf and Stratton

Prohibiting trespass on aquaculture lands or structures.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

Prior to 1984, owners of unimproved and unused property which was not fenced or posted could not charge intruders with trespass. In 1984, agricultural interests successfully urged that the trespass statute be amended to include lands used for growing an agricultural crop if cultivation of that crop was clearly visible. Thus, the current law prohibits entering on cultivated agricultural land without permission.

Commercial shellfish interests recommend extending the trespass statute so that commercially used aquaculture beds and structures receive the same treatment as agricultural land.

SUMMARY:

The definition of "premise" is extended to include a structure used for commercial aquaculture. Land used for commercial aquaculture is excluded from the classification of "unimproved and apparently unused land" if such land either has clear signs of cultivation or has conspicuous notice posted.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	96	1 (House amended)
Senate		(Senate refused to concur)
House	90	0 (House receded)

EFFECTIVE: July 28, 1985

SSB 3175

C 51 L 85

By Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Kiskaddon, Kreidler and Stratton; by Department of Social and Health Services and Department of Fisheries request)

Regulating removal and possession of commercial quantities of shellfish.

Senate Committee on Human Services & Corrections

Senate Committee on Natural Resources

House Committee on Social & Health Services

BACKGROUND:

The Department of Social and Health Services (DSHS) currently certifies shellfish for compliance with sanitation requirements in order to protect public health. To enforce the provisions of this chapter, DSHS must prove that the shellfish are sold for human consumption. This requires the enforcement personnel to observe the harvest, follow the transportation and processing of the product, and observe the sale. DSHS requests an easier method to detect and enforce compliance with certification requirements.

Currently, the Department of Fisheries cannot enforce violations of this chapter.

The commercial importance of mussels has risen dramatically in the recent years, yet DSHS has no authority to certify them.

SUMMARY:

DSHS is given authority to enforce this chapter for shellfish grown in commercial quantities. Commercial quantity is defined as more than 40 pounds of mussels, or 100 oysters, or 14 horse clams, or 6 geoducks, or 40 pounds of clams.

The Department of Fisheries is given the authority to enforce this chapter.

A violation is a gross misdemeanor. The maximum penalty is increased to a fine of \$1,000 and/or imprisonment of up to one year.

Conviction is defined to include unvacated forfeiture of bail or collateral, payment of fine, guilty plea or a finding of guilt.

Mussels are included within the definition of shellfish.

Shellfish seized pursuant to this act are subject to prompt disposal. The State Board of Health is required to develop rules governing the disposal of seized shellfish.

Disposal of shellfish pursuant to this chapter shall not be deemed wasting or destroying of shellfish under the Fisheries code.

VOTES ON FINAL PASSAGE:

Senate	44	1
House	96	0

EFFECTIVE: July 28, 1985

SB 3176

C 287 L 85

By Senators Granlund, Kiskaddon, Kreidler and Stratton; by Department of Social and Health Services request

Revising population limitations in juvenile residential facilities.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Under current law, the Secretary of the Department of Social and Health Services, upon concluding that the in-residence population of juvenile residential facilities exceeds 105 percent of rated bed capacity, may recommend to the Governor that enough offenders be released to reduce the in-residence population to 100 percent of its capacity. This authority terminates June 30, 1985.

SUMMARY:

The language terminating the Secretary's early release powers on June 30, 1985, is deleted. Removing the termination date provides the Secretary the permanent option of using early release as a management tool should overcrowding occur.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House	96	0	(House receded)

EFFECTIVE: July 28, 1985

SSB 3179

C 292 L 85

By Committee on Ways & Means (originally sponsored by Senators Halsan and Kreidler)

Enlarging the class of persons entitled to cash out annual leave.

SSB 3179

Senate Committee on Ways & Means

House Committee on State Government

Rereferred House Committee on Ways & Means

BACKGROUND:

Under the provisions of current law, state employees, or their estates in the event of death, are allowed to be compensated for up to 30 days of accrued annual leave when employment is terminated by death, reduction in force, resignation, dismissal or retirement. If, however, the employee is unable to expend annual leave due to official job requirements as filed in a statement of necessity, the 30-day limit may be exceeded by any amount of leave. If there is not a statement of necessity, the allowable excess leave is that which may be accrued between the anniversary date of the year in which the annual leave could not be expended and the next anniversary date. If the excess leave is not taken by the next anniversary date, the leave is abolished and treated as though it never existed. This additional annual leave is not included in the computation of retirement benefits.

SUMMARY:

The statutory reference to the employees covered under the cash-out of annual leave is extended to RCW 43.01.044, which provides for the accrual of annual leave and for limitations on unused annual leave beyond the basic 30 days.

Annual leave accrued beyond the 30-day limit may be cashed out at the time of retirement or death. The additional annual leave is not to be included in the computation of retirement benefits. The rights or benefits granted are not contractual rights or benefits, and the Legislature may revoke them.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3180

C 94 L 85

By Committee on Governmental Operations (originally sponsored by Senator Kreidler)

Requiring salary surveys to be completed by September 30 prior to legislative session.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

The compensation plans for state employees in institutions of higher education, executive agencies and the Washington State Patrol are based largely on biennial salary surveys. There is no statutory date by which the salary survey must be completed, and some confusion has been expressed about the intended meaning of "completed."

SUMMARY:

A comprehensive salary and fringe benefit survey must be conducted and submitted to the Governor and Director of Financial Management by September 30 every four years. A trend survey measuring average salary and fringe benefit movement for broad occupational groups must be conducted half-way through each four-year period. The first comprehensive survey is to be completed by September 30, 1986, and the first trend survey is to be completed by September 30, 1988.

VOTES ON FINAL PASSAGE:

Senate	42	6	
House	95	0	(House amended)
Senate	43	5	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3184

PARTIAL VETO

C 463 L 85

By Committee on Governmental Operations (originally sponsored by Senator Thompson)

Providing state-owned housing for certain state employees.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

Some state agencies provide housing to employees under certain circumstances as a condition of employment. The State Housing Committee, a subcommittee of the State Personnel Board, develops criteria and formulas for establishing rental and utility rates. Some affected employees, believing the system is inequitable, have requested legislative action.

SUMMARY:

The Legislature recognizes that certain state agencies need personnel services on an extended basis at some state facilities and also recognizes the restrictions and hardship these working conditions may impose upon employees.

The following standards are established:

No rent is charged to an agency employee who resides in a state-owned or -leased living facility as a condition of employment.

No rent is charged if the agency employee does not have to reside in the facility as a condition of employment, but if it would be to the agency's benefit to have the facility occupied by an agency employee whose duties involve extended personnel services associated with the work site at or near the facility.

If no agency employee resides in a facility, the agency may rent the facility to other interested parties.

Agency employees residing in state-owned or -leased living facilities must pay all utility charges, based upon a rate of 6 cents per month per square foot. Utility costs may be adjusted by the Department of General Administration on a yearly basis. Employees must also pay all utility

costs attributable to "personal enhancement". The occupant is responsible for custodial housekeeping and for damage in excess of normal wear and tear.

The state is responsible for maintaining the facilities in a safe, healthful condition.

VOTES ON FINAL PASSAGE:

Senate	40	7	
House	61	35	(House amended)
Senate			(Senate refused to concur)
<u>Free Conference Committee</u>			
House	65	32	
Senate	41	27	

EFFECTIVE: May 21, 1985

PARTIAL VETO SUMMARY:

The Governor's veto removes the prohibition against charging rent to employees who occupy state-owned or -leased housing but who are not required to do so as a condition of employment.

The requirement that the agency managing the facility establish rental and utility rates, as well as the formula upon which the rates would have been based, were also vetoed. (See VETO MESSAGE)

SB 3189

C 271 L 85

By Senators Thompson, Granlund, Kreidler, McManus, DeJarnatt, Garrett and Vognild

Allowing payroll deductions for political action committees of public employee organizations.

Senate Committee on Governmental Operations

House Committee on Constitution, Elections & Ethics

BACKGROUND:

Current law authorizes voluntary payroll deductions for state employees for several purposes, including: (1) credit union; (2) parking fees; (3) U.S. Savings Bonds; (4) board, lodging or uniforms; (5) professional dues; (6) labor or employee organization dues; (7) insurance contributions; (8) medical care; (9) life insurance; (10) health disability insurance; and (11) certain Individual Retirement

SB 3189

Accounts. Deductions may not be made to a political committee. School districts must institute a voluntary payroll deduction program, for any purpose, including political committees, upon the written request of 10 percent of the certified employees.

SUMMARY:

State employees or officers may authorize a wage deduction for voluntary payments to political committees so long as: (1) the committee is registered with either the Public Disclosure Commission or the Federal Elections Commission, and (2) at least 25 or more officers or employees of a single agency or a total of 100 or more officers or employees of several agencies have authorized a deduction for payment to the same political committee.

VOTES ON FINAL PASSAGE:

Senate	28	21	
House	53	44	(House amended)
Senate	28	20	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3198

C 34 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Granlund, Halsan, Rinehart and DeJarnatt)

Revising provisions of the victims of sexual assault act.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The Victims of Sexual Assault Program, located within the Department of Social and Health Services, was created in 1979. The program provides training, public education, and general technical assistance to local sexual assault programs.

A total of \$350,000 has been appropriated to the Victims of Sexual Assault Program in each of the three bienniums since its creation. The program has one one-half time employee. The majority of the program's activities are accomplished

through contracts. The program is under a sunset and will expire this July. The Legislative Budget Committee has conducted a sunset program and fiscal review of the program and recommends that the program be continued indefinitely.

SUMMARY:

The sunset on the Victims of Sexual Assault Program is removed. The program is continued indefinitely.

The program is required to develop a biennial statewide plan to aid organizations which provide services to victims of sexual assault, and to update the plan on a biennial basis. The Victims of Sexual Assault Program is authorized to distribute funds received from outside sources to qualified programs.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	97	0

EFFECTIVE: June 30, 1985

SSB 3201

C 65 L 85

By Committee on Parks & Ecology (originally sponsored by Senators Halsan and Kreidler)

Classifying PCBs as dangerous waste.

Senate Committee on Parks & Ecology

Senate Committee on Ways & Means

House Committee on Environmental Affairs

BACKGROUND:

Wastes generated from the salvaging or rebuilding of electric transformers or capacitors may contain polychlorinated biphenyls (PCBs). These chemicals have been linked to cancer in laboratory animals and can produce highly toxic chemicals when burned improperly.

PCBs are regulated as a hazardous waste by federal law in levels higher than 50 parts per million. The state currently does not regulate the disposal of PCBs in lesser concentrations. PCBs are extremely stable chemicals and are not broken down by any natural processes. Once released

into the environment, they tend to accumulate in the tissues of living organisms.

Last year, an unusually large number of cattle died in Lewis and Thurston counties. Ranchers believe that the deaths can, in large part, be attributed to the wastes generated by nearby transformer salvaging companies.

SUMMARY:

The Department of Ecology is to list and treat as dangerous wastes PCB-contaminated wastes generated from the salvaging, rebuilding, or discarding of transformers or capacitors.

The Department of Ecology may not regulate PCBs at levels currently regulated by the federal government. The wastes are allowed to be incinerated or disposed of at facilities permitted under the U.S. Toxic Substances Control Act.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3202

C 318 L 85

By Senators McCaslin, Thompson and Zimmerman

Modifying provisions relating to initial assessed property valuations.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

The issuer of a building permit for new construction must immediately transmit a copy of that permit to the county assessor. There is no requirement for the building permit to contain the county assessor's parcel number.

SUMMARY:

A building permit must contain the county assessor's parcel number in those counties which use parcel numbers.

VOTES ON FINAL PASSAGE:

Senate	40	0	
House	87	11	(House amended)
Senate	41	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3204

C 60 L 85

By Senators Gaspard, Bauer, Johnson, Goltz, Patterson, Bender and von Reichbauer

Providing for activities in observance of Veterans' Day in the schools.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Current law requires each common school to provide students a sixty-minute program in observance of Veterans' Day on the school day preceding Veterans' Day. It is suggested that allowing districts greater flexibility in meeting the requirement would benefit students.

SUMMARY:

Each common school is required to provide, during the school week preceding Veterans' Day, at least sixty minutes of educational activities suitable to the observance of Veterans' Day.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	91	5	

EFFECTIVE: July 28, 1985

SB 3205

C 210 L 85

By Senators Gaspard, Bauer, Patterson, Bender and Johnson

Modifying the period for accumulation of leave for school employees.

Senate Committee on Education

SB 3205

House Committee on Education

BACKGROUND:

Current law limits the accumulation of sick leave by school employees to 180 days. The contracts of many school employees provide for more than 180 work days.

SUMMARY:

School employee sick leave may be accumulated up to the number of days in a given contract period, but not for more than one year.

Sick leave shall not accumulate beyond 180 days for purposes of a sick leave buy-back program or for purposes of computing salary lid compliance.

VOTES ON FINAL PASSAGE:

Senate 45 2
House 96 0

EFFECTIVE: July 28, 1985

SSB 3207

C 286 L 85

By Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Metcalf, Bottiger, Rasmussen, Johnson, Patterson, Owen, Bender and Bauer)

Providing for prison work programs.

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

House Committee on Social & Health Services

BACKGROUND:

The recent growth of prison industries has helped to decrease idleness and to provide inmates with greater opportunities to develop marketable skills that can lead to employment after prison. However, more prison work programs are needed to accommodate the increasing prison population.

SUMMARY:

The Departments of Fisheries and Game and the Department of Corrections are required to establish prison work programs for food fish and game

fish rearing projects, and game bird and game animal maintenance, improvement, repair, restoration, redevelopment and protection projects at or near appropriate adult correctional facilities. Prisoners are to perform work in state fish and game projects where appropriate. The Department of Corrections is prohibited from using the South Tacoma Game Farm for such projects.

The Department of Corrections is directed to identify prisoners who are interested in working in the prison work program. If the Department is unable to identify a group of prisoners willing to participate in such programs, it still may enter into an agreement with the Departments of Fisheries or Game to design projects for any institution; all costs for the projects must be borne by the Department of Corrections.

Upon request by the Department of Corrections, the Departments of Fisheries and Game are required to provide professional assistance from biologists, fish culturists, pathologists and engineers to assist the development and productivity of prison work programs.

The Departments of Fisheries and Game must identify potential projects that are suitable for prison work programs.

Live fish and game stock are provided by the Departments of Fisheries and Game for use in prison programs at no cost to the Department of Corrections. Fish and game food may be provided to the extent that such resources are available.

Where public beaches or state-owned aquatic lands are involved, the Department of Natural Resources will assist in setting up the program.

The costs of implementing these prison work programs are supported to the extent funds are available under the Volunteer Cooperative Fish and Wildlife Enhancement Program (Chapter 75.52 RCW) and from institutional industries funds.

VOTES ON FINAL PASSAGE:

Senate 46 2
House 93 3 (House amended)
Senate (Senate refused to concur)

Free Conference Committee

House 96 1
Senate 45 1

EFFECTIVE: July 28, 1985

SB 3214

C 92 L 85

By Senators Wojahn, Warnke, Lee, Moore, Williams, Halsan, Fleming and Peterson

Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties.

Senate Committee on Commerce & Labor

House Committee on Trade & Economic Development

BACKGROUND:

Some representatives of cities and counties have expressed concern that current law does not grant authority to cities and counties to engage in economic development activities.

SUMMARY:

Cities and counties are given specific authority to engage in economic development programs. Cities and counties may contract with nonprofit corporations to assist with economic development activities.

VOTES ON FINAL PASSAGE:

Senate	42	6	
House	97	0	(House amended)
Senate	40	6	(Senate concurred)

EFFECTIVE: April 22, 1985

SSB 3220

C 300 L 85

By Committee on Governmental Operations (originally sponsored by Senator Owen)

Authorizing access to autopsy reports.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Family members of the deceased are not permitted access to autopsy and post mortem reports.

The coroner, medical examiner, or attending physician must, upon request, meet with the family of the deceased to discuss the findings of the autopsy or post mortem. Occasionally, the lack of access has caused family members needless suffering.

SUMMARY:

Family members or personal representatives of the deceased are permitted access to autopsies and post mortem reports. The definition of "family" is expanded to include grandparents and grandchildren. The term "personal representative" is defined by reference to the probate code definition section.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	95	1	(House amended)
Senate			(Senate refused to concur)
House	94	2	(House receded)

EFFECTIVE: July 28, 1985

SB 3225

C 301 L 85

By Senators Fleming and McDermott

Allowing savings banks to invest in the African Development Bank.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Savings banks are authorized to invest up to 5 percent of their funds in obligations of the Asian Development Bank, the Inter-American Development Bank, and the International Bank for Reconstruction and Development.

SUMMARY:

A savings bank may invest up to 5 percent of its funds in obligations of the African Development Bank.

A state chartered bank may invest up to 5 percent of capital and surplus in obligations of any multinational development bank in which the United States participates directly. Savings and

SB 3225

loans associations may invest up to 5 percent of their assets in such obligations.

VOTES ON FINAL PASSAGE:

Senate	44	0	
House	69	27	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3230

C 352 L 85

By Senators Talmadge, Metcalf, Moore, Rasmussen and Peterson

Strengthening and clarifying laws against driving while intoxicated.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Operating a motor vehicle while under the influence of alcohol continues to be a serious problem. Alcoholism and alcohol abuse cause an estimated \$21 billion economic loss to the country in lost work time, health and welfare costs, and property damage. Over 50 percent of the people killed in traffic accidents each year have alcohol in their blood at the time of the accident.

The maximum fine for a first conviction of driving while intoxicated (DWI) is \$750. The maximum for a second DWI in a five-year period is \$1,500.

Deferred prosecution is a diversion procedure available to persons charged with a misdemeanor or gross misdemeanor offense which results from alcohol, drugs or mental problems. Eligible persons are required to complete long-term treatment in lieu of criminal prosecution. The deferred prosecution statute has not been comprehensively reviewed for several years and abuses of the program have been reported.

Police presently confiscate the driver's license of anyone arrested for DWI. The arresting officer issues a temporary license and sends the original to the Department of Licensing. If the charges are

dropped or the defendant acquitted, the Department returns the original license. The statute expires December 31, 1985.

Retailers and manufacturers of alcohol presently do promotional activities on college campuses.

SUMMARY:

The maximum fine for a first time DWI is \$1,000 and the fine for a second DWI within a five year period is \$2,000. Minimum fines for DWI offenses are established: \$250 for first-time offenders and \$500 for subsequent offenders. Unless the person is indigent, the fines cannot be suspended or deferred.

The statutory criteria for eligibility and participation in the deferred prosecution program are clarified and strengthened. A petition must be filed seven days prior to trial unless good cause exists for delay. A petition must contain a case history and written assessment of the petitioner by a state-approved facility. As a condition of the deferred prosecution program, a petitioner must sign a stipulation as to the admissibility of facts contained in the police report, which may be used against the petitioner if a court revokes the deferred prosecution. The court may order restitution.

Treatment facilities are to provide the court with periodic reports of petitioners' progress in the treatment program. When imposing fines and penalties for subsequent DWI offenses, a deferred prosecution may be considered as a prior offense. Persons charged with DWI are to be given an explanation of the deferred prosecution program.

A deferred prosecution program must be for a two-year period and must meet certain specified requirements, including inpatient and outpatient counseling.

The expiration date is deleted from the statute providing for the issuance of a temporary driver's license, and for confiscation of the original license, for anyone arrested for DWI. Persons on deferred prosecution are eligible to receive a regular driver's license.

Sellers of alcoholic beverages are generally prohibited from conducting promotional activities for liquor products on the campus of any college or university. Exceptions are provided for legal sales of liquor on licensed premises, for sponsorship of the broadcasting of college events, for advertising in campus publications, and for financial support

of activities approved by the school administration.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	85	13	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	92	5
Senate	48	0

EFFECTIVE: May 20, 1985
 July 1, 1985 (Section 1)

SSB 3235

C 349 L 85

By Committee on Education (originally sponsored by Senators Gaspard, McDermott, Bottiger, Rinehart, Warnke, Wojahn, Bender and Garrett)

Providing programs for educational excellence.

Senate Committee on Education

House Committee on Education

House Committee on Ways & Means

BACKGROUND:

Studies of Washington's public education system and subsequent discussion on the reports and findings have touched upon a number of educational issues, including the impact of laws and state-level regulations on local programs; educational research grants; school building self-studies; career ladder issues; district flexibility to provide supplemental staff compensation; and funding of basic education. It is suggested that improvements in these and other areas can strengthen the state's public school system and promote educational excellence.

SUMMARY:

The Superintendent of Public Instruction is required to recommend to the Legislature, by December 1, 1985, a basic education allocation formula which provides adequate but not excessive funding for school districts with fewer than 25 full-time equivalent students.

Each school district board of directors is required to develop a schedule and a process by which each public school in the district must undertake self-study procedures on a regular basis. School districts are authorized to allow two or more elementary school buildings in the district to undertake jointly the required self-study process. Schools may use the State Board of Education accreditation process for the self-study, without having to file for accreditation, or may design their own self-study process. The self-study process must include participation by school building staff, parents, community members, and students (where appropriate to age). All schools must complete the initial self-study by the end of the 1990-91 school year. The State Board of Education must develop rules governing procedural criteria and such rules may allow for waiver from the initial self-study and any particular self-study for economic reasons.

The Legislature declares its intent to examine the effectiveness of and investigate further the concept of a career ladder, prior to determining whether to develop such a system as a way of enhancing the attractiveness of teaching.

The Superintendent of Public Instruction (SPI) is authorized to grant funds for school improvement and research projects, including teacher-developed improvements in curriculum, instruction, and classroom management. The projects may involve the collaboration of higher education personnel and K-12 educators. SPI is directed to appoint an advisory committee to establish criteria and to evaluate proposed projects. SPI shall award grants in such amounts as it determines.

The State Board of Education is authorized to grant waivers to school districts from complying with the minimum direct classroom contact hours requirement if such waiver is necessary for the district to implement a locally approved plan for educational excellence. The waiver shall be limited to individual teachers approved in the local plan. The State Board of Education is required to develop criteria to evaluate the need for the waiver. Waivers may be granted only if students' classroom instructional time will not be reduced, and if the teachers' expertise is critical to the success of the local plan.

The State Board of Education is authorized to grant waivers to school districts from the program hours requirement if the waivers are necessary to implement successfully a local plan to provide an

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effective education system designed to enhance the educational program of each student in the district.

School districts are authorized to provide supplemental compensation to certificated instructional and classified staff through separate contracts. Such separate contracts shall be subject to collective bargaining statutes.

The supplemental compensation shall be for additional days or additional duties as set forth in the bargaining agreement or agreements as locally negotiated between the district and the respective bargaining representatives. Additional days for certificated instructional staff and classified staff shall be those days beyond their respective work years.

Districts may not incur obligations for the supplemental compensation beyond the current school year and districts may not cause the state to incur any present or future funding obligations as a result of providing the supplemental compensation.

Supplemental compensation as may be provided shall not be deemed an increase in salary or compensation for purposes of compliance with the statewide salary lid.

Separate contracts used to provide the supplemental compensation shall not be subject to continuing contract provisions, shall not exceed one year, and if not renewed shall not be subject to statutory provisions relating to adverse change in contract.

VOTES ON FINAL PASSAGE:

Senate	27	19	
House	96	1	(House amended)
Senate			(Senate refused to concur)
<u>Free Conference Committee</u>			
House	97	0	
Senate	38	10	

EFFECTIVE: July 28, 1985

SB 3236

C 310 L 85

By Senators Moore, Sellar, Vognild, Bender, McManus, Warnke, McCaslin, Newhouse, Deccio, Wojahn, Stratton, Guess, McDermott, von Reichbauer and Conner

Relating to banks and bank holding companies.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Federal law delegates to the states the power to permit interstate banking. Under current Washington law, a Washington bank may only be purchased or merged across state lines if it is in danger of failing.

SUMMARY:

Interstate banking is permitted by acquisition or merger regardless of the condition of the Washington bank, provided that the home state of the acquiring bank allows Washington banks to acquire banks there on a reciprocal basis. Interstate mergers and acquisitions are allowed on a nationwide basis, rather than limited to a particular geographic region.

VOTES ON FINAL PASSAGE:

Senate	41	7
House	97	0

EFFECTIVE: July 1, 1987

SSB 3240

C 35 L 85

By Committee on Judiciary (originally sponsored by Senators Lee, Moore, Metcalf, Bottiger, Benitz, McManus, McCaslin, Gaspard, Bailey, Stratton, Johnson, Garrett, Deccio, Peterson, Hayner, Barr, Craswell, Patterson and McDonald)

Authorizing court to restrain accused offender from entering family home in cases of child abuse.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

There are criminal penalties for intimidating or tampering with a witness or person who has information relevant to a criminal investigation.

There is no special protection for child victims of sexual or physical abuse from contact with the person accused in a criminal or civil case of committing the abuse.

SUMMARY:

The court may issue restraining orders in cases of physical or sexual assault if it finds reasonable grounds to believe abuse has occurred.

The person may be restrained from molesting or disturbing the peace of the alleged victim, entering the family home, except as authorized by court order, or having any contact with the alleged victim except as authorized. The court may impose any additional restrictions that it determines are necessary to protect the child from further abuse or trauma.

The custodial parent or guardian must assist law enforcement in enforcement of the order and must inform the court, law enforcement agencies, and the Department of Social and Health Services of any violation of the order.

Violation of the order by the restrained person is a misdemeanor.

VOTES ON FINAL PASSAGE:

Senate 46 0
House 97 0

EFFECTIVE: July 28, 1985

SSB 3249

FULL VETO

By Committee on Financial Institutions (originally sponsored by Senators Kreidler, Moore and Rasmussen)

Specifying permissible terms of group life insurance for members of the Washington national guard.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

The group life insurance of an insured's spouse cannot exceed 50 percent of the insured's life insurance. This provision reflects a 1947 market in which group life insurance was not common, unlike today.

Group life insurance policies issued to an association on behalf of its employees or members cannot name that association, its officers, or its trustees as beneficiaries. This limitation also prohibits members or employees from naming the association's scholarship endowment fund as a beneficiary.

The rate of group life insurance charges, or dues including such charges, made to the insured must vary based on his/her age group. This requirement also applies to the National Guard although the insured's risk does not significantly increase with age, compared to the average population, due to special physical fitness requirements for National Guard participants.

SUMMARY:

The spouse's group life insurance cannot exceed the total amount of the insured's group life insurance.

A member's or employee's group life insurance policy can name his association's scholarship endowment fund as beneficiary.

The rate of group life insurance charges, or dues including such charges, is equal for all insured members of the National Guard, regardless of age.

Rather than amending existing law, a new section applying to the Washington National Guard is created with the same objectives previously proposed in the amendments.

VOTES ON FINAL PASSAGE:

Senate 48 0
House 95 0 (House amended)
Senate 36 0 (Senate concurred)

FULL VETO: (See VETO MESSAGE)

SSB 3254

C 303 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Hayner, McCaslin, Granlund and Halsan)

Revising certain provisions of domestic violence prevention laws.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Last year, the Legislature enacted the Domestic Violence Prevention Act. That legislation required law enforcement officers to make arrests in certain cases of domestic violence. It is requested that some sections of that legislation be clarified.

A person may file for a protection order in a municipal, district, or superior court by paying a \$20 filing fee and filling out a form drafted by the court administrator. Sometimes more than one action is filed in the same case. If the person later transfers the case to a different court, it is unclear whether the person must pay another \$20 filing fee. If the person is indigent, the court must waive the filing fee. The court lacks the statutory authority to waive the service fee. The court is unable to recover those fees from the respondent to the action.

The Domestic Violence Prevention Act also altered the ways in which law enforcement officers respond to domestic violence cases. They are required to make arrests if there is evidence of an assault within the preceding four hours. It is unclear whether this includes assaults by minors and what law enforcement is to do in cases of mutual assaults or trivial assaults.

The arrested person must go to court for an arraignment where he or she is issued a protective order. If a person receives three misdemeanor assault convictions for domestic assaults, he or she may be found guilty of a Class C felony.

SUMMARY:

Various changes are made in the Domestic Violence Prevention Abuse Law.

A person may apply for a temporary protection order in a municipal, district, or superior court by filling out a form provided by the clerk of court. The hearing on the permanent order will be heard in the superior court if the case involves children, if the superior court already has a case pending involving the same parties, or if the petitioner is asking that the respondent be excluded from a shared residence. A district or municipal court may not enter an order affecting the custody of children if the juvenile court has previously entered an order. A filing fee will not be charged if the case is transferred from a district or municipal court to the superior court or if a petition is filed in an existing action in the same jurisdiction.

If the person is indigent, the court may not charge any court-related fees, including service fees. The court may order the respondent to pay the county or the municipality the filing fee and costs, including service fees. Municipal police departments are allowed to charge service fees in the same manner that county sheriffs can. If there is a judgment for costs or fees, it shall constitute a lien on real estate as otherwise provided in law. The court is given the authority to realign the designation of the parties as "petitioner" and "respondent" if it finds that the abuser is the petitioner.

The situations in which law enforcement officers must make an arrest are clarified. Law enforcement officers need not arrest minors. They must make an arrest of an adult if, within the preceding four hours, there has been a felonious assault, or an assault causing physical injury, or there has been physical action intended to cause another person reasonably to fear imminent bodily injury or death. In cases of mutual assault, the officer is given the discretion to arrest only the person the officer believes to be the primary aggressor. The felony enhancement for the third misdemeanor assault is deleted.

No-contact orders can be issued in cases where batterers have been arrested but not yet arraigned. These precharging orders, which need not be entered in the statewide computer system, expire after 72 hours. A violation of a no-contact order issued after a conviction of a crime is made a misdemeanor.

VOTES ON FINAL PASSAGE:

Senate 46 0
 House 97 0 (House amended)
 Senate (Senate refused to concur)

Free Conference Committee

House 97 0
 Senate 43 0

EFFECTIVE: July 28, 1985
 September 1, 1985 (Sections 1 & 2)

SSB 3261

PARTIAL VETO

C 360 L 85

By Committee on Governmental Operations (originally sponsored by Senators Thompson and Zimmerman)

Modifying the state building code.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

There is in effect in all cities, towns, and counties of the state a State Building Code which consists of the following: Uniform Building Code and Related Standards, 1976 edition; Uniform Mechanical Code, 1976 edition; The Uniform Fire Code, 1976 edition; The Uniform Plumbing Code, 1976 edition; the rules and regulations adopted by the State Building Code Advisory Council establishing standards for making buildings and facilities accessible to and usable by physically disabled or elderly persons; and the Thermal Performance and Design Standards for Dwellings. Some cities, towns and counties have either been lax in code enforcement or have unwisely exempted from the Code classes or types of buildings or structures. The lack of a uniform procedure for adopting revisions or new editions of the State Building Code has caused problems in administration and enforcement of the Code. Questions have also arisen concerning whether the State Building Code should be enforced as minimum or maximum standards.

Representatives of cities, towns, and counties have complained that the State Building Code Advisory

Council cannot properly respond to many policy and technical problems that have arisen. Although the Council has rule-making authority in the area of barrier free design, it is only advisory in the areas of life-safety and structural integrity.

SUMMARY:

The State Building Code Advisory Council is renamed the State Building Code Council. The Council consists of 15 members and two ex-officio members, appointed by the Governor to three year terms. The Department of Community Development provides administrative and clerical assistance to the Council. The Building Code Council shall: update the State Building Code; adopt amendments to the State Building Code; and approve or deny all county and city amendments to the State Building Code if such amendments apply to single family or multifamily residential buildings (as defined). The Council is also to conduct research and appoint technical advisory committees. The Council may issue opinions at the request of a local building official.

All meetings of the Council are subject to the Open Public Meetings Act and all actions of the Council which adopt or amend codes of statewide applicability must be pursuant to the Administrative Procedure Act. All Council decisions relating to the State Building Code require approval by at least a majority (eight) of members of the Council. All decisions to adopt or amend statewide codes must be made prior to December 1 of any year and do not take effect before the end of the regular legislative session in the next year.

The State Building Code shall consist of:

- 1) Uniform Building Code and Standards, 1982 edition;
- 2) Uniform Mechanical Code, 1982 edition;
- 3) Uniform Fire Code and Standards, 1982 edition;
- 4) Uniform Plumbing Code and Standards, 1982 edition; and
- 5) Rules and regulations adopted by the Council for barrier-free design.

No city or county may exclude single family or multifamily residential buildings from the application of any portion of the State Building Code. No city or county may amend the barrier-free design standards. Exclusion from the State Building Code or provisions of the Uniform Fire Code concerning

roadways is clarified. A technical change ("F" to "B" occupancy) is necessary due to a reclassification in the 1982 Uniform Building Code. All cities and counties not having a building department must contract with another county, city, or inspection agency for enforcement of the State Building Code.

The Council shall adopt rules, where appropriate, to provide alternative methods for the preservation and strengthening of buildings of historical or architectural significance.

All energy codes and standards and all provisions relating to sale and use of portable oil-fueled heaters are removed from the State Building Code and recodified in their entirety into a new chapter (19.27A).

A \$1.50 fee is imposed on each building permit issued by a county or city. These monies are placed in the newly created building code account and are to be used, after appropriation, to fund the activities of the Council.

VOTES ON FINAL PASSAGE:

Senate	33	13	
House	86	10	(House amended)
Senate			(Senate refused to concur)
House			(House refused to grant conference)
Senate			(Senate refused to concur)
<u>Conference Committee</u>			
House	74	22	
Senate	30	15	

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

Four sections were vetoed to eliminate provisions already contained in the State Energy Code (SHB 1114). (See VETO MESSAGE)

SSB 3262

C 284 L 85

By Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Kiskaddon and Stratton; by Department of Social and Health Services request)

Changing provisions relating to nursing home licensing.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Currently, there is no legal authority to review or control nursing home acquisitions under the Certificate of Need provisions of RCW 70.38 unless the purchaser intends to change the facility's bed capacity. Acquisitions occur without review of the impact of ownership change on patient care.

The Director of Nursing Services is presently required to ensure that only licensed personnel administer medications in a nursing home. Thus student nurses and nurses who have graduated but are not yet licensed are prevented from administering medications.

Recently some Medicaid-eligible patients have experienced difficulty in obtaining admission to nursing homes. Because a higher rate can be charged for private paying patients, there may exist a natural fiscal inclination to give them admission preference.

SUMMARY:

The Department of Social and Health Services (DSHS) is authorized to deny a license to any applicant who has a history of significant non-compliance with federal or state nursing home regulations. All change of ownership licenses are required to be submitted to DSHS 60 days before the date of the proposed change of ownership.

Nursing homes which have contracts with DSHS to serve Medicaid-eligible patients may not condition the admission, transfer or discharge of patients on patients' Medicaid status, nor charge in excess of the Medicaid rate. Nursing homes are required to maintain a list of persons seeking admission to the facility in chronological order for one year following the month admission was requested.

It is not an act of Medicaid discrimination to refuse to admit a patient if admitting that patient would prevent the needs of other residents in that facility from being met.

The Department of Social and Health Services is authorized to assess a monetary civil penalty of up to \$1,000 for each Medicaid discrimination violation. Such violations shall also be construed as unfair or deceptive acts or practices or unfair methods of competition for purposes of invoking

the procedures, remedies, and penalties of the Consumer Protection Act.

The definition of a nursing home is extended to include hospital nursing home wings certified under Medicaid or Medicare, and nursing care facilities operated by the Department of Veterans Affairs.

By January 1, 1986, any provider of skilled or intermediate nursing care must employ nursing assistants who have completed or are enrolled in a training program and shall provide nursing assistants with the opportunity to obtain certification pursuant to the rules promulgated by the State Board of Nursing.

The present statutory requirement that only licensed personnel administer medications is retained. Exceptions are provided for graduate nurses, and student nurses under the supervision of their clinical instructor, to administer medications. Certified health care assistants are authorized to practice pursuant to the requirements of RCW 18.135.

VOTES ON FINAL PASSAGE:

Senate	48	1	
House	94	0	(House amended)
Senate	43	3	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3267

C 302 L 85

By Senators Hansen, Guess and von Reichbauer:
by Department of Licensing request

Relieving the department of the duty of returning a surrendered driver's license at the end of the suspension period.

Senate Committee on Transportation

House Committee on Judiciary

BACKGROUND:

The language of RCW 46.20.315, which requires the Department of Licensing to return a suspended or revoked driver's license to the driver at the end of the period of suspension or revocation, conflicts with the language of RCW 46.29.440, which

requires in most instances that the driver give and thereafter maintain proof of financial responsibility, prior to return of the driver's license. A reinstatement fee is also required.

The procedure currently followed by the Department at the end of a period of suspension of a driver's license is as follows: The Department informs the individual that the period of suspension or revocation has ended and that state law requires a reinstatement fee of \$20 before a new license is issued. A driver whose license has been suspended or revoked as a result of a DWI or being in "physical control" of a motor vehicle while under the influence of intoxicating liquor or drugs is required to pay a reinstatement fee of \$50 and file and thereafter maintain proof of financial responsibility. The applicant is provided an authorization form which is to be presented to the driver examiner. The words "financial responsibility" are included on the new license, which the applicant receives by mail approximately ten days following application for relicensing.

SUMMARY:

This legislation eliminates conflicting language in existing law. Language directing the Department of Licensing to return a surrendered driver's license at the end of the period of suspension or revocation is deleted from the statute.

The five separate statutes relating to driving without a valid license are amended. The penalties for "driving while the license is suspended or revoked" remain the same. Other statutes are cross-referenced to these penalty provisions. The penalties for driving while in a "revoked status," and for driving with an out-of-state license are made identical to those for driving while the license is suspended or revoked. Penalties for driving after being found an habitual offender are also made the same except that the minimum jail terms may not be suspended or deferred.

The reference to penalties for DWI-related driving without a license is removed from the traffic code violation reporting law. Driving while in a "revoked status" is expressly exempted from the traffic infraction law.

Exceptions are added to the automatic extension of the period of license suspension or revocation. The extension may not occur if so recommended by the court and if DOL determines the driver has already been reissued a license, or the driver has liability insurance and, if a DWI conviction was

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involved, is making satisfactory progress in any required treatment program.

Any person convicted of a first violation of driving without a valid driver's license, who is also convicted of DWI, is guilty of a misdemeanor. He/she shall receive the same penalty as a driver convicted of driving while his/her license is suspended or revoked, except that upon first conviction the punishment shall be imprisonment for not less than 30 days and shall not be suspended or deferred.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: May 13, 1985

SB 3270

C 13 L 85

By Senators McDermott, Warnke and Thompson; by Department of Retirement Systems request

Modifying tax deferral benefits under public retirement systems.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Last year, the state enacted a law that adopted the tax deferral provided under section 414(h) of the Federal Internal Revenue Code, in which an employee's salary is reduced by the amount of the employee's contribution to the respective retirement system, and the employer "picks up," or pays, the amount of the reduction to the retirement system on behalf of the employee. The employee does not have the option of choosing to receive this amount directly instead of having it "picked up" by the employer. This "picked-up" amount is considered deferred compensation for the purposes of income taxation, but is included in the compensation used to determine the retirement benefit. This "picked-up" amount is also available to the member who terminates employment and withdraws his or her employee contribution.

The Internal Revenue Service (IRS) has identified certain portions of the state law that are not in compliance with IRS policy on section 414(h) of the Federal Tax Code.

There are two technical errors in the state enactment. First, state agencies who employ members of the Teachers' Retirement System (TRS) are not directed to "pick up" these employees' contributions, although this "pick-up," in fact, was done. Second, Plan II provisions of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF), the Public Employees' Retirement System (PERS), and TRS, in part, define "compensation" used for the determination of the retirement benefit as that "reported by the employer on the wage and tax statement submitted to the federal internal revenue service." Since the amount of the employee's contribution to the retirement system becomes deferred compensation, this amount is not included on this statement and is not technically part of compensation as defined.

SUMMARY:

The provisions directing that 1) employees' contributions to their respective retirement system be "picked-up" by the employer and the employee's compensation be deferred by the amount "picked-up," and 2) the employee does not have the option of choosing to receive such amount directly instead of having it "picked up" by the employer, are modified to comply specifically with technical corrections required by IRS.

Members of TRS employed by state agencies are to be included under the employer "pick-up" of employee contributions to TRS.

Plan II provisions of LEOFF, PERS and TRS are revised to delete reference to the IRS wage and tax statement in the respective definitions of compensation.

The above revisions are to be applied retrospectively to September 1, 1984.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	95	0

EFFECTIVE: April 2, 1985

SB 3273

C 89 L 85

By Senators Goltz, Zimmerman, Bauer, McCaslin and Talmadge

Modifying terms and procedures for the delivery of mutual aid services between law enforcement agencies.

Senate Committee on Judiciary

House Committee on Local Government

House Committee on Judiciary

BACKGROUND:

Mutual law enforcement assistance in Washington State is hampered by the limited ability of a law enforcement agency to extend its activities beyond its primary territorial jurisdiction. Because of these limitations, it is common for selected officers of any given law enforcement agency to be deputized by a neighboring agency. However, the risks of liability limit the usefulness of mass-deputizing as a law enforcement tool. Law enforcement agencies suggest that statewide jurisdiction be granted to peace officers in certain situations.

SUMMARY:

The Washington Mutual Aid Peace Officer Powers Act is created. Its provisions regulate the exercise of law enforcement powers on a territorial basis and allow for aid and assistance agreements between law enforcement agencies.

When law enforcement agencies contract to provide mutual law enforcement assistance, the agency with primary territorial jurisdiction may establish standards for officers from participating agencies.

Circumstances surrounding an actual exercise of peace officer authority must be reported to the Washington law enforcement agency with primary territorial jurisdiction.

Persons exercising peace officer powers are subject to the supervisory control of and limitations imposed by the primary commissioning agency, unless there is an agreement to delegate supervision temporarily to another agency.

Claims of liability that arise out of the exercise of authority by an officer acting within the scope of the officer's duties as a peace officer are the responsibility of the primary commissioning agency. This does not apply when the officer acts under the direction of another agency or the liability is otherwise allocated under a written contract.

The meaning of fresh pursuit, and the authority of a peace officer to make an arrest in fresh pursuit of an offender, are delineated.

The Washington Association of Sheriffs and Police Chiefs is directed to develop a statewide plan for the delivery of law enforcement mutual aid services and to present the plan to the Legislature by January 1, 1986.

VOTES ON FINAL PASSAGE:

Senate	47	1
House	95	0

EFFECTIVE: July 1, 1985

SSB 3279

C 441 L 85

By Committee on Education (originally sponsored by Senators Gaspard, Goltz, Saling, Johnson, Lee, Stratton, Conner, Bender, Kiskaddon and Guess)

Establishing requirements for home schooling.

Senate Committee on Education

House Committee on Education

BACKGROUND:

All parents, guardians, and persons having custody of any child age 8 to age 15 are required to cause the child to attend a public school or a private school approved by the State Board of Education. To be approved, private schools must meet minimum requirements, including a school year of at least 180 days, a total program-hour offering equivalent to public schools, appropriate certification of classroom teachers, adequate physical facilities, and instruction in basic skill areas in sufficient units to meet State Board of Education graduation requirements. The right of private schools to teach and practice their religious

beliefs and doctrines is recognized. The administrators of the private schools are responsible for deciding policy, philosophy, and selection of books, teaching material, and curriculum unless these matters are set forth specifically in statute.

Private school students may attend public schools on a part-time basis. The Superintendent of Public Instruction must reimburse each school district for costs associated with such part-time attendance.

Parents who do not cause their children to attend a public school or an approved private school may be fined \$25 for each day of unexcused absence from school. Many parents are not complying with the compulsory attendance law because they are educating their children themselves at home. Many prosecutors in Washington, however, are not enforcing the penalty provision in the compulsory attendance law.

SUMMARY:

Parents are permitted to cause their children to receive home-based instruction as an alternative to public schooling or approved private schooling. Home-based instruction must include instruction or educational activities in the same subject areas that are required to be offered by public and approved private schools and such instruction must be provided for an equivalent number of hours. Instruction is to be provided by a parent who is instructing his or her child only. Parents providing "home-based instruction" must: (1) be supervised by a certified teacher; (2) have acquired one year of college credits; (3) have completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or (4) be deemed qualified by the superintendent of the local school district in which the child resides.

Parents who choose to provide home-based instruction for their children must file an annual declaration with the local school district superintendent. Such parents must also have their child tested annually with a standardized achievement test approved by the State Board of Education or assessed for academic progress annually by a certified teacher. If a child is not making reasonable progress in home-based instruction, the parent is required to make a good faith effort to remedy any deficiency. In addition, home schooling parents must keep a permanent record of the annual tests or assessments, immunization records,

and other records which may be kept to be provided to any school to which the child transfers.

Parents are also permitted to teach their children through an approved private school extension program, provided the parent is supervised by a certified teacher.

The intent of the Legislature is to assert only the minimum laws and regulations necessary to ensure a basic educational opportunity for a child being instructed at home. Except as otherwise specified in law, parents providing home-based instruction have the right to make the educational decisions relating to the provision and evaluation of such instruction.

Children who are receiving home-based instruction have the right to attend public schools part-time and/or to receive ancillary services.

The compulsory attendance laws relating to 15-18 year-old children are consolidated with those relating to children who are 8-14 years of age.

VOTES ON FINAL PASSAGE:

Senate	36	13	
House	69	26	(House amended)
Senate	34	11	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3282

FULL VETO

By Senators Williams and Kreidler

Requiring the director of general administration to give preference to historic properties for use by state agencies.

Senate Committee on Parks & Ecology

House Committee on State Government

BACKGROUND:

The Senate Ecology Committee in 1980 formed the Ad Hoc Committee on Historic Preservation, directing it to study historic preservation programs and practices in the State of Washington and report to the Legislature. The Committee examined a federal law that requires that the government encourage the use of historic properties by giving such properties preferential consideration

in purchase, lease or rent by federal agencies. The Committee recommended in its report to the Legislature that similar legislation be enacted in the State of Washington.

SUMMARY:

Prior to the purchase, lease, or rental of space for state agency purposes, the Director of General Administration shall request the State Historic Preservation Officer to identify existing local properties which are listed or eligible to be listed in the National or State Register of Historic Places. The Director shall review and give preference to the properties identified by the State Historic Preservation Officer unless use of the space would not be feasible and prudent compared with available alternatives.

VOTES ON FINAL PASSAGE:

Senate	41	4
House	93	3

FULL VETO: (See VETO MESSAGE)

SSB 3283

C 449 L 85

By Committee on Parks & Ecology (originally sponsored by Senator Williams)

Establishing procedures for declaring and preserving historic properties.

Senate Committee on Parks & Ecology

House Committee on State Government

BACKGROUND:

An interim study of the operation and administration of the state's historic preservation system revealed that owners of historic properties are often reluctant to undertake restoration projects on their property because of concern that such restoration will trigger a large increase in assessed valuation, leading to a substantial increase in the property taxation level. This concern appears to be a major obstacle to the renovation of historic properties throughout the state. A property tax freeze on historic properties elsewhere in the country has addressed this issue effectively, encouraging the renovation of those properties.

SUMMARY:

If a local review board approves an application for special valuation of historic property, then for ten years after such approval, the county assessor is to deduct from the value of the property the actual cost of any substantial improvements completed within 24 months prior to the application.

At the end of the ten-year period, the actual cost of the substantial improvements is to be included in the value of the property as new construction.

Applications for special valuation are to be submitted to the local county assessor who in turn submits the application to the local review board for evaluation and approval or denial.

Property which has been classified as eligible historic property is to be disqualified if any of the following occur: (1) the owner notifies the assessor to remove the special valuation; (2) the ownership is sold or transferred in such a way as to exempt it from property taxation; and (3) the local review board determines that the property no longer qualifies for special valuation.

Sale or transfer of property to a new owner will not disqualify the property from classification as eligible historic property if (1) the property continues to qualify as historic property, (2) the new owner files a notice of compliance with the assessor, and (3) the compliance statement is attached to the real estate excise tax affidavit. If the latter is not accomplished, the back taxes and interest described below will become due; however, no penalty payment is required. The notice of compliance is to include a statement that the new owner is aware of the special valuation and of the potential tax liability involved when the property ceases to be eligible for special valuation.

The additional tax or penalties due as a result of disqualification are to be paid within 30 days of receipt of the Treasurer's notice. These payments are to be distributed in the same manner as other taxes applicable to the property.

The State Review Board (the Advisory Council on Historic Preservation) is to adopt rules to implement this program. The rules are to include rehabilitation and maintenance standards for historic properties which will ensure that historic properties are to be maintained in a safe and habitable condition.

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VOTES ON FINAL PASSAGE:

Senate	31	13	
House	59	38	(House amended)
Senate	34	13	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3298

C 196 L 85

By Senators Hansen, Barr, Goltz, Benitz and Newhouse

Modifying notice requirements for changes in water flows or levels in public waters.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

Present law requires the Department of Ecology to publish notice of water flow hearings once a week for three consecutive weeks. The notice is to include (1) the name of each stream or lake, (2) the proposed level or flow to be established, (3) the place and time of the hearing.

The notice is also to include a statement that a person may present his or her views orally or in writing at the hearing.

As a way to reduce costs of publication, modification of the notice requirements is sought.

SUMMARY:

The number of published notices is reduced from three to two. The proposed level of flows need not be published in the newspaper, but the name of the stream, lake or other water source is still required.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	92	4

EFFECTIVE: July 28, 1985

SSB 3302

C 223 L 85

By Committee on Judiciary (originally sponsored by Senators Fleming, Zimmerman, Sellar, Bauer, Johnson, McDermott and Gaspard)

Authorizing employment of chaplains by law enforcement agencies.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Law enforcement chaplain programs are established in a number of Washington communities by police officials concerned about their officers and staff members. The officials work with the active participation of interested clergy from these communities. However, all the programs lack information about appropriate organization, responsibilities, and roles. It is suggested that effective chaplain programs, with a focus on counseling, crisis intervention, and training, enhance the effectiveness of law enforcement agencies.

SUMMARY:

The Washington State Patrol may utilize the services of a volunteer chaplain. The duties of a volunteer chaplain include counseling, training and crises intervention for law enforcement personnel, their families and the general public.

The Legislature authorizes local law enforcement agencies to use the services of volunteer chaplains associated with an agency.

VOTES ON FINAL PASSAGE:

Senate	47	2	
House	82	13	(House amended)
Senate	41	3	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3305

C 450 L 85

By Committee on Energy & Utilities (originally sponsored by Senators Williams, Benitz, McManus, Kreidler and Garrett)

Permitting regulation of certain telecommunications companies and services.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

Because of changes in the structure of the telecommunications industry associated with the AT&T divestiture and accompanying changes in federal regulatory policy, the Legislature created the Joint Select Committee on Telecommunications to study the impacts of such changes on the Washington State regulatory scheme. Currently, many telecommunications markets, such as the market for long distance service, are becoming competitive. In these markets, competitive forces may provide adequate protection for ratepayers. The Committee recommended that the monopoly ratepayer remain the focus of continued regulation of the telecommunications industry, but that the industry should also be afforded regulatory flexibility where services are offered in a competitive market. The Committee further recommended giving the Washington Utilities and Transportation Commission considerable discretion in regulating telecommunications providers.

SUMMARY:

It is state policy to preserve affordable universal telecommunications service, prevent cross subsidy from noncompetitive to competitive services, and promote diversity of supply in telecommunications.

Telecommunications companies or the Commission may begin proceedings to classify competitive telecommunications companies or services. The Commission may consolidate proceedings. The Commission may classify companies as competitive if their customers have reasonably available alternatives and they have no significant captive customer base. Competitive companies may file price lists instead of tariffs. The Commission may waive other regulatory requirements.

The Commission may classify services as competitive if customers have reasonably available alternatives and the services are not offered to a significant captive customer base. The Commission is given regulatory authority to protect universal service and insure that noncompetitive services do not subsidize competitive services.

The Commission may approve banded rate tariffs.

Telecommunications companies which begin service in Washington after January 1, 1985 must register with the Commission. The Commission is to review the financial and technical competence of the applicant and may require a performance bond or that deposits be held in escrow or trust.

Competitive telecommunications companies and services are subject to the Consumer Protection Act.

The Commission may not regulate broadcast transmission or cable television retransmission of television or radio signals; private telecommunications systems; telegraph companies; the sale, lease or use of customer premises equipment; or private shared telecommunications services, subject to certain conditions.

Sections of Title 80 are conformed to new definitions of telecommunications companies and services. Several definitions in Title 80 RCW are altered or added.

The Commission is required to provide an annual report on the status of the Washington State telecommunications industry, on various market trends and on the level of competition in all relevant markets. The report is also to address whether additional legislative changes in the state's regulatory scheme are necessary. The Legislature is directed to conduct a review in the 1989-1991 biennium to determine whether the purposes of the act have been achieved and whether further relaxation of regulatory requirements is in the public interest.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	96	0	(House amended)
Senate	46	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3307

SSB 3307

C 359 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Moore and Rasmussen)

Limiting campaign contributions.

Senate Committee on Judiciary

House Committee on Constitution, Elections & Ethics

BACKGROUND:

The amount of money raised and spent in Washington State's legislative campaigns has increased dramatically since 1974. Concerns have been raised that candidates for elective office may be unduly influenced by large contributions late in the campaign from sources who stand to gain or lose economically from the decisions of the Legislature. Strengthening the reporting requirements with respect to last-minute contributions has been suggested.

SUMMARY:

Campaign treasurers are required to prepare and deliver a special report regarding any contribution that is greater than \$500 from a single person or entity, which is received within the special reporting period preceding a primary or within 21 days preceding that general election. The special report must be delivered to the Public Disclosure Commission (PDC) within 48 hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer.

Any political committee making a contribution that exceeds \$500 is also required to deliver a special report to the PDC if the contribution is made within the special reporting period preceding a primary or within 21 days preceding that general election. A political committee must deliver the special report to the PDC and the candidate or political committee to whom the contribution is made within 24 hours of the time, or on the first working day after, the contribution is made.

It is a violation of the public disclosure statutes for any person to make, or for any candidate or political committee to accept from any one person, contributions in the aggregate exceeding \$5,000 within 21 days of a general election.

Lobbyists and lobbyists' employers are required to file a special report if they make a contribution exceeding \$500 within the special reporting period preceding the primary or within 21 days preceding that general election.

The PDC is required to publish daily a summary of such special reports.

VOTES ON FINAL PASSAGE:

Senate	42	6	
House	82	14	(House amended)
Senate	37	9	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3309

C 91 L 85

By Committee on Governmental Operations (originally sponsored by Senators Granlund and Zimmerman)

Authorizing county legislative authorities to set certain license fees.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

County legislative authorities issue licenses for the operations of businesses and events. Examples of such licenses are licenses for dogs, ferriage, groceries, peddlers, hawkers, auctioneers, dance halls, pool rooms, and bowling lanes. The fees that may be charged for the issuance of these licenses are specified in statute.

SUMMARY:

A county legislative authority may set fees for licenses and events. Fees are limited to the costs of administration and operation of the licensed activities. An obsolete statute concerning an annual census of dogs by the county assessor is repealed.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3312

C 33 L 85

By Senators Thompson and Zimmerman

Including municipal corporations as "public agencies."

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Certain districts, such as diking improvement districts and irrigation districts, have been held to be "quasi"-municipal corporations rather than municipal corporations. Doubt exists as to whether these kinds of districts can be considered "public agencies" as defined in the Interlocal Cooperation Act.

SUMMARY:

Quasi-municipal corporations are added to the term "public agency" as defined in the Interlocal Cooperation Act.

This allows quasi-municipal corporations to enter into agreements with other "public agencies" for joint cooperative actions.

VOTES ON FINAL PASSAGE:

Senate	48	1
House	93	0

EFFECTIVE: July 28, 1985

SB 3314

C 438 L 85

By Senators Halsan, Sellar, Vognild, Stratton, Owen, Peterson, Hansen, Barr, Metcalf, Patterson, Conner and McCaslin

Modifying provisions relating to methods of fishing for game fish.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The Game Commission regulates the methods of fishing in order to maximize public recreational opportunities without impairing the supply of fish.

There is concern that a categoric prohibition of the use of bait or certain types of artificial lures may soon be adopted by the Commission in a wide variety of waters.

SUMMARY:

The Commission may adopt rules that prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes if the Director determines that an individual body of water requires a fishing method restriction for conservation or enhancement purposes or to provide selected fishing alternatives. Maximization of public fishing recreational opportunities of juvenile, handicapped and senior citizens is a specific mandate of the Commission.

VOTES ON FINAL PASSAGE:

Senate	44	1	
House	82	16	(House amended)
Senate	39	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3319

C 69 L 85

By Senators Talmadge, McCaslin and DeJarnatt

Authorizing award of court costs in challenges to open public meeting act.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The Open Public Meetings Act requires all meetings of the governing body of a public agency to be open to the public. Members of a governing body who attend a meeting where action is taken in violation of the Act with knowledge of the violation are subject to personal liability in the form of a civil penalty. Any person may bring an action to enforce this penalty.

SB 3319

SUMMARY:

Any person who prevails against a public agency in an action for violation of the Open Public Meetings Act shall be awarded costs and reasonable attorney fees. If a public agency prevails in an action against it and the court finds the action is frivolous, the agency is awarded reasonable expenses and attorney fees.

VOTES ON FINAL PASSAGE:

Senate 33 14
House 92 5

EFFECTIVE: July 28, 1985

SB 3322

C 61 L 85

By Senators Gaspard, Fleming, Hayner, Benitz and von Reichbauer

Increasing the members of the boards of regents of the state universities.

Senate Committee on Education

House Committee on Higher Education

BACKGROUND:

The boards of regents at the state's two research universities -- the University of Washington and Washington State University -- are composed of seven members each, four of whom constitute a quorum.

SUMMARY:

The boards of regents of the state's two research universities -- the University of Washington and Washington State University -- are composed of nine members each, five of whom constitute a quorum.

VOTES ON FINAL PASSAGE:

Senate 39 9
House 71 26

EFFECTIVE: July 28, 1985

SB 3325

C 363 L 85

By Senators Owen, Newhouse, McManus, Sellar, Stratton, Vognild, Warnke, Moore and Benitz

Limiting the definition of financial interest for persons engaged in alcoholic beverage businesses.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Alcohol wholesalers or persons financially interested directly or indirectly in those businesses are prohibited from any financial interest in licensed retail liquor businesses. Due to these restrictions, persons that sell their alcohol wholesaling business on contractual terms are prohibited from having a financial interest in a licensed retail liquor business.

SUMMARY:

The restrictions prohibiting alcohol wholesalers from having a financial interest in any retail liquor business licensed by the Liquor Board are modified. Persons who sell their wholesale alcohol business on contractual terms are not prohibited from having a financial interest in a licensed retail liquor business provided that they have been divested of all ownership, control or employment by the wholesaler and that they do not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages.

Interstate common carrier licenses, which are normally issued by the Liquor Control Board to companies operating passenger trains, marine vessels, and airplanes, are not considered retail licenses in regard to financial interest requirements.

VOTES ON FINAL PASSAGE:

Senate 43 1
House 97 0 (House amended)
Senate 42 3 (Senate concurred)

EFFECTIVE: July 28, 1985

SB 3326

C 306 L 85

By Senators Owen, Newhouse, Vognild, Sellar, Warnke, McManus, Moore and Benitz

Allowing multiple occasion use of special occasion liquor license.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Class H licensees catering special events where liquor is sold on premises other than their own are required to obtain a Class I license from the State Liquor Control Board. The Liquor Control Board also issues banquet permits to organizations that wish to conduct their own events.

SUMMARY:

The Liquor Control Board may issue either a Class I license at \$25 per event or an annual Class I license at a cost of \$350 per year. The holder of an annual Class I license must obtain approval from the Board for each event and provide the Board with pertinent information concerning the organization sponsoring the event. Upon receiving an application for a Class I license, the Board is required to notify local government officials in the area of the proposed event. The local government officials have a maximum of ten days from the date of notification to file written objections to the use of the Class I license.

If attendance at a Class I event is open to the public, Board approval may be given only when the sponsoring organization is within the Board's definition of "society or organization." The definition includes nonprofit groups organized and operated solely for charitable, religious, social, political, educational, civic, fraternal, athletic, or benevolent purposes. If attendance at the event is limited to the sponsoring organization's members and invited guests, the Board may approve the use of a Class I license even if the organization is not within the Board's definition of "society or organization."

When an applicant for either a daily or annual Class I license is a Class H club licensee, the Board is prohibited from issuing a Class I license unless the applicant's gross food sales exceed its liquor

sales and the event is hosted by a member of the Class H licensed club.

The provisions authorizing the Liquor Control Board to issue banquet permits are deleted because they are authorized in another statute.

VOTES ON FINAL PASSAGE:

Senate	39	3
House	94	4

EFFECTIVE: July 28, 1985

SSB 3332

C 278 L 85

By Committee on Education (originally sponsored by Senators Bauer, Zimmerman, Thompson, Barr, Patterson and Stratton)

Modifying the self-insurance authority of joint governmental entities.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Current law authorizes local governmental entities, including school districts, to self-insure jointly for liability insurance only. With the assistance of educational service districts, some districts wish to form a pool for purposes of insuring themselves in the areas of property and casualty insurance as well.

SUMMARY:

School districts and educational service districts may self-insure jointly for all purposes except for the provision of joint self-insured life, health, health care, accident, disability and salary protection or insurance.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	92	3 (House amended)
Senate	42	0 (Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3333

PARTIAL VETO

C 472 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Vognild, Sellar, Wojahn, Goltz, Bottiger, Fleming, Deccio, Moore, Stratton, Peterson, Lee, Thompson, Hansen, Conner, Barr, Garrett, Owen, Kreidler, Granlund, McManus, Gaspard, Bauer, DeJarnatt, McDermott, Halsan, Guess, Bender and Metcalf)

Regulating motorcycle dealers' franchises.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Although two sections of the Unfair Motor Vehicle Business Practices Act concern the franchisor-dealer relationship, concern has been expressed that existing law does not adequately address inequities faced by motorcycle franchise dealers due to the power imbalance between dealers and franchisors.

SUMMARY:

The Legislature's expressed intent is to regulate competition in the motorcycle industry to the extent necessary to balance fairness and efficiency.

Principal Definitions. A "motorcycle" is defined as any motor vehicle of less than 15,000 pounds which is self-propelled and capable of use on public highways and streets. The term does not include farm tractors, golf carts, firefighting equipment, lawn mowers and any vehicle designed solely for industrial use.

"Manufacturer" is defined to include any person, firm, association, corporation, or trust that manufactures or provides assemblies for motorcycles.

The definition of "franchise" is an oral or written contract, including a dealer agreement whether expressed or implied, between a franchisor and a motorcycle dealer which (a) gives the dealer the right to purchase and resell motorcycles manufactured, distributed or imported by the franchisor; (b) associates the dealer's business with the franchisor's product trademark; and (c) requires

the dealer to rely on the franchisor for a continued supply of motorcycle parts and accessories.

Prohibited Trade Practices. A franchisor or its manufacturers, distributors, subsidiaries or other agents are prohibited from:

(1) Requiring or coercing, either directly or indirectly, a dealer to:

- (a) Accept, buy or order any commodity not voluntarily ordered or to pay anything of value for any such commodity in order to receive a motorcycle part or accessory;
- (b) Accept any motorcycle with accessories not included in the list price as voluntarily ordered;
- (c) Enter into an agreement to reduce the dealer's allocation except for production reductions uniformly applied to all dealers;
- (d) Enter into an agreement or sales program by threatening franchise termination; and
- (e) Refrain from selling related products or product lines;

(2) Terminating or failing to extend or renew a franchise without good cause;

(3) Requiring a capital structure of financing change if the dealer already meets the franchisor's uniformly applied capital standards;

(5) Unreasonably requiring a change in dealership location or alterations to the place of business;

(6) Conditioning franchise renewal or extension on substantial renovation or relocation of the place of the business without 180 days written notice;

(7) Adopting an allocation plan which is in bad faith, arbitrary or unconscionable and which damages the dealer or dealer's customers;

(8) Failing to disclose, after written request, the basis for an existing or future allocation plan or the total number of new motorcycles sold during the current model year in the dealer's marketing area;

(9) Failing to deliver on an order in a reasonable time of any motorcycle, part or accessory advertised as being immediately available unless for reasons beyond the franchisor's control;

(10) Offering a renewal franchise with terms that substantially modify the sales and service obligations or capital requirements;

(11) Selling or leasing a new motorcycle at a lower price than offered to similarly situated dealers, except in return for valuable services or for volume discounts;

(12) Interfering with reasonable changes in executive management control or preventing reasonable sale or transfer of a franchise;

(13) Failing to hold harmless and indemnify a dealer against losses caused by the franchisor;

(14) Unfairly preventing a dealer from receiving fair compensation for a motorcycle;

(15) Releasing confidential data provided by the dealer without prior dealer consent;

(16) Failing to make payment within a reasonable time of receipt of a valid claim;

(17) Denying any dealer the right of free association with other dealers;

(18) Intentionally and artificially causing a shortage of any motorcycle make which results in inequitable distribution;

(19) Charging increased prices without 15 days prior notice;

(20) Permitting factory warranty service to be done by persons other than franchised dealers;

(21) Unreasonably interfering with a dealer's sales quota performance by withholding sufficient motorcycle deliveries; and

(22) Owning, operating or controlling any motorcycle dealership selling at retail in this state.

Successorship. A franchisor may not prevent the transfer or succession of a franchise to a "designated family member". By definition, a dealer may name by notarized statement any person as a "designated family member" and such notarized designations take precedence over wills. The franchisor can only reject succession to a "designated family member" for cause. The franchisor's rejection of a succession may be appealed.

Relevant Market Area. Any person establishing or relocating a dealership must provide written notice to all dealers under an existing franchise of the same manufacturer, distributor or franchisor within the relevant market area (10 mile radius) of the proposed franchise. Within 120 days of notice,

existing franchises may challenge the location of the proposed franchise in superior court.

Franchise Termination. Upon termination or non-renewal of a franchise (whether or not for cause), the dealer must be paid by the franchisor fair and reasonable compensation for (1) new motorcycle inventory; (2) new, rebuilt or used parts and accessories received from the manufacturer, distributor or franchisor; and (3) equipment, furnishings, signs and special tools purchased from the manufacturer, distributor or franchisor. Upon termination or nonrenewal without good cause, the franchisor is required to pay the dealer fair and reasonable compensation for the dealership.

Warranty Service. The franchisor is required to compensate the dealer for properly performed warranty, delivery and preparation work. Compensation shall be at the rates reasonably charged by the dealer for retail customers.

All valid dealer claims for compensation shall be approved or disapproved within 30 days and paid within 30 days of approval. Disapproval must be in writing. Approved claims may not be charged back to the dealer unless they were false or were for improperly done service.

Civil Actions. The right to seek civil damages and injunctive relief in court is granted but must be filed within four years of discovery by the aggrieved party. Injunctive relief may be granted without the dealer being required to post bond if the court determines that there exists a likelihood that the dealer will prevail.

VOTES ON FINAL PASSAGE:

Senate	36	12	
House	85	11	(House amended)
Senate	34	13	(Senate concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

Many significant sections and subsections were removed from the bill. The vetoes can be categorized into the six general areas summarized below.

Prohibited Trade Practices. The original bill contained 30 prohibited trade practices of which 12 were eliminated. Taken together, provisions were removed that prohibited a franchisor from: (1) coercing or forcing a dealer to accept unwanted material, allocation reductions, or conditions that

would allow the franchisor to solicit the dealer's customers; (2) adopting in bad faith a distribution plan which damages a dealer; (3) releasing confidential dealer information; (4) allowing persons other than dealers to perform warranty services; (5) owning a dealership; and (6) increasing prices without prior written notice.

Successorship. Although the principal provision regarding franchise successorship by a designated family member was left intact, the related appeal procedures and provisions which would have allowed a dealer to designate by notarized statement any person as a successor to the dealer's franchise were eliminated.

Relevant Market Area. The Governor removed the definition of "relevant market area" and the procedure by which an existing dealer can appeal and possibly block the entry of a new dealer.

Franchise Termination. This vetoed section required that upon termination of a franchise (whether or not for cause), the franchisor pay the dealer fair and reasonable compensation for: (1) new motorcycle inventory; (2) new, rebuilt or used parts and accessories received from the franchisor or its agents; and (3) equipment, furnishing, signs and special tools purchased from the franchisor or its agents.

Warranty Service. The Governor's veto removed the requirements that (1) the dealer's compensation for warranty service be equivalent to the rate reasonably charged to retail customers, and (2) all dealers' claims for compensation be approved or disapproved within 30 days and paid within 30 days of approval.

Civil Action. The four-year statute of limitations and the power to grant the dealer injunctive relief without bond were removed by the Governor. (See VETO MESSAGE)

SB 3337

C 197 L 85

By Senators Owen, Peterson and Lee

Giving certain specific duties of the public lands commissioner to the department of natural resources.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

In 1957 the Legislature transferred all of the powers, duties and functions of the Commissioner of Public Lands to the Department of Natural Resources, with the exception of provisions relating to ex officio membership on committees provided by statute. Laws enacted prior to this transfer still retain references to the Commissioner of Public Lands, rather than the Department of Natural Resources. At the present time, 50 to 100 documents may need to be examined and signed by the Commissioner. The Department of Natural Resources has requested transferring the authority in certain situations from the Commissioner to the Department of Natural Resources which, by statute, includes the Commissioner, the Supervisor, and the Board of Natural Resources.

SUMMARY:

Signature authority is transferred from the Commissioner of Public Lands to the Department of Natural Resources in the following situations: (1) entering into contracts for sale and removal of rock, sand, gravel, and silt; (2) extending the duration of grazing permits and reducing fees associated with improving rangeland; (3) rejecting or accepting bids for leases; and (4) signing leases.

VOTES ON FINAL PASSAGE:

Senate 43 0
House 97 0

EFFECTIVE: July 28, 1985

SSB 3342

C 146 L 85

By Committee on Ways & Means (originally sponsored by Senators McDermott, Deccio, Warnke, Sellar, Stratton, McCaslin and Wojahn)

Revising horse racing regulations.

Senate Committee on Ways & Means

House Committee on Commerce & Labor

House Committee on Ways & Means

BACKGROUND:

Washington is one of 38 states that currently provide for a legal pari-mutuel wagering on thoroughbred horses. Horse racing is the only significant marketing outlet for the thoroughbred industry. A recent study (Killingsworth Associates 1984) indicates that unless ways of increasing revenues can be found, thoroughbred racing and the industry could find themselves in a precarious financial position. To preserve and enhance Washington's thoroughbred industry, a number of revisions to the Racing Act are proposed.

SUMMARY:

The disbursement of the state take-out percentage that is allocated to the Horse Racing Commission's operation is raised from 20 percent to 22 percent; the Fair Fund increased from 30 percent to 35 percent; and the General Fund decreased from 47 percent to 40 percent.

The state take-out from gross pari-mutuel receipts is revised from a five-tiered structure to a three-tiered structure of 1/2 of 1 percent at a daily handle of \$200,000 or less; 1 percent at a daily handle of \$200,001 to \$400,000; and 4 percent at a daily handle of \$400,001 or more.

The race meet take-out from gross pari-mutuel receipts is revised from a five-tiered structure to a three-tiered structure of 14-1/2 percent at a daily handle of \$200,000 or less; 14 percent at a daily handle of \$200,001 to \$400,000; and 11 percent at \$400,001 or more.

The number of races per day is increased from ten to 11, and breakage is computed to the nearest ten cents rather than the nearest five cents.

The definition of exotic races is expanded to "any multiple wager." The race meet take-out from exotics requiring two selections is changed from 2 percent to 3 percent and from the newly added exotics requiring three or more selections 6 percent. Washington Bred Breeder Awards of 1 percent are provided from these funds.

An increase of an additional 2-1/2 percent of the daily gross receipts on exotic races requiring two selections and of 3-1/2 percent on races requiring three or more selections is retained and is to be deposited in the general fund.

Subject to approval of the Horse Racing Commission, there is pari-mutuel wagering on televised races of national or regional interest during the

conduct of a race meet in the state of Washington within the enclosure of the licensee's race course.

Horses of different breeds will be allowed to compete in the same race if so designated in the racing conditions.

The standards for certifying Washington-bred horses shall be set by the Commission with the advice and recommendations of the industry's specified associations.

VOTES ON FINAL PASSAGE:

Senate	40	6	
House	93	5	(House amended)
Senate	40	5	(Senate concurred)

EFFECTIVE: April 25, 1985

SSB 3346

C 365 L 85

By Committee on Governmental Operations (originally sponsored by Senators Fleming, McDermott and Wojahn)

Requiring affirmative action programs for in-state employment.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

Affirmative action programs for state employment under the Department of Personnel and the Higher Education Personnel Board have been authorized for several years through Executive Orders from the Governor's Office. The most recent, EO 84-10, requires each agency to establish an affirmative action program; creates the Governor's Affirmative Action Policy Committee; requires the Department of Personnel and the Higher Education Personnel Board to provide agencies and institutions with guidelines and to implement positive hiring programs; and directs the Human Rights Commission to provide information, assistance and training to the personnel boards, review agency and institution affirmative action programs, and, where consistent with Commission authority, enforce all federal and state laws and regulations pertaining to nondiscrimination.

SSB 3346

Although the Executive Order authorizes adoption of administrative rules, there are no general statutory requirements for the affirmative action programs.

SUMMARY:

The State Personnel Board, the Higher Education Personnel Board, and the Washington State Patrol are authorized to adopt rules pertaining to affirmative action after consulting with the Human Rights Commission. The Department of Personnel, the Higher Education Personnel Board, and the Washington State Patrol are directed to transmit a report annually to the Human Rights Commission which states the progress being made on meeting affirmative action goals and timetables.

The Washington State Patrol's promotion list is increased from three to five names. If needed to comply with affirmative action goals, three additional names per vacancy may be referred for consideration. The three additional names referred for each vacancy must be the top three names of the protected groups designated by the chief for referral for that vacancy in accordance with the State Patrol's affirmative action goals. The names shall be drawn in order of examination grade.

If the Human Rights Commission reasonably believes an agency, an institution of higher education, or the State Patrol has failed to comply with an affirmative action rule, then the Commission must notify the agency or institution and provide an opportunity for the complaint to be heard. The appropriate personnel board must also be notified of the noncompliance.

The Commission, together with the appropriate personnel board, must first attempt to resolve the noncompliance through conciliation.

A good faith effort to conciliate must be made by the noncomplying agency or institution. If an agreement is reached for elimination of the noncompliance, the agreement shall be reduced to writing and an order setting forth the terms of the agreement must be issued by the Commission.

If an agreement cannot be reached through conciliation, then the Commission may refer the matter to an administrative law judge. If the administrative law judge finds that there has not been a good faith effort to correct the noncompliance, then the judge shall order the agency or institution to comply with the affirmative action

rules. The judge may order any action that is consistent with the affirmative action rules if it is necessary to achieve compliance. An order by the administrative law judge may be appealed to Superior Court.

If the Superior Court finds that there has not been a good faith effort to correct the noncompliance, then the court shall order the state agency, institution of higher education, or State Patrol to comply with the affirmative action rules. The court may take any corrective action that it deems appropriate and that is consistent with the intent of the statutes.

"Affirmative action" is defined as a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It is not to be interpreted as a quota system.

VOTES ON FINAL PASSAGE:

Senate	40	7	
House	81	15	(House amended)
Senate	31	12	(Senate concurred)

EFFECTIVE: July 28, 1985**SSB 3350**

C 58 L 85

By Committee on Education (originally sponsored by Senators Gaspard, Patterson and Barr)

Preventing the redesignation of a school district due to joint operation of certain programs.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Current law permits any school district to cooperate with one or more school districts to operate any educational facility or educational programs or services jointly. All school districts in the state must be designated as either high school districts or nonhigh school districts. While small high school districts receive extra basic education monies in recognition of their extraordinary costs, school districts which are designated as nonhigh

districts must pay high school districts for educating their students and must submit levies to their voters to aid in providing funds for the construction of high schools by the high school district.

SUMMARY:

The Superintendent of Public Instruction is authorized to establish five year pilot projects to encourage the joint operation of programs and services between small school districts.

The Superintendent of Public Instruction may waive certain provisions of law which create financial disincentives to cooperation, including but not limited to, LEAP tables, salary lid and fair share compliance, and attendance rules for basic education allocation purposes.

Washington State University may provide technical assistance to school districts participating in the project. A preliminary report is required by January 1, 1987 and a final report, including findings and recommendations, must be presented to the Legislature by December 31, 1989.

The act shall expire on September 1, 1990.

VOTES ON FINAL PASSAGE:

Senate	42	0
House	96	0

EFFECTIVE: July 28, 1985

SSB 3354

PARTIAL VETO

C 368 L 85

By Committee on Ways & Means (originally sponsored by Senators McDermott, Newhouse, Vognild, McDonald, Owen, Talmadge, Bottiger and Deccio)

Modifying provisions relating to medical aid to workers.

Senate Committee on Ways & Means

House Committee on Commerce & Labor

BACKGROUND:

Studies by the Legislature and the executive branch of industrial insurance premium increases have increased interest in cost containment for

providing medical aid for workers' injuries or occupational diseases covered by the Department of Labor and Industries (L&I). These costs are paid from the dedicated medical aid fund but are not subject to legislative appropriation.

The Governor's steering committee on the Six-Year State Health Care Purchasing Plan has estimated that these expenditures will rise 237 percent from fiscal year 1985 to fiscal year 1991, while the number of persons receiving care under the program will rise only 15 percent in the same period. The Director of Labor and Industries has set fee schedules for various medical and other treatment services to covered workers at substantially higher levels than are paid by the Department of Social and Health Services' (DSHS) medical assistance program for equivalent services. The industrial insurance program currently pays hospital bills based on the length of hospital stay and on itemized services rendered. The Hospital Commission legislation of 1984 requires that after July 1, 1985, all hospital inpatient rates be expressed in terms of diagnosis-related groups (DRGs). This pricing system, now used by Medicare nationally and by DSHS in its medical assistance program, establishes a fixed rate for each of 468 possible combinations of diagnosis, patient age, and other factors for inpatients in the state's general hospitals.

SUMMARY:

The Director of Labor and Industries is required to purchase health care in a prudent, cost-effective manner without unduly restricting access to necessary care by covered workers. Beginning with hospital admissions on July 1, 1987, the Director must pay for inpatient hospital services on the basis of diagnosis-related groups as defined by the Director. Effective July 1, 1987, expenditures from the medical aid fund may be made only pursuant to legislative appropriation, but the appropriation may be exceeded if necessary to pay health care bills of injured workers. The Director is required to report on any expenditures above appropriations to the Legislative Budget Committee. By December 1, 1986, the Director must report to the House and Senate Ways & Means, and Commerce & Labor Committees on progress in containing health care costs in the industrial insurance program, including a description of the rate structure to be used for hospital inpatients, a plan for other cost containment measures, an estimate of the appropriation

SSB 3354

required for the medical aid fund in the 1987-89 biennium, and any proposals for legislation related to health care cost containment in the program.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	96	0	(House amended)
Senate	45	1	(Senate concurred)

EFFECTIVE: July 28, 1985
July 1, 1987 (Section 2)

PARTIAL VETO SUMMARY:

All of the requirements that the medical aid fund program and operations would be subject to appropriations, effective July 1, 1987, are deleted. (See VETO MESSAGE)

SSB 3356

C 369 L 85

By Committee on Transportation (originally sponsored by Senators Peterson, Patterson, Hansen and Conner; by County Road Administration Board request)

Revising county road administrative procedures.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

State law requires that bid openings for county contracts or purchases must be conducted by the county legislative authority. County road work bids must be opened in the board room at the county seat.

County legislative authorities may, by resolution, classify portions of a county road as a primitive road under detailed criteria. No design or signing standards apply to these roads except for signs designating them as primitive roads. County officials believe that no specific maintenance standards should apply for these routes.

Current law specifies that any petition for a county to vacate a county road to private parties must be accompanied by a \$100 bond and, further, that the legislative authority can recover costs only if a decision is made to vacate the road.

County road improvement districts (RIDs) can only be used to improve county roads. RIDs cannot now be used to improve private roads to bring them up to county standards, so that they may be accepted into the county road system.

At the time of the final assessment roll hearing, when assessing properties for benefits resulting from an RID improvement, the county legislative authority may change the specific benefit proportion of the benefitting properties.

When the assessment roll for any RID has been prepared, the county legislative authority must follow specified procedures to notify property owners when a hearing on the roll will be held.

Under the statutes for creating special districts for the purpose of conserving soils, any state or local unit of government is authorized to work with the districts, including contributing state or local agency funds, equipment or services.

The process to form a county RID is somewhat more cumbersome than that for a city local improvement district (LID) or utility local improvement district (ULID).

SUMMARY:

Several changes are made in state law governing the formation of county road improvement districts and the administration of county road departments.

The county legislative authority is given the option of setting the place and time for bid openings rather than being required to meet in the board room of the county seat.

Counties are exempted from specific maintenance requirements on designated primitive roads.

The county legislative authority is granted more flexibility in handling applications for vacation of county roads. It may require a cash deposit or bond or an adequate fee to process the application in lieu of the current \$100 bond. In addition to the county legislative authority, a hearing examiner may conduct a hearing on the vacation. The county is allowed to recover the cost of the vacation proceedings whether or not the road is vacated.

The authority of county RIDs is expanded to permit improvement of existing private roads that will become part of the county road system as a result of the improvement. RIDs are also authorized to

improve state highways, with approval of the State Department of Transportation.

The notice requirement by publication in newspapers for the formation of RIDs is simplified.

Whenever a county legislative authority enters into a cooperative agreement with a conservation district, the agreement may specify that the county will participate in the cost of any project which can be anticipated to result in a substantial reduction in the amount of soil deposited in a roadside ditch normally maintained by the county. The amount of participation by the county is limited to 50 percent of the engineering and construction costs of the project.

When acting on a resolution of intent to initiate the formation of an RID, the county legislative authority is given the option of utilizing current procedures for an RID or the formation process used by cities for Local Improvement Districts.

VOTES ON FINAL PASSAGE:

Senate	42	2	
House	97	0	(House amended)
Senate	43	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3357

C 362 L 85

By Senators Gaspard, Johnson, Bottiger, Granlund, Craswell, Halsan, Metcalf, Owen, Kiskaddon, Wojahn, Saling, Pullen, Stratton, Vognild, Hansen, von Reichbauer and Peterson

Removing the one year limit on the waiver of the out-of-state fee differential for military personnel and their spouses and dependents.

Senate Committee on Education

Senate Committee on Ways & Means

House Committee on Higher Education

BACKGROUND:

Prior to 1982, military personnel stationed in the state of Washington and their spouses and dependent children were automatically classified as Washington residents for the purpose of payment of tuition and fees. This provision was eliminated

by the Legislature in 1982. It was partially restored in 1984, when the Legislature voted to permit active duty military personnel of field grade or lower rank and their spouses and dependent children to be exempted from the nonresident tuition and fee differential for the first twelve months they are stationed in the state of Washington. It is argued that because military personnel are usually stationed for more than one year in one place and have no control over their place of residence, they should not be required to fulfill standard residency criteria after twelve months.

SUMMARY:

Active duty military personnel stationed in the state of Washington and their spouses and dependents are exempted from the payment of nonresident portion of tuition and fees.

VOTES ON FINAL PASSAGE:

Senate	37	3	
House	89	9	(House amended)
Senate			(Senate refused to concur)
House	84	12	(House receded)

EFFECTIVE: July 28, 1985

SSB 3361

C 56 L 85

By Committee on Financial Institutions (originally sponsored by Senators Moore and Sellar)

Regulating savings banks; providing for acquisition of control; and regulating conversions.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Savings banks are neither expressly authorized nor prohibited from forming holding companies, and therefore could do so. No statutory framework exists for the formation of holding companies, nor for description of their duties and obligations.

Savings banks can issue preferred stock, but the law is not clear as to whether or not they can pay dividends on such stock.

SSB 3361

Savings banks may invest in railroad, utility, and telephone bonds, but not in housing and industrial development bonds.

Directors and trustees of savings banks must be residents of the State of Washington.

SUMMARY:

A statutory framework for the formation of holding companies is created, and their obligations are defined. If a savings bank wishes to form a holding company, it must notify the Supervisor of Banking. Procedures for the acquisition or merger of a holding company are clarified.

Savings banks are authorized to pay dividends on preferred stock. Savings banks are also authorized to invest in housing and industrial development bonds and in commercial paper.

The sections regulating investment in railroad, telephone, and utility bonds and obligations are combined; however, the investment limits in a single industry and in all these industries combined remain the same. Limits on investment obligations of a single company are lowered from 3 percent to 2 percent.

Directors and trustees of savings banks must be residents of the United States.

VOTES ON FINAL PASSAGE:

Senate	40	0	
House	97	0	(House amended)
Senate	41	3	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3363

C 53 L 85

By Senators Cantu and Talmadge

Clarifying the incest statute.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Incest occurs when a person has sexual relations with a relative. If a person has sexual intercourse with a relative, it is a Class B felony (ten years or a \$20,000 fine). If a person has sexual contact with a

relative, it is a Class C felony (five years or \$10,000 fine). Although the incest statute defines sexual contact, it does not define sexual intercourse.

SUMMARY:

A definition of sexual intercourse is added to the incest statute. The definition is the same as that used in statutes for other sexual offenses.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: July 28, 1985

SSB 3367**PARTIAL VETO**

C 367 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge and Newhouse; by Public Disclosure Commission request)

Revising public disclosure laws.

Senate Committee on Judiciary

House Committee on Constitution, Elections & Ethics

BACKGROUND:

The Washington Public Disclosure Act resulted from the passage of Initiative 276 in 1973. Over the last decade, the basic concepts have remained intact; however, there are areas that need to be addressed in order to keep the Act current and to maintain the fundamental policies and principles expressed in the initiative.

SUMMARY:

Numerous provisions of the Washington State Public Disclosure Act are amended.

Campaign finance reports are required of all candidates in cities and towns with over 5,000 registered voters that elect council members from wards. Jurisdictions with fewer than 5,000 voters may require campaign finance reporting. Candidates, elected officials, and agencies in jurisdictions with less than 1,000 registered voters are permanently exempted from the campaign finance reporting requirements.

A candidate may not knowingly establish or control more than one political campaign committee to support himself or herself during a particular election campaign. This does not prohibit the candidate's participation in a political committee established to support a slate of candidates which includes the candidate.

A contribution of more than \$50 in currency may not be made unless a signed receipt is made part of the campaign or political committee's financial records. A reporting threshold of \$25 is established for contributions to grassroots campaigns. The personal use of campaign contributions by a campaign treasurer or other individual is prohibited.

An expenditure of more than \$50 in currency may not be made unless a signed receipt is prepared and made part of the campaign or political committee's financial records.

The filing requirements with respect to a person who contributes to a political committee not located in the State of Washington are repealed.

The Commission is empowered to appoint an executive director, who performs functions prescribed by the Commission. The Commission is prohibited from delegating to the executive director its authority to adopt, amend, or rescind rules, to determine whether an actual violation of the public disclosure statutes has occurred, or to assess penalties for violations.

The Public Disclosure Commission may revise, at least once every five years, but no more than every two years, the monetary reporting threshold and reporting code values of the Public Disclosure Act. The revisions are only for the purpose of recognizing economic changes as reflected in an inflationary index recommended by the Office of Financial Management.

The maximum individual penalty the PDC may impose is raised to \$1,000. The maximum aggregate that may be assessed in a single complaint or hearing is increased to \$2,500.

In addition to information currently required by statute, the lobbyist's monthly periodic report must contain such other information relevant to lobbying activities as the Commission prescribes by rule. Information supporting such activities is subject to audit by the Commission. The requirement for a lobbyist's booklet revolving fund is repealed.

Technical changes in language are also included.

VOTES ON FINAL PASSAGE:

Senate	44	5	
House	95	0	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	97	0
Senate	45	2

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

Language specifying the duration of an election campaign is deleted. (See VETO MESSAGE)

SB 3368

C 28 L 85

By Senators Thompson, Owen and Lee

Revising provisions relating to the sale of salmon.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The director of the Department of Fisheries is authorized to sell salmon that return to salmon hatcheries. Spawmed-out salmon carcasses or salmon in spawning condition may not be sold for human consumption.

Confusion in classifying individual salmon into pre-spawning condition, spawning condition, or spawned-out condition frequently occurs under field conditions.

SUMMARY:

Inedible salmon may not be sold for human consumption. References to spawned-out salmon or spawning condition salmon are removed from the fisheries code.

VOTES ON FINAL PASSAGE:

Senate	42	0
House	93	0

EFFECTIVE: July 28, 1985

SB 3373

SB 3373

C 215 L 85

By Senators Moore and McCaslin

Authorizing recovery of additional costs for plaintiffs against certain judgment debtors.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

A plaintiff is entitled to reasonable attorneys' fees if the judgment debtor fails to answer or appear at special proceedings. It is suggested that the plaintiff also be awarded an appearance fee to compensate him or her for loss of time while attending these proceedings. In addition, it is recommended that a judgment debtor be awarded an appearance fee plus reasonable attorneys' fees if a plaintiff institutes special proceedings and fails to appear.

SUMMARY:

If the judgment debtor or other persons against whom special proceedings are instituted is served with these proceedings, the plaintiff is entitled to an appearance fee of \$25. If the judgment debtor or other persons fail to answer or appear, the plaintiff is additionally entitled to reasonable attorneys' fees.

If a plaintiff institutes special proceedings and fails to appear, a judgment debtor or other person against whom the suit was instituted who appears is entitled to a \$25 appearance fee plus reasonable attorneys' fees.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	96	0	(House amended)
Senate	41	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3374

C 240 L 85

By Senators Talmadge, Newhouse and Moore

Revising provisions relating to the award of attorneys' fees.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Current law provides for payment of \$100 in statutory attorneys' fees to the prevailing party in certain causes of action for judgments rendered in Superior Court, the Court of Appeals, or the Supreme Court. In District Court, this amount is set at \$25. With the increased costs of litigation, there is a need to raise the award of statutory attorneys' fees accordingly.

SUMMARY:

A party entitled to recover costs in an action in Superior Court, the Court of Appeals, or the Supreme Court, is allowed attorneys' fees of \$125.

A party entitled to recover costs in District Court is allowed attorneys' fees of \$50.

A plaintiff is not entitled to statutory attorneys' fees unless he or she obtains a judgment in the sum of \$25 or more, exclusive of costs.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	89	7

EFFECTIVE: July 28, 1985

SSB 3376PARTIAL VETO

C 370 L 85

By Committee on Education (originally sponsored by Senators Rinehart, Gaspard, McDermott, Patterson, Peterson, Goltz, Fleming, Bottiger, Bauer, Stratton, Saling, Zimmerman and Guess)

Establishing a higher education coordinating board.

Senate Committee on Education

House Committee on Higher Education

BACKGROUND:

In 1969 the Legislature, at the recommendation of the Temporary Advisory Council on Public Higher Education, created the Council on Higher Education to define and develop educational policy on a continuing basis, with primary concern for developing policy and coordinating planning efforts. Original membership was comprised of 25 members, including nine citizen voting members appointed by the Governor. Six years later, the Council was restructured by the Legislature and renamed the Council for Postsecondary Education (CPE). The total number of Council members was reduced from 25 to 16, and the emphasis of the new CPE was broadened to involve all of postsecondary education, including the two-year, private and proprietary schools.

In 1977, the Legislature voted to subject CPE to "review, termination and possible extension" under the Sunset Act. In 1983, CPE was scheduled for termination on June 30, 1985. The scheduling of that termination and mandatory audit by the Legislative Budget Committee prompted consideration during the 1984 legislative session of a study resolution to examine "the issuance of governance" during the 1984 interim. As a result, the Joint Legislative Advisory Committee on Higher Education Governance, Tuition, Fees and Financial Aid was formed. That committee drafted recommendations to terminate CPE by December 31, 1985, create a new Higher Education Coordinating Commission by July 1, 1985, and restructure higher education governance.

Another legislative committee, entitled the Higher Education Coordination Study Committee, examined coordination, potential for merger between Washington State University (WSU) and Eastern Washington University (EWU), and enrollment enhancement at WSU. That committee proposed creation of a joint higher education center in Spokane.

SUMMARY:

The Higher Education Coordinating Board is created to provide planning, coordinating, monitoring and policy analysis for higher education in Washington in cooperation and consultation with

the institutions' autonomous governing boards and with all other segments of postsecondary education. The Legislature intends that the Board represent the broad public interest above the interests of individual colleges and universities.

Major functions performed by the Board include: developing and establishing role and mission statements for the public four-year institutions and the community college system; identifying the state's higher education goals, objectives, and priorities; and preparing a comprehensive master plan which includes assessments of the state's higher education needs, recommendations on enrollment and other policies and actions to meet those needs, and guidelines for continuing education, adult education, public service and other higher education programs. The initial plan is due to the Governor and the Legislature by December 1, 1987. That plan is to be updated biennially and presented to the Governor and the appropriate legislative policy committees.

The Board is required to review, evaluate and make recommendations on operating and capital budget requests from the four-year institutions and the community college system; to recommend legislation affecting higher education; recommend tuition and fees policies and levels; establish priorities and develop recommendations on financial aid; prepare recommendations on merging or closing institutions, and develop criteria for identifying need for new baccalaureate institutions.

The Board is also responsible for a number of program duties which are to be carried out in consultation with the institutions and other interested agencies and individuals. These duties include: approving creation of any new degree programs at the four-year institutions and preparing fiscal notes on any such programs; reviewing and evaluating, and approving, modifying, consolidating, initiating or eliminating off-campus programs at the four-year institutions; reviewing and evaluating and approving, modifying, consolidating, initiating or eliminating off-campus programs at the four-year institutions; and approving and adopting guidelines for higher education centers and consortia. In addition, the Board will approve purchase or lease of major off-campus facilities for the four-year institutions and the community colleges; establish campus service areas and define on-campus and off-campus activities and major facilities; and approve contracts for off-campus educational programs.

The Board has explicit authority for coordinating educational activities among all segments of higher education and for: promoting inter-institutional cooperation, establishing minimum admissions standards for the four-year institutions, establishing transfer policies, adopting rules for implementing statutory residency requirements and for developing and administering reciprocity agreements with bordering states and British Columbia.

The Board also is responsible for reviewing and recommending compensation practices and levels for exempt administrative employees and faculty; monitoring higher education activities for compliance with all relevant state policies for higher education; and arbitrating disputes between and among four-year institutions or between and among four-year institutions and community colleges. These decisions will be binding on the disputants.

As part of its coordinative responsibilities, the Board is also responsible for establishing and implementing a state system for collecting, analyzing and distributing information; recommending ways to remove any economic incentives to use off-campus program funds for on-campus activities; and making recommendations to increase minority participation and monitoring and reporting on the progress of minority participation in public higher education.

The Board assumes CPE's administrative responsibilities, and is required to study their delegation.

The Board is required to establish advisory committees composed of members representing faculty, administrators, students, regents, trustees and staff of the public institutions, the Superintendent of Public Instruction and the independent institutions.

The Board is comprised of nine members selected at large by the Governor and confirmed by the Senate. The Governor appoints the chair who serves at the Governor's pleasure. The other members of the board serve staggered, four-year terms.

The Board is empowered to adopt bylaws, and required to meet at least four times annually, and Board members are expected to consistently attend Board meetings. The Board is empowered to hire a director and may delegate agency management to the director, who serves at the pleasure of the Board. All employees of CPE are transferred to the Board except the executive and

deputy coordinators. Evaluations of transferred administrative exempt employees must be completed by the director by December 31, 1986.

The powers and duties of the governing boards of the public four-year institutions are modified, requiring that actions taken affecting purchase or lease of major off-campus facilities, setting of minimum admission standards, offering new degree programs, offering off-campus programs, participating in consortia or centers, and contracting for off-campus educational programs be subject to approval by the Higher Education Coordinating Board.

The powers and duties of the boards of trustees of community colleges are modified, requiring that actions taken affecting purchase or lease or major off-campus facilities, and participation in higher education centers and consortia that involve any four-year public or independent college or university be subject to approval by the Higher Education Coordinating Board.

The Board maintains all written materials in the possession of CPE, along with all tangible property, and all funds, credits or other assets held by the Council, and any appropriations made to the Council.

The Director of the Office of Financial Management determines questions that arise as to the transfer of any personnel, funds, written documents, or tangible property used or held in the exercise of the powers and performance of duties and functions transferred from the Council to the Board. All rules and all pending business before the Council shall be continued and acted upon by the Board, and all existing contracts and obligations shall remain in full force.

Language is added that requires Washington State (WSU) and Eastern Washington State (EWU) Universities to establish, in cooperation with CPE or its successor agency, a joint center for higher education in Spokane on or before January 1, 1986. The center is responsible for coordinating all undergraduate and graduate degree programs, and all other seminars, courses and programs of any type offered in the Spokane area by WSU and by EWU outside of its Cheney campus. The joint center will not coordinate the intercollegiate center for nursing, but it will coordinate the following higher education activities in the Spokane area: articulation between lower division and upper division programs; participation of WSU in its joint engineering program with Gonzaga University

and in its joint engineering management program with EWU and Gonzaga University; and all contractual negotiations between public and independent colleges and universities.

Institutions participating in the joint center maintain jurisdiction over content of course offerings and entitlement to degrees. Disputes regarding which programs are to be coordinated by the joint center will be arbitrated by CPE or its successor agency, and its decisions will be binding.

The joint center will be administered by a board consisting of: two representatives from EWU chosen by the board of trustees; two representatives of WSU chosen by the board of regents; one representative of Spokane Community College District chosen by the board of trustees; and two citizens residing in Spokane County and chosen for initial terms by the Governor. Subsequent citizen members will be appointed for four-year terms by the remaining voting members of the board. The executive coordinator of CPE or its successor agency will serve as a nonvoting member of the center board. The board is empowered to hire a director who will hold the status of resident dean at the center and of dean at both WSU and EWU.

WSU and EWU are required to each allocate at least \$50,000 per year to implement the joint center. The governing boards of the two public universities are responsible for achieving improved cooperation and joint use of resources and facilities between the two universities. The governing boards of the two public universities are also required to report to the appropriate standing committees of the Legislature on their actions and recommendations by January 1 of 1987 and 1989.

Statutes dealing with CPE are amended to delete obsolete references, to change the references from the Council to the Board, or to clarify language as per current standards. The Board is created effective January 1, 1986, but the Governor is empowered to take steps beginning July 1, 1985, to ensure implementation. CPE is required to provide such funds as are necessary to the Board to implement this act, and the Council is terminated on December 31, 1985.

VOTES ON FINAL PASSAGE:

Senate	45	2	
House	91	4	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	96	0
Senate	46	0

EFFECTIVE: June 30, 1985 (Section 106)
 July 28, 1985
 January 1, 1986 (Sections 1-96, 105)

PARTIAL VETO SUMMARY:

Another measure passed by the Legislature (SB 3630) transferred administrative support for the High Technology Coordinating Board from the existing Council for Postsecondary Education to the Department of Commerce and Economic Development. The Governor vetoed the section of SSB 3376 which assigned the Higher Education Coordinating Board responsibility for providing that staff support. (See VETO MESSAGE)

SSB 3384

PARTIAL VETO

C 458 L 85

By Committee on Natural Resources (originally sponsored by Senators Fleming and Goltz)

Establishing a salmon and steelhead rehabilitation and enhancement policy board.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The Department of Fisheries administers the salmon rehabilitation and enhancement programs of the state. The salmon runs are generally depressed below the level of maximum sustainable yield.

The Department of Game operates steelhead and trout hatcheries for the purposes of stocking public waters.

There is broad public support to restore and enhance the salmon, steelhead, and trout resources.

SSB 3384

SUMMARY:

The Department of Fisheries is instructed to move forward with planning efforts to develop a state-wide salmon rehabilitation and enhancement program.

The Director shall formulate long term policy statements for the salmon resources in each fishing region of the state. A detailed salmon enhancement plan, with proposed enhancement projects, must be prepared by the Director for submission to the Legislature. An annual progress and performance report shall be submitted to the Legislature by June 30, 1986, and with the Department's annual report on October 30 of each year thereafter.

The composition of the Salmon Advisory Council is restructured from 17 members to 11 members including: two non-Indian commercial fishermen, two sports fishermen, two Indian tribal fishermen, four legislative ex officio nonvoting members, and the Director of Fisheries as the nonvoting chairman. The Salmon Advisory Council is directed to participate actively in the salmon enhancement planning process.

The Salmon Advisory Council is also charged with evaluating all facilities funded by the 1977 enhancement account and determining the full production capacity of each facility. This evaluation shall be presented to the Legislature by January 1, 1986. Any facility funded by the 1977 enhancement account which falls below full production capacity shall be made available for volunteer cooperative projects or private salmon propagation solely to stock state waters.

The Game Commission must determine full production capacity for each of its facilities. Any facility which falls below full production capacity is to be made available for volunteer cooperative projects or for private fish propagation solely to stock state waters.

Full production capacity is to be based on maximizing the number, pounds and quality of fish released.

Appropriation: \$39,000 for the 1985-87 biennium.

VOTES ON FINAL PASSAGE:

Senate	43	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	90	0
Senate	47	0

EFFECTIVE: May 21, 1985

PARTIAL VETO SUMMARY:

The provisions which require operation of Department of Fisheries and Department of Game fish hatcheries at full capacity were eliminated. The Salmon Advisory Council report to the Legislature on salmon hatchery production capacity is no longer required. (See VETO MESSAGE)

SSB 3386

C 366 L 85

By Committee on Governmental Operations (originally sponsored by Senators Thompson, Talmadge and Zimmerman)

Revising laws on executive sessions of governing bodies.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

There is no distinction in the definition section of the Open Public Meetings Act of 1971 between "action" and "final action" of a governing body. The matters which a public governing body may consider in executive (closed) session are set forth in a single section of the Act. They include considering or reviewing matters affecting national security; selection of a site or acquisition of real estate; negotiations on public contracts; complaints or charges against a public officer or employee; the appointment, employment or dismissal of an officer or employee; and the qualifications of a candidate for appointment to public office.

The statute is silent on executive sessions where an attorney-client relationship of confidentiality is required, although the issue has been addressed in cases from the Washington Court of Appeals. No specific procedure is set forth for convening and concluding executive sessions.

SUMMARY:

The definition of "action" is clarified so that the term can include receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final actions" are collective, positive or negative decisions or actual votes by a majority of the members of the body.

The matters for which a governing body may hold executive session are re-ordered in specific subsections, in several instances without significant revision.

A governing body may hold executive session to evaluate the qualifications of an applicant for public employment or to evaluate the performance of an employee. The existing exemption for strategy meetings in labor negotiations is reinforced by specific reference to the appropriate section. However, governing bodies must hold open public meeting to discuss salaries, wages, and other conditions of employment to be generally applied within the agency. Action shall also be taken in open public meeting when a governing body elects to take final action hiring, or setting the salary of an individual employee or class of employees, or discharging or disciplining an employee.

Closed sessions with legal counsel representing the agency may be held on matters relating to agency enforcement actions, or to discuss litigation or potential litigation to which the agency, the governing body or a member acting in an official capacity is, or is likely to become, a party, when public knowledge of the discussion is likely to result in an adverse legal or financial consequence to the agency.

The procedure for convening an executive session requires the presiding officer to announce the purpose for excluding the public, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

VOTES ON FINAL PASSAGE:

Senate	48	1	
House	96	0	(House amended)
Senate	41	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3387

C 250 L 85

By Committee on Governmental Operations (originally sponsored by Senators Bauer, Zimmerman, Thompson, McCaslin and Deccio)

Permitting installment payments for certain sewer connection costs.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

As a condition of allowing a property owner to connect to its system, a sewer district may charge, in addition to the cost of connection, a reasonable connection charge such that the property owner bears an equitable share of the cost of the system. At the option of the sewer district, property owners within a Utility Local Improvement District (ULID) may pay these charges in installments over a period not to exceed 20 years. Those outside the ULID must pay these charges in a lump sum at the time of connection.

SUMMARY:

A sewer district may permit property owners seeking to connect to its system to pay the cost of connection and the reasonable connection charge with interest in installments. The period of the installments shall not exceed ten years. The county treasurer is allowed to charge and collect a fee of \$3.00 per parcel for each year for the treasurer's services.

VOTES ON FINAL PASSAGE:

Senate	46	2
House	96	0

EFFECTIVE: July 28, 1985

SSB 3388

C 251 L 85

By Committee on Judiciary (originally sponsored by Senator Talmadge)

Revising provisions relating to the attorney general.

SSB 3388

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1981, the Attorney General was given the authority to investigate and prosecute claims upon request of the Governor, a prosecuting attorney, or the Organized Crime Advisory Board. This authority expires on June 30, 1985. A Legislative Budget Committee performance audit recommends that this authority be extended. There is no statutory requirement that the Attorney General's office report its criminal prosecution activity to the Organized Crime Advisory Board.

SUMMARY:

The criminal prosecution authority of the Attorney General is extended indefinitely. The Attorney General is to report annually to the Organized Crime Advisory Board concerning the Attorney General's criminal prosecution activity.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)

EFFECTIVE: May 10, 1985

SSB 3390

C 361 L 85

By Committee on Ways & Means (originally sponsored by Senators Granlund, Kiskaddon and Kreidler; by Department of Social and Health Services request)

Changing nursing home auditing standards.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

A number of problems have arisen in the interpretation and implementation of the Department of Social and Health Services' nursing home cost reimbursement system since 1983, when it was established in its present form. The system governs

the setting of prospective rates for nursing homes caring for DSHS patients under the Medicaid program.

As an efficiency incentive for nursing home operators, the current system allows providers to retain savings achieved under the rates in effect during the preceding fiscal year. Since those rates were determined on the basis of reported costs for the preceding calendar year, there are incentives for the provider to include excessive costs in his prior-year cost report and thereby inflate his prospective rate. The costs reported for the following calendar year may, in turn, result in "savings" which the provider retains.

When a nursing home is sold, overpayments previously paid to the seller are not the responsibility of the new owner. DSHS sometimes has difficulty recovering overpayments from the prior owner because the selling corporation may dissolve and/or its owners leave the state. Current requirements for security bonds in this situation do not provide sufficient funds to recover some overpayments.

Current law also requires that DSHS conduct periodic audits of nursing home costs to determine compliance with the reimbursement system. The State Auditor has interpreted the law to require that DSHS conduct full financial audits of the nursing home operation, rather than merely auditing the cost reports.

One section of law requires DSHS to adjust rates periodically "for economic conditions and trends in accordance with appropriations made by the legislature." However, another section requires that rates "be adjusted by the department utilizing appropriate indices or other measures of economic trends and conditions projected for the ensuing year" without referring to legislative appropriations or determinations of these trends. Still another provision permits DSHS to adjust rates "to take into account...economic trends and conditions, and/or administrative review," again without referring to appropriations or legislative determinations. There appear to be inconsistencies among these three statutes.

The current system treats leased facilities as if they were owner-operated for property reimbursement purposes, paying depreciation from the owner's acquisition cost, a financing allowance calculated to cover reasonable debt service, and a return on investment based on administrative efficiency. The system also "grandfathers" facilities that were

leased as of January 1, 1980 (the original effective date of the 1979 legislation), reimbursing their lease payments. Some providers have renewed their leases since that time, pursuant to renewal clauses in their existing leases, and in most cases have agreed to escalator clauses raising their lease payments periodically without renegotiation. This may permit them to avoid indefinitely the effects of the current owner-based property reimbursement system.

State law copies the current federal law requiring that nursing home rates be "reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities." This has been interpreted in some cases as a requirement standing apart from the rest of the chapter, permitting judicial review of the adequacy of rates regardless of whether they conform to the statutory system.

SUMMARY:

Providers may not retain savings if audited allowable costs exceed reported costs by more than 10 cents per patient day in the property or administration and operations cost centers.

Nursing home owners must give DSHS 60 days' prior notice, rather than 30 as in current law, of changes in ownership. During this period, DSHS must calculate or, if necessary, estimate what overpayments may have been made to the owner; the owner is then required to provide DSHS a bond or other security equal to estimated overpayments.

References to financial statements are stricken in the statutes regarding DSHS audits. Audits are to be conducted only with respect to cost reports, except to the extent that financial statements and other records must be reviewed to verify cost reports.

Contractors and their agents may have access to their own records which would otherwise be exempt from public disclosure.

The sections relating to rate adjustments are repealed or amended to strike the authority to grant adjustments for "economic trends and conditions" without reference to legislative appropriations or determinations.

The term "lease agreement" is defined to provide that a modification, extension, or renewal of an existing lease agreement will be recognized for reimbursement purposes only if it does not

increase lease payments. Providers are to be reimbursed for property costs under such lease modifications at a rate not to exceed the lease payment during the last year of their current lease agreement. The changes regarding lease renewals apply only to those made after April 1, 1985.

To clarify legislative intent that the cost reimbursement statutes constitute a system producing rates that meet the federal "reasonable and adequate" standard, the separate state "reasonable and adequate" language is repealed.

A saving clause preserves existing rights acquired and obligations incurred under present law.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
<u>Free Conference Committee</u>			
House	97	0	
Senate	44	0	

EFFECTIVE: May 20, 1985

SB 3393

C 186 L 85

By Senators Talmadge, Newhouse and Rasmussen

Revising statutes of limitations.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The statute of limitations establishes how long after a criminal event occurs criminal charges may be filed. For most criminal events, the charges must be filed within three years after the crime. For sexual offenses involving children, the charges must be filed within five years after the crime.

Some children either are not aware that they are victims of crimes or are manipulated into not reporting the crime until after the statute of limitations has passed. If the child reports the crime after the five years have run, there cannot be a prosecution.

SB 3393

SUMMARY:

The statute of limitations for sexual offenses involving children is extended to seven years from five years.

VOTES ON FINAL PASSAGE:

Senate 46 0
House 96 0

EFFECTIVE: July 28, 1985

SSB 3398

C 72 L 85

By Committee on Governmental Operations (originally sponsored by Senators Thompson, McCaslin and Zimmerman)

Authorizing the consideration by local government of local excise tax revenues arising from local purchases in awarding purchase contracts.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Various units of local government are authorized to impose sales and use taxes and business and occupation taxes to support their activities. State law generally requires local governments to purchase materials and supplies from the lowest bidder. When awarding purchase contracts, local governments are not authorized to consider potential tax revenue they would receive from purchases made from suppliers located within their boundaries.

SUMMARY:

When a unit of local government that is authorized to impose sales and use taxes and business and occupation taxes is required to make purchases from the lowest bidder, the local government may consider local tax income, if any, that directly results from making purchases from suppliers located in the local government's boundaries.

A unit of local government must still award the contract to the lowest bidder once the potential tax revenue has been considered. If a local unit of government imposes taxes upon a supplier

located outside its boundaries, it must also consider the potential tax revenue it would receive from purchasing from those suppliers who bid.

VOTES ON FINAL PASSAGE:

Senate 31 18
House 95 0

EFFECTIVE: July 28, 1985

SB 3400

PARTIAL VETO

C 459 L 85

By Senators Owen, Patterson and Stratton

Changing provisions relating to state mineral, oil, and gas leases.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

Washington's coal leasing statutes use long tons (2240 lbs) for figuring royalties from state coal leases. The short ton (2000 lbs) is the industry standard to which modern equipment used to measure coal is calibrated.

Oil and gas exploration leases are limited to a fixed term of 5 years. This limitation acts as a disincentive to exploration, especially in areas where deep drilling is necessary. A number of other states use ten years as the initial lease term for oil and gas exploration. There is no provision for prorating rental fees when the Department of Natural Resources (DNR) owns only a fraction of the land leased. The oil and gas statute requires lease forfeiture in certain situations, although this provision is legally defective. Modification of the state's coal, oil and gas leasing statutes is requested by the DNR to reflect state-of-the-art conditions.

Surface mining permit fees in this state are \$250 per year, whether or not the land is being mined.

The DNR has identified a number of inactive open mine shafts within the state. Many of these mine shafts are located near residential or recreational areas, and some are located on state-owned land. If someone is injured in a mine on state-

owned land, the state can potentially be liable for any civil damages.

SUMMARY:

The basis for calculating state coal royalties is changed from long tons (2240 lbs) to short tons (2000 lbs). The lease forfeiture provision is deleted. The exploratory lease term is changed from a fixed 5-year term to a flexible period of 5 to 10 years.

When the exploration results in actual production or is covered by a unit plan, the lease is allowed an extension beyond the exploratory period rather than preferential re-leasing.

Provision is made to prorate rental revenues when the DNR owns less than the full mineral interest contained in the lease.

Surface mining permit fees remain at \$250 per year. Fees for lands that are not currently being mined are \$25 per year, provided that the remainder of the \$250 fee must be paid if mining activities commence during the year.

The Department of Emergency Management is directed to consult with federal officials, local law enforcement officials, local elected officials, labor representatives, mine rescue instructors, and the Department of Natural Resources in developing a comprehensive state mine rescue plan. The draft of the comprehensive state mine rescue plan and a schedule for the submittal of the final plan are to be submitted to the Legislature on January 13, 1986. In addition, the Department of Natural Resources is to work with federal officials and private owners to insure the prompt sealing of open holes and mine shafts.

The owner of each mine shall make a map of the surface of the property and, for active mines, a map of the underground workings. All maps are to be filed with the Department of Natural Resources.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	98	0	(House amended)
Senate			(Senate refused to concur)
<u>Free Conference Committee</u>			
House	93	3	
Senate	47	0	

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed the restructured fee schedule for surface mining permits. The current fee of \$250 remains in effect. (See VETO MESSAGE)

SB 3401

C 173 L 85

By Senators Peterson, Hansen and Guess; by Department of Licensing request

Revising commercial motor vehicle licensing reciprocity.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Proportional registration (prorate) is an optional method of vehicle registration for interstate fleets of commercial vehicles. Prorate is designed to cut the cost of licensing. Instead of paying full license fees in each jurisdiction, the carrier pays only for that portion of the miles traveled in each jurisdiction. To be eligible for proportional registration in Washington, each fleet (one or more commercial motor vehicles) must be fully or proportionally registered in at least one other jurisdiction. Vehicles operating intrastate only are not eligible for proportional registration, and the miles accumulated by such vehicles may not be included in the prorated fleet's mileage for the mileage experience year. Power units and trailers are licensed separately in Washington. In addition to the prorated vehicle registration fees/taxes, a \$1 filing fee, a \$2 identification fee (cab card and decal), a variable study fee and an application fee are charged. These fees are not prorated. Although this formula has been used for more than a decade, the statute has not been clear on these details.

Housekeeping changes are needed to bring Washington's proportional registration statutes into conformity with current practice and policies:

Definitions. Three years ago the Reciprocity Commission, through administrative rule, modified the definition of "commercial vehicle", "fleet" and "preceding year" to conform with definitions used in other states, in order to promote uniformity in trucking regulations. Current statutory definitions

do not conform to the uniform definitions outlined by the Reciprocity Commission and the Department of Licensing.

Motor Fuel Tax Agreements. RCW 82.41 authorizes the Department to enter into fuel tax agreements with other jurisdictions. The states of Washington, Iowa and Arizona are currently members of the Multistate Motor Fuel Tax Agreement, which simplifies reporting of all fuel taxes (gasoline, diesel and gasohol) by commercial motor carriers. Due to an oversight, the licensing prorate statutes prohibit the Department from entering into a fuel tax agreement like this one. A change needs to be made for consistency.

Motor Vehicle Excise Tax Base. The Motor Vehicle Excise Tax (MVET) is paid at the time of annual registration and is approximately 2.354% of the fair market value of the vehicle. Commercial power units and non-power units (trailers) are assessed differently. Since 1982, power unit fees have been based on the latest purchase cost and latest purchase year. Non-power unit fees are based on the unladen or scale weight for the type of vehicle and model year. The Department of Licensing (DOL) currently does not have the statutory authority to require fleet owners to maintain records on the latest purchase year and cost of each vehicle in the fleet. DOL needs this information for audit purposes.

Reciprocity Plates. Reciprocity license plates identify vehicles or combinations based in another Western Compact jurisdiction which operate interstate, but which do not qualify as commercial vehicles for proportional registration purposes. Vehicles so registered need no further license registration in this state. A \$3 plate fee per vehicle is imposed, as well as an application fee based on the number of vehicles listed on the application. Although there is an established policy definition of an "eligible" reciprocity vehicle, no statutory definition now exists. Rental and recreational vehicles, vehicles displaying restricted plates, government-owned or leased vehicles, Washington-based vehicles, and vehicles in excess of 26,000 pounds are not eligible for reciprocity plates.

The Department also believes two policy changes need to be addressed:

Personalized Plates. In 1983 the use of personalized plates was extended to for-hire passenger vehicles and diesel-powered motor trucks. The current language would allow proportionally registered

vehicles to obtain personalized plates. DOL has indicated that extensive modifications to the automated system and an additional six to nine FTE months are required if prorated vehicles are allowed to use personalized plates.

Interest Rate Accrual. If during a prorate audit the Department discovers all fees due the state were not paid, a 12% per annum interest rate is applied to the debt. If the audit discloses an overpayment to the state, a 4% per annum interest rate is applied. Currently, the interest does not begin to accrue until January 1 of the next year. The Department believes that the interest should begin to accrue on the date the debt should have been paid and the date the overpayment was made.

SUMMARY:

Housekeeping changes are made to bring Washington's proportional registration laws into conformity with current practices.

The definitions of "commercial vehicle", "fleet" and "preceding year" are modified to conform with current policy definitions.

Obsolete language prohibiting the Department from entering into fuel tax agreements with other jurisdictions is deleted.

The statutory commercial vehicle licensing prorate formula is updated to conform with current practice.

Prorate vehicle owners are required to maintain records on the latest purchase year and cost of each fleet vehicle for DOL audit purposes.

The definition of an "eligible" reciprocity vehicle is set in statute.

Two policy changes are also included:

Proportionally licensed vehicle owners are prohibited from purchasing personalized license plates.

The interest on a prorate debt or overpayment begins to accrue on the date the debt was incurred or on the date the overpayment was made. The per annum interest rate on a prorate overpayment is increased from 4 percent to 8 percent.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	95	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3406

C 43 L 85

By Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild; by Employment Security Department request

Eliminating certain requirements for shared work compensation programs.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The shared work compensation program was enacted in 1983 "in order to provide an economic climate conducive to the retention of skilled workers in industries adversely affected by general economic downturns." The program provides for the payment of unemployment compensation benefits "in situations where qualified employers elect to retain employees at reduced hours rather than instituting layoffs."

The Commissioner of Employment Security may approve a shared work compensation plan submitted by an employer only if certain criteria are met. One of these criteria is that the employer cannot have reduced his or her work force more than 10 percent by temporary layoffs in the previous four months. However, experience with the program has shown that many financially distressed employers have been forced to reduce their work force prior to applying for shared work compensation.

The shared work compensation program was intended to be a flexible alternative to layoffs. The 10 percent layoff restriction has limited the scope of the program. The Department of Employment Security indicates that this requirement was a major factor in the decision of 182 employers not to utilize shared work.

SUMMARY:

The criteria for the approval of a shared work compensation plan are revised. The requirement that an employer may not have reduced his or her work force by more than 10 percent in the previous four months is deleted. Therefore,

employers who have reduced their work force by 10 percent prior to submitting a shared work plan could qualify if the plan met other statutory criteria.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	97	0

EFFECTIVE: April 15, 1985

SSB 3407

C 40 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild; by Employment Security Department request)

Changing provisions relating to approved training for purposes of unemployment compensation.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Commissioner approval of training is a statutory recognition that a specific training course if approved by the Commissioner of Employment Security constitutes a practical and immediate effort to gain employment for claimants involved in such training. Claimants who are involved in Commissioner-approved training are required to attend classes and maintain satisfactory progress as a substitute for a sustained search for work and for the acceptance of suitable employment. Claimants in Commissioner-approved training are therefore not denied benefits under sections of the law dealing with work search and availability for work.

1984 legislation (SSB 4829) specified that claimants identified as dislocated workers are eligible for Commissioner-approved training. There is a conflict in law, however, since many dislocated workers may also be identified as "marginally attached to the labor force" under the 1984 experience rating legislation (SSB 4416). Under current law, persons identified as having "marginal labor force attachment" must meet increased work

SSB 3407

search and availability standards in order to be eligible for unemployment compensation benefits.

State law is also in conflict with federal law. Under federal law, denial of benefits due to the lack of a claimant's active search for work is prohibited for claimants who are receiving extended benefits while in a state-approved training program.

SUMMARY:

The exemption for unemployment insurance claimants in Commissioner-approved training is extended to claimants with marginal labor force attachment and claimants on extended benefits. Consistent with the exemption for dislocated workers, such claimants are not to be denied benefits for failure to search for work or failure to accept suitable work, as long as they are in a training program approved by the Commissioner.

In all cases a claimant must be successfully progressing through a training program approved by the Commissioner of Employment Security in order to be eligible for benefits.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	97	0

EFFECTIVE: July 1, 1985

SB 3408

C 41 L 85

By Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild; by Employment Security Department request

Limiting the definition of employer for unemployment insurance purposes.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Current statutory language gives federal law precedence over state law in the definition of "employer."

This language was originally enacted in 1977 because federal law required the state to adopt broad coverage provisions. The section assured

state coverage to any employer covered by federal law.

Recent state legislative action has served to narrow coverage definitions, excepting corporate officers, certain barbers and cosmetologists, and individuals in the building trades. The broad coverage definition in this section is inconsistent with legislative narrowing of coverage. It is also possible that the current law is in direct conflict with legislative action taken since 1977 that limits coverage.

SUMMARY:

The language that gives federal law precedence over state law is deleted in the definition of "employer."

VOTES ON FINAL PASSAGE:

Senate	45	0
House	97	0

EFFECTIVE: July 28, 1985

SB 3409

C 42 L 85

By Senators Warnke, Newhouse, Granlund, Wojahn, McManus, Rasmussen, Cantu, Lee and Vognild; by Employment Security Department request

Specifying types of benefit payments not charged to employers' unemployment insurance experience rating accounts.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

In 1984 the Legislature adopted provisions (SSB 4416) which initiated an experience rated tax system for unemployment compensation effective January 1, 1985. In implementing this legislation, the Department of Employment Security has encountered several technical problems that will require legislative action in order to properly implement experience rating.

SSB 4416 exempted from experience rating all employers considered to have special coverage for unemployment compensation under Chapter

50.44 RCW. However, this chapter includes both "reimbursable" employers and "contribution" paying employers. "Reimbursable" employers are typically nonprofit organizations (e.g., state and local governments, public hospitals, public schools, etc.) that are allowed to make unemployment compensation payments directly to a claimant in lieu of making contributions to the state unemployment compensation fund. "Contribution" paying employers make payments to the state's unemployment compensation fund and their claimants are paid out of the state fund. Since "contribution" paying employers under Chapter 50.44 RCW make payments to the state fund like other "contribution" paying employers not covered by Chapter 50.44 RCW, they should be permitted to participate in experience rating like other "contribution" paying employers.

The current experience rating law does not allow benefits to be charged to an individual employer for employees who are terminated and denied benefits and who subsequently requalify for benefits. However, when the same employer rehires an individual following disciplinary action (or a similar action) the employer is not charged for any benefits payable subsequent to the rehiring, thus assuring the employer in this situation that he or she has no direct responsibility for eventual benefit charges resulting from a future termination.

SSB 4416 also provides for noncharging of benefits paid to a claimant who requalifies following a disqualifying separation. However, a separation must be adjudicated to be "disqualifying." Following precedent set through many years of case decisions, the Employment Security Department only adjudicates the last separation from employment. Therefore, an employer may be charged for benefits for an employee that had left that employer voluntarily for another job and received benefits after being laid off from the second job. Many base year employers protested that this treatment is unjust, and they wish relief from charges when the separation from their employment would have been considered disqualifying if adjudicated or if the separation is otherwise not attributable to that employer.

SUMMARY:

Only "reimbursable" employers are excluded from experience rating. "Contribution" paying employers covered under the special coverage provisions (Chapter 50.44 RCW) are experience rated like other "contribution" paying employers.

Non-charging of benefits following requalification includes only that portion of benefits based on wages paid prior to the disqualifying separation from employment.

A base year employer is not charged for benefits if:

- a. The benefits result from an employee's voluntary separation or if the employee was discharged for misconduct connected with his or her work;
- b. The employer requests relief from such charges within 30 days of notification from the Department of Employment Security; and
- c. Upon investigation of the separation, the Commissioner rules that relief should be granted.

VOTES ON FINAL PASSAGE:

Senate	41	0
House	97	0

EFFECTIVE: April 15, 1985

SB 3415

C 224 L 85

By Senators Bender, McDermott, Warnke, Sellar, Newhouse, Moore and Bottiger

Authorizing adjustable interest rates.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Washington usury statutes were drawn at a time when almost all consumer loans carried fixed rate interest. Volatility in interest rates has resulted in a new product, the variable rate consumer loan. A technical aspect of the usury statutes makes it very difficult for financial institutions to make variable rate consumer loans, even if they fall within the usury limit. The statute is not clear on whether the low rates can be adjusted monthly when the usury limit is adjusted.

SB 3415

SUMMARY:

Language is added to clarify that variable rate loans may be adjusted when the usury limit is adjusted, and must fall within that limit. A grammatical revision is also made.

VOTES ON FINAL PASSAGE:

Senate	42	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: July 1, 1985

SB 3420

C 319 L 85

By Senators Granlund, Kiskaddon, Bottiger, McCaslin and Conner

Exempting transfers of open space land to non-profit organizations from property tax recapture.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Existing law permits property owners to classify their land under the Open Space Act for property tax purposes. Categories of "open space" include 1) open space agricultural lands; 2) open space timber lands; and 3) general open space lands. Land placed into an open space designation is assessed for taxation purposes on the basis of its agricultural, timber or open space value instead of its "highest and best" value. If land is removed from its open space designation, additional taxes and interest are due in the amount of the difference between taxes paid and the amount otherwise due if the property had not been classified as open space for the previous seven years. Furthermore, if land is removed from its open space designation earlier than the first 10 years of its initial classification as open space land, or without providing at least two years notice of its removal, a penalty in addition to the property taxes and interest becomes due. The additional tax, interest and penalty are not imposed under certain circumstances.

SUMMARY:

Another exception is established from the imposition of additional taxes, interest and penalty on land removed from open space classification. The additional taxes will not be imposed whenever open space property is transferred to a nonprofit, nonsectarian organization or association and is used for character building, benevolent, protective, or rehabilitative social services which would be eligible for a property tax exemption. The property must also be used solely for the benefit of the poor and infirm. This exception is only good for property that was removed from open space classification between September 1, 1977, and July 1, 1980.

If anyone paid any such taxes, penalties, or interest after September 1, 1977, they may apply within 180 days for a refund of the tax paid.

Revenue: Administrative provisions relating to the open space property tax are modified.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: May 16, 1985

SB 3426

C 314 L 85

By Senators Warnke, Newhouse, Vognild and Conner; by Board of Industrial Insurance Appeals request

Revising provisions relating to industrial insurance appeals.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Proposed decisions and orders by industrial appeals judges are filed with the Board of Industrial Insurance Appeals and copies are mailed to each party's attorney of record. There is no provision for mailing copies to a party's representative.

An appeal of a proposed decision and order must be received by the Board within 20 days.

SUMMARY:

Proposed decisions and orders will also be mailed to each party's representative.

An appeal of a proposed decision and order must be mailed or delivered to the Board within 20 days.

VOTES ON FINAL PASSAGE:

Senate	45	0	
House	96	0	(House amended)
Senate	40	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3427

C 364 L 85

By Senators Moore, Newhouse, Bender and Sellar

Regulating domestic insurance holding corporations.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

By law, 10 percent of a domestic insurance holding corporation's shareholders may call a special meeting. Corporate directors may be removed by a majority of shareholders, regardless of the reason for removal. A two-thirds vote of shareholders and directors is required to amend articles of incorporation.

SUMMARY:

Special meetings of shareholders of domestic insurance companies or holding corporations are called in the manner prescribed for in the corporation's bylaws, rather than by statute. Directors may be removed with cause by a majority of shareholders, but removal without cause requires a 67 percent vote. A majority vote of shareholders and directors is required to amend articles of incorporation, unless the articles of incorporation of a domestic insurer require a higher voting percentage.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	97	0

EFFECTIVE: May 20, 1985

SB 3436

C 252 L 85

By Senators Talmadge, Pullen and Rasmussen

Revising provisions relating to ballot titles.

Senate Committee on Judiciary

House Committee on Constitution, Elections & Ethics

BACKGROUND:

Ballot issues submitted to a vote of the people in a county or other municipality are printed with a concise ballot title explaining the essential features of the issue. Ballot titles explaining school district tax propositions are limited to a maximum of 75 words; all other ballot titles are limited to a maximum of 20 words.

Officials of counties and other municipalities have expressed a need for a longer, more thorough ballot title.

SUMMARY:

No ballot titles for any issue submitted to a vote of a county or other municipality may exceed 75 words.

VOTES ON FINAL PASSAGE:

Senate	43	5
House	90	6

EFFECTIVE: July 28, 1985

SSB 3438

C 308 L 85

By Committee on Energy & Utilities (originally sponsored by Senators Williams, Benitz, McCaslin, Bailey, Saling and Stratton; by Washington State Energy Office request)

SSB 3438

Extending the governors powers to declare energy emergencies.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

The Governor's emergency powers for handling energy emergencies or shortages expire June 30, 1985. During energy supply disruptions, certain extraordinary governmental measures may be necessary to maintain civil order and to provide energy for essential services. These powers must be extended by legislation if the Governor is to have clear authority to handle an energy emergency.

SUMMARY:

The expiration date for the Governor's energy emergency powers is deleted.

VOTES ON FINAL PASSAGE:

Senate	44	2	
House	82	15	(House amended)
Senate	34	14	(Senate concurred)

EFFECTIVE: June 29, 1985

SSB 3442

C 312 L 85

By Committee on Governmental Operations (originally sponsored by Senators Vognild, Zimmerman, Bauer and Conner; by Commission for Vocational Education request)

Establishing a fire service training revolving fund.

Senate Committee on Governmental Operations

Senate Committee on Ways & Means

House Committee on Education

House Committee on Ways & Means

BACKGROUND:

For a number of years, municipal and fire district firefighters have participated in service training programs. The program has been funded, with 50

percent federal matching grants, for a total of about \$1.3 million per year. It was reinforced last year by the state's formal acceptance of an extensive new Fire Service Training Center near North Bend. Many private corporations have expressed interest in paying the full costs for sending their own employees to such programs. However, an informal recommendation of the Attorney General suggested that the Commission for Vocational Education, which administers the program, has no specific statutory mechanism for charging fees or expending the proceeds from private tuition even though it may provide the service.

SUMMARY:

The Commission is specifically authorized to impose and collect fees for fire service training and set fee schedules. A fire service training account is established in the state treasury, into which the Commission must deposit all fees collected for training. Appropriations from the account may only be expended for fire service training.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3445

C 253 L 85

By Senators Fleming, Williams and Talmadge

Revising the county's power regarding park and recreation service areas.

Senate Committee on Parks & Ecology

House Committee on Local Government

BACKGROUND:

Various special districts can be created to provide park and recreation facilities and authorities, including metropolitan park districts, park and recreation districts, and park and recreation services areas.

Park and recreation service areas are created through a multi-step process involving: (1) initiation by a petition or resolution; (2) a feasibility study; (3) public hearing held by county legislative authority and findings; and (4) voter approval. The governing body of a park and recreation service area is the county legislative authority.

Currently, counties have few alternatives to the sale of bonds for the financing of zoos and aquariums. Park and recreation service districts allow the establishment of serial levies. Funding based on levies would be a less costly alternative to bond sales because there are no interest payments.

SUMMARY:

The list of park and recreation purposes for park and recreation service areas is altered to expressly include zoos and aquariums. Where a park and recreation service area includes a city or town within its boundaries, the governing body may be established by an interlocal agreement.

Park and recreation service areas may purchase athletic supplies, provide for upkeep of park facilities and provide park program personnel.

VOTES ON FINAL PASSAGE:

Senate	44	3	
House	97	1	(House amended)
Senate	44	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3450

C 428 L 85

By Committee on Judiciary (originally sponsored by Senator Talmadge)

Revising provisions relating to firearms.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

Local laws and ordinances on firearms cannot be inconsistent with or more restrictive than state firearms laws. If the state does not have a law on a specific aspect of firearms, it is unclear whether a

local municipality may or may not enact a local ordinance on that aspect of firearms.

State law and federal law on the possession of firearms differ. In most respects, federal law is more restrictive than state law. People who are permitted by state law to possess a firearm may be prohibited from doing so by federal law.

Although there is a \$10 penalty for late renewal of a concealed pistol license, there is no provision for distribution of the fee collected. A person whose concealed pistol license application is denied may challenge that denial in court. The prevailing party may be awarded costs of the action.

Even those persons who are permitted to carry firearms are prohibited from possessing them in certain places. For example, state law prohibits carrying firearms into a prison. In some localities, ordinances prohibit carrying firearms into a tavern.

SUMMARY:

The State of Washington fully occupies and preempts the entire field of firearms regulation. Local governments may enact only those laws and ordinances relating to firearms that are specifically authorized by state law and are consistent with state law. Local ordinances that are inconsistent with, are more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed.

The application for a concealed pistol license and for purchase of a firearm must contain a warning of the differences between state and federal law on the possession of firearms. Each applicant must receive a pamphlet on the legal limits of the use of the firearms. The pamphlet, published by the Department of Game, is financed by proceeds from the penalty assessed against those who are late in renewing their concealed pistol licenses.

Firearms may not be possessed in jails or detention centers, courtrooms, mental health facilities, taverns, or cocktail lounges. Local jurisdictions may enact ordinances restricting the discharge of firearms in any part of their jurisdiction where humans, domestic animals, or property would be jeopardized and they may also restrict the possession of firearms by persons without a concealed pistol license in a public stadium.

Persons are authorized to sue a political subdivision of the state for wrongful modification of the procedures for applying for a concealed pistol

SSB 3450

license, a violation of the firearms chapter or wrongful denial of a concealed pistol license. The suit may be filed in the county where the application was made or in Thurston County.

Revenue: \$3.00 of each late renewal penalty to the State Game fund.

VOTES ON FINAL PASSAGE:

Senate	34	14	
House	86	11	(House amended)
Senate	34	12	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3456

C 371 L 85

By Senators Hansen, Guess, Goltz, Peterson and Barr

Extending certain tax exemptions relating to alcohol used in motor vehicle fuels.

Senate Committee on Transportation

House Committee on Transportation

House Committee on Ways & Means

BACKGROUND:

Since 1980, sales of alcohol for use in motor vehicle fuel have been exempt from the sales and use taxes. In addition, the alcohol portion of gasohol is exempt from the motor vehicle fuel tax and the special fuel tax. These taxes are paid by purchasers.

Manufacturers and wholesalers of alcohol for use in gasohol are eligible for other tax exemptions. Gross income from the sale of alcohol for gasohol is exempt from the business and occupations tax. Buildings, machinery and equipment used in the manufacture of alcohol for gasohol are exempt from the lease hold excise tax and the property tax. All of the preceding tax exemptions were adopted to reduce the cost of purchasing and producing gasohol to promote its manufacture and sale in this state. The 1980 legislation establishing these exemptions contained a December 31, 1986 expiration date.

SUMMARY:

The 1986 expiration dates of exemptions for gasohol producers and distributors from the sales and use tax, motor vehicle and special fuel tax, business and occupations tax, lease hold excise and property tax are extended to December 31, 1992.

Revenue: Revenue from the sale and manufacture of alcohol used in motor vehicle fuels will not be realized during the last six months of the 1985-87 biennium if these tax exemptions are extended.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3467

C 187 L 85

By Senators Hansen, Peterson, Barr and Sellar

Relating to legislative authority governing rail districts.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

In 1983, the Legislature authorized county legislative authorities to create county rail districts to provide and fund improved rail freight service. The county rail district is a public corporation with the county legislative authority as its governing body. County rail districts are empowered to issue bonds and to levy, with voter approval, ad valorem property taxes in excess of the 1 percent limitation for operating and capital purposes.

A county rail district may contract for services along a rail branch line as well as acquire, maintain or extend necessary rail facilities within the district. Two or more rail districts may enter into interlocal cooperation agreements. A district, however, may not exercise its authority outside the boundaries of the district. In some instances a branch rail line necessary to serve a county rail district may cross more than one county.

SUMMARY:

A rail district is empowered to exercise its authority outside the boundaries of the district if the services are found, by resolution of the county legislative authority, to be reasonably necessary to link the service to an interstate rail system. If the services are located in one or more other counties, the other county legislative authorities must consent to the plan. However, such consent must not be unreasonably withheld.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	96	0

EFFECTIVE: July 28, 1985

SSB 3468

C 293 L 85

By Committee on Energy & Utilities (originally sponsored by Senators Williams, Bailey, Saling, Talmadge, Bauer and Rasmussen)

Authorizing the monitoring of federal research regarding the suitability of Hanford as a radioactive waste disposal facility.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

The Nuclear Waste Policy Act of 1982 establishes a program to select a site for disposal of high-level radioactive waste. A site on the Hanford reservation is under consideration for the location of a disposal facility. The Act provides for grants to states to monitor and evaluate site characterization activities.

There is a need for an independent analysis of the radioactive waste issues affecting Washington State.

SUMMARY:

The Nuclear Waste Board, an entity responsive to the Governor and Legislature of the State of Washington, is to monitor and evaluate research conducted by the U.S. Department of Energy to determine the suitability of the Hanford site for the

location of a high-level radioactive waste disposal facility. If the Board is dissatisfied with the Department's research, it is to conduct its own independent research.

The Board is to conduct studies: (1) to determine any potential economic, social, public health and safety, and environmental impacts of a repository for the disposal of high-level radioactive waste and spent nuclear fuel on the state; (2) of the risks associated with the transportation of radioactive wastes in the State of Washington (recommendations for alternative transportation routes and emergency response procedures are to be included in the study); and (3) of the potential impacts of siting a high-level radioactive waste repository at the Hanford candidate site on the financial and technical resources of all affected state agencies and local governments.

On a semi-annual basis, the Board is to report to the Governor and the Legislature on the results of research at the Hanford candidate site.

The Board is to develop a request for impact assistance to be submitted in the event construction of a high-level radioactive waste repository is authorized at the Hanford candidate site.

The Board may contract with private parties to assist with or conduct any study required by this legislation.

The Board is to seek federal funding to carry out the activities authorized by this legislation. If funding is denied, the Board is directed to investigate potential legal causes of action.

VOTES ON FINAL PASSAGE:

Senate	36	11
House	97	0 (House amended)
Senate	30	12 (Senate concurred)

EFFECTIVE: May 13, 1985

SB 3486

C 172 L 85

By Senators DeJarnatt, Newhouse, Halsan, Warnke and Vognild

Limiting the area in which a county may impose a tax on gambling.

Senate Committee on Commerce & Labor

SB 3486

House Committee on Commerce & Labor

BACKGROUND:

Cities and towns with less than 20,000 persons must have the same taxation rate on gambling as the county has established in unincorporated areas. It has been argued that this requirement fosters dissension and ignores other tax base factors, such as economic conditions.

SUMMARY:

The gambling tax rate must be uniform throughout unincorporated areas of the county. Incorporated areas, however, are free to set their own gambling tax rate, as long as the rate does not exceed the limits set by the Chapter.

VOTES ON FINAL PASSAGE:

Senate	46	2
House	96	0

EFFECTIVE: July 28, 1985

SB 3494

C 170 L 85

By Senator Gaspard

Authorizing the conduct of turkey shoots.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

At the present time, charitable nonprofit organizations are permitted to conduct unlicensed bingo, raffles and amusement games. The gross revenue limits for these gambling activities are set at \$5,000. However, nonprofit organizations are not permitted to conduct gambling events commonly called "turkey shoots."

SUMMARY:

Bona fide nonprofit organizations are permitted to conduct unlicensed "turkey shoots." The gross revenues from "turkey shoots" conducted by a nonprofit organization are limited to \$5,000 per calendar year. "Turkey shoots" are subject to the following requirements:

- the target is divided into 100 or fewer equal parts each of which are offered to contestants for \$1 or less;
- purchasers sign their names on the sections they purchase;
- the person shooting at the target is not a participant in the contest, but is a member of the sponsoring organization;
- participation in the contest is limited to members of the organization and their guests;
- the target contains information regarding the contest's prizes and rules;
- the target, shotgun and ammunition are available for inspection by any contestant or law enforcement agency;
- only unpaid members of the organization may participate in the management and operation of a "turkey shoot," and all net revenue derived from a "turkey shoot" is devoted to the organization's normal activities.

VOTES ON FINAL PASSAGE:

Senate	42	5
House	92	4

EFFECTIVE: July 28, 1985

SSB 3500

C 376 L 85

By Committee on Transportation (originally sponsored by Senators Peterson, Benitz, Hansen, Vognild, Conner and Metcalf)

Regulating tourist and agricultural directional signs along state highways.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Commercial signs along federal aid public highways have been controlled since 1958. Additional federal emphasis on controlling commercial signs occurred in 1965 with the passage of the federal Highway Beautification Act (PL 89-285). The state

of Washington has been a leader in its efforts to comply with this federal law.

Under the Scenic Vistas Act of 1971 as amended in 1974, control of outdoor advertising was extended to the state's "scenic or recreational highway system," and "specific informational panels," commonly referred to as "logo signs," were permitted on state highway right-of-way. Today, logo signs are available for businesses meeting certain criteria who serve the motorist seeking gas, food, lodging or camping type services.

Only seven types of signs are specifically permitted to be adjacent to and visible from the Interstate System and the primary and scenic state highway systems: (1) official signs; (2) signs advertising the sale or lease of the property on which they are located; (3) on-premise commercial advertising; (4) commercial billboards located in specified areas; (5) signs designed to give information in the specific interest of the traveling public; (6) signs lawfully in existence on October 22, 1965, that have been approved by the Secretary of the USDOT as having historic value or as being landmark signs; and (7) public service signs located on school bus stop shelters. All other signs are prohibited.

Some contend that this state's sign program places ample emphasis on "motorist information" but too little on "tourist information."

SUMMARY:

Two new classes of signs permitted to be located on or adjacent to state primary and scenic highway right-of-way are established: (1) Tourist Oriented Directional Signs (in a logo sign format) are permitted on the right-of-way; and (2) Temporary Agricultural Directional Signs are permitted adjacent to the right-of-way.

Tourist Oriented Directional Signs and Temporary Agricultural Directional Signs may be displayed only during the seasons in which a tourist-oriented business or a direct marketing farm is in operation.

The WSDOT is specifically authorized to remove any sign that is erected illegally on state highway right-of-way.

The WSDOT is permitted to construct and operate roadside area information panels or displays along state highways, or to contract for this service if it chooses, but it is required to recover costs

from fees charged to advertisers using roadside information facilities.

Directional signs for state parks located within 15 miles of an interstate highway shall be installed on the interstate highway even if there are additional directional signs on other state highways closer to such state parks.

Service criteria governing a lodging service's eligibility for a logo sign are specified.

VOTES ON FINAL PASSAGE:

Senate	42	5	
House	98	0	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	96	0
Senate	44	1

EFFECTIVE: July 28, 1985

SSB 3516

C 379 L 85

By Committee on Education (originally sponsored by Senators Bauer, Gaspard, Benitz, Moore, Bender, Rinehart, Lee and Johnson; by Temporary Committee on Educational Policies request)

Providing for instruction in Spanish and Japanese in grades one through six.

Senate Committee on Education

House Committee on Education

BACKGROUND:

In many countries, a second language is introduced to students at the elementary school level. According to a recent Canadian study, children under the age of ten learn languages more easily than older children do.

SPI reports that there are very few foreign language programs at the elementary school level that are supported by school districts.

The Temporary Committee on Educational Policies, Structure, and Management has recommended that foreign languages be introduced in the public schools as early as elementary school to increase awareness and sensitivity to other cultures. In particular, the Committee has suggested

SSB 3516

that the countries of the Pacific Rim and Latin America be studied and that pilot programs in Japanese and Spanish be introduced first.

Under Washington law, an alien who does not intend to stay in the U.S. as a citizen of the U.S. cannot obtain a permit to teach in the common schools, unless the alien is an exchange teacher.

SUMMARY:

Legislative intent recognizes that it is important for students to become fluent in a foreign language, particularly the languages of the Pacific Rim countries and Latin American countries.

The Superintendent of Public Instruction (SPI) may grant funds to each of five selected school districts to conduct a foreign language pilot program in Spanish or Japanese in one elementary school. The pilot program shall be conducted for two school years in grades one through six. Of the five school districts selected by SPI to participate in this pilot program, at least two shall teach Spanish and at least two shall teach Japanese.

SPI must establish a procedure and criteria for selecting districts to receive funding for the pilot program. In selecting districts to participate, the following factors are to be considered: 1) availability of existing district resources including certificated teachers to teach these languages; 2) availability of volunteer instructors, who are native speakers of the language; 3) availability of secondary school and foreign language students as tutors or aides; 4) diversity of pilot projects to ensure that various methods of instruction will be tried and evaluated.

The Superintendent of Public Instruction may grant to a nonimmigrant alien whose qualifications have been approved by the State Board of Education (SBE) a one-year temporary permit, renewable for no more than one additional year, to teach as an exchange teacher in the common schools of this state, or a temporary permit to teach foreign language for a period to be defined by SPI.

SPI shall evaluate the effectiveness of the foreign language pilot program and report to the Legislature in January, 1988.

Appropriation: If specific funding is not provided in the omnibus appropriations act enacted before July 1, 1986, the pilot projects will not be established.

VOTES ON FINAL PASSAGE:

Senate	33	12	
House	93	3	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	91	6
Senate	39	9

EFFECTIVE: July 28, 1985
When legislation providing funding takes effect (Sections 1-4)

SSB 3536

C 95 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Vognild, Bailey, McManus, McCaslin and Moore)

Revising the powers of public utility districts.

Senate Committee on Commerce & Labor

House Committee on Energy & Utilities

House Committee on Local Government

BACKGROUND:

Under current law a public utility district commission may plan for the marketing of power and for the development of resources pertaining thereto. For such purposes, it has the same powers as are vested in a board of county commissioners. These powers include the ability to engage in land use planning or zoning activities.

SUMMARY:

The planning powers vested in a public utility district commission are not changed. It is clarified that these powers do not include the power to adopt, regulate, or enforce comprehensive plans, zoning, land use, or building codes.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	95	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3538

C 46 L 85

By Senators Warnke and Talmadge

Providing for the nontransferability between school districts of classified employees' seniority.

Senate Committee on Education

House Committee on Education

BACKGROUND:

In 1983, classified employees were granted the right to retain their seniority, leave benefits and other benefits when they left one school district to begin employment with another. Transferring seniority rights has caused some problems.

SUMMARY:

Classified employees who transfer between school districts shall retain longevity benefits, but not other seniority rights.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	96	0

EFFECTIVE: July 28, 1985

SSB 3540

C 320 L 85

By Committee on Financial Institutions (originally sponsored by Senators Moore, Deccio, Sellar, Newhouse, Bender and Wojahn; by Insurance Commissioner request)

Revising health maintenance organization provisions.

Senate Committee on Financial Institutions

House Committee on Social & Health Services

House Committee on Financial Institutions & Insurance

BACKGROUND:

In 1983, laws concerning health maintenance agreements were changed. There are still references in the code to sections which were repealed, and phrases which are no longer defined in the law.

SUMMARY:

All references to "health maintenance contract" are changed to "health maintenance agreement," for which a definition in the law exists. References to repealed sections of law are deleted. Repetitive sections are repealed. Language is added which clarifies that if a person becomes ineligible for the health maintenance agreement due to a death in the family, that person is automatically covered on an individual basis.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	95	1	(House amended)
Senate	45	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3547

C 49 L 85

By Senators Granlund, Kiskaddon, Kreidler, Johnson, Deccio, Peterson, Conner and Stratton

Revising provisions relating to school immunization programs.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Presently, every child's attendance at a public or private school or licensed day-care center is conditioned upon compliance with the immunization requirements outlined in RCW 28A.31.104.

To comply, parents must present within 45 days of each child's first day of attendance proof of full immunization, proof of the initiation of and compliance with a schedule of immunization, or a certificate of exemption.

Outbreaks of vaccine-preventable diseases, such as pertussis (whooping cough) and measles have

occurred in Washington several times since the immunization law was passed in 1979.

SUMMARY:

The 45-day grace period is eliminated. The school or day-care attendance of every child is conditioned upon the presentation, before or on the first day of attendance, of proof of full immunization, proof of the initiation of and compliance with a schedule of immunization, or of a certificate of exemption.

The age exemptions relating to persons 18 years or older, and 12 years or older for females with respect to rubella, are eliminated.

For purposes of the immunization program, "child" is defined as any person, regardless of age, in attendance at a public or private K-12 school or licensed day-care center.

The requirement that local health departments notify school administrators prior to a child being excluded is removed, and the duty of each local health department to provide written notice of noncompliance to the child's parent(s) is transferred to the school.

The Superintendent of Public Instruction is required to provide information statewide regarding the immunization program and statutory requirements.

The Superintendent of Public Instruction is directed to promulgate rules for the immediate verification of immunization records of transfer students.

VOTES ON FINAL PASSAGE:

Senate	45	2	
House	97	0	(House amended)
Senate	46	2	(Senate concurred)

EFFECTIVE: April 17, 1985

SB 3551

C 32 L 85

By Senator McDermott

Clarifying the tax statutes as a result of Bond v. Burrows 103 Wn. 2d 153 (1984).

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Prior to December 1984, there was a permanent 7 percent surcharge on the retailing B&O tax in nonborder counties, and a 32 percent surcharge in border counties (Clark, Cowlitz, Skamania and Klickitat). While the sales tax rate in the rest of the state was 6.5 percent, it was 5.4 percent in the border counties. However, the border tax statutes provided that if a court issued an injunction or otherwise invalidated the border county sales tax differential, then the sales tax was to be 6.5 percent statewide and the retailing B&O tax surcharge was to be 7 percent statewide. As the bills were finally enacted, it appears that the statewide retailing B&O tax surcharge of 7 percent was set to expire on June 30, 1985.

In December 1984, the State Supreme Court found the border county sales tax differential to be unconstitutional (Bond v. Burrows). Thus, the retailing B&O tax surcharge became 7 percent statewide and was to expire on June 30, 1985.

Several B&O tax increases and surcharges passed by the Legislature in 1983 were made conditional on all of them becoming law. If one failed or was vetoed, then the others were not to take effect. All these increases and surcharges did in fact become law.

SUMMARY:

Several sections of law relating to the sales tax and B&O tax are clarified in light of the Supreme Court ruling on "border counties." What appeared to be a temporary B&O tax surcharge on retailing is made permanent. Conditional language on the imposition of certain B&O taxes and surcharges is removed.

Revenue: Administrative provisions relating to the retail sale tax and the B&O tax are modified.

VOTES ON FINAL PASSAGE:

Senate	40	1
House	51	45

EFFECTIVE: April 10, 1985

SSB 3553

C 377 L 85

By Committee on Transportation (originally sponsored by Senators Peterson, Sellar, Garrett, Granlund, DeJarnatt, Bottiger and Bender)

Regulating removal and disposal of abandoned, unauthorized, and junk vehicles.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

In February, 1983, the federal district court in Seattle ruled for the plaintiffs in a class action suit claiming that the state towing and impoundment laws did not afford the consumer due process. The 1983 Legislature responded by passing Senate Bill 3846 (Chapter 274 Laws of 1983), granting to people whose vehicles are impounded from private property the right to a hearing in district court.

During hearings on Senate Bill 3846, the range of complaints and concerns raised illustrated the need for a thorough review of the statutes governing the towing and impoundment of motor vehicles. Subsequently, the Legislative Transportation Committee (LTC) conducted an interim study of the laws governing the towing industry. Following public hearings in Yakima, Seattle, Spokane and Vancouver, Senate Bill 4764 and House Bill 1593 were introduced in the 1984 Legislature, but were not enacted.

During the 1984 interim the LTC continued its work on the tow truck issue and Senate Bill 3553 is the result of this process.

Currently, a tow truck operator who impounds vehicles without the owners' consent must register with the Department of Licensing as an "abandoned vehicle disposer." An initial inspection of the storage lot, a one-time registration fee of \$5.00 for a perpetual license, a \$3,000 surety bond and proof of insurance are required for such registration.

SUMMARY:

A new chapter is created in Title 46 that establishes registration requirements, including insurance and service requirements, for "registered tow truck operators." The Commission on Equipment is mandated to set standards for tow trucks

and their equipment. The current provisions that relate to "abandoned vehicle disposers" and the redemption process for owners of impounded cars are repealed.

The responsibilities of the towing operator from the time the vehicle is impounded through the time a vehicle is either redeemed or sold at public auction are outlined. The rights of the impounded vehicle owner to be promptly notified of the impoundment and of the right to a hearing to contest the validity of the impoundment are established. The impoundment and redemption procedures apply universally to all vehicles impounded either on public or private property. The registered and legal owners, law enforcement, and the Department of Licensing (DOL) are all to be notified of the impoundment.

Following an inspection by the Washington State Patrol of its office and storage areas and of each tow truck and its equipment, an operator receives a registered tow truck operator license from the DOL. Annual registration fees are \$100 per company and \$50 per truck. An operator is required to post all licenses and permits at the business location. The operator is also required to post in a conspicuous location the redemption procedure and consumer rights of the owner of an impounded vehicle.

Minimum service requirements are established. The records, equipment and facilities of a registered operator shall be available for inspection during normal business hours by the DOL, the WSP, or any law enforcement agency with jurisdiction.

A registered operator must accept cash, personal checks drawn on in-state banks, if two pieces of identification are provided, or major bank credit cards to cover the cost of the towing and storage fees. A registered operator is required to file any change in his fee schedule with the Department ten days prior to the effective date of the change.

All vehicles are to be handled and returned in substantially the condition they were in prior to the tow.

Specific auction procedures and auction notification requirements are established. The open bid process is utilized. Surplus money from the sale of abandoned vehicles is to be remitted to the state and held for the registered owner for one year.

The operator's deficiency claim is raised to \$300, and for vehicles over 10,000 pounds (gvw) a deficiency claim of \$1,000 is authorized. The deficiency claim amount is the amount an operator may charge the registered owner of the vehicle if the public auction proceeds do not cover the operator's lien for towing and storage charges.

All personal belongings are to be kept intact for the vehicle's owner and, if not claimed prior to the auction, relinquished to the law enforcement agency that receives the initial notification.

All law enforcement agencies that receive complaints involving a registered tow truck operator or relocater are required to forward the complaints to the DOL. Complaints involving equipment deficiencies shall be forwarded to the Commission on Equipment (COE).

Procedures for the removal of junk vehicles from public or private land are established that allow the landowner or agent to notify the vehicle owner. If the vehicle remains unclaimed, the landowner or agent may sign an affidavit of sale to be used as the title document.

The Director of the Department of Licensing, in cooperation with the Chief of the Washington State Patrol, is granted rulemaking authority to implement these provisions.

A city or county may adopt ordinances that include the applicable provisions of this chapter.

VOTES ON FINAL PASSAGE:

Senate	39	7	
House	95	2	(House amended)
Senate	45	1	(Senate concurred)

EFFECTIVE: January 1, 1986

SB 3569

PARTIAL VETO

C 188 L 85

By Senators Talmadge, Thompson and Zimmerman

Modifying provisions on the risk management office.

Senate Committee on Governmental Operations

Senate Committee on Ways & Means

House Committee on State Government

House Committee on Ways & Means

BACKGROUND:

In 1977, as a result of a study conducted by the Legislative Budget Committee and the Department of General Administration, a risk management program was instituted to identify risks, evaluate their financial impact and the state's ability to fund their potential loss, eliminate the risk whenever possible by improvement of conditions, and insure the risk through self-insurance whenever practical or purchase commercial insurance when cost efficient.

The State Risk Manager has the following duties: (1) implement legislative policy; (2) make recommendations to state agencies on methods of avoiding or minimizing risks; and (3) purchase all insurance for state agencies. Universities, toll project agencies, and other agencies permitted to purchase their own insurance must do so in consultation with the Risk Manager. The premium cost for insurance is paid by appropriation.

The state Supply Management Advisory Board serves as the advisory board for the Risk Management Office.

Following a review under the sunset process, the Risk Management Office was reauthorized in 1981, by a statute which included a termination date of June 30, 1987, unless further extended by law.

SUMMARY:

The provisions governing the Risk Management Office (RMO) are changed as follows:

- 1) state agencies are no longer authorized to purchase insurance directly unless the RMO specifically delegates that authority;
- 2) the RMO must develop a plan for managing and protecting state revenues and assets;
- 3) the RMO must make a detailed biennial report to both the Governor and Legislature;
- 4) the termination date is extended from 1987 to 1989;
- 5) new authority is given to the RMO to purchase coverages for municipalities;

- 6) the RMO must participate in the state tort claims process in that claims must be filed with it and it must approve settlements;
- 7) premium costs may be paid by appropriation or other appropriate resources available; and
- 8) the state Supply Management Advisory Board is no longer the RMO's advisory board.

VOTES ON FINAL PASSAGE:

Senate 42 4
House 93 5

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed the sections which required claims against the state for damages arising out of tortious conduct to be filed with the Risk Management Office. (See VETO MESSAGE)

SB 3572

C 57 L 85

By Senators McDermott, Lee, and Rasmussen; by Treasurer, Office of Financial Management, State Auditor request

Correcting nomenclature in accounts and funds to fit generally accepted accounting procedures.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Chapter 247, Laws of 1984 mandates compliance with generally accepted accounting principles (GAAP) for state governments. Currently there are 38 accounts classified statutorily in the general fund which are not consistent with the purpose of the fund. There are also accounts in the state treasury that do not have clear statutory direction regarding the distribution of their earnings.

SUMMARY:

The change of existing statutes which specify "accounts in the general fund" to read "accounts

in the treasury" brings the state in compliance with GAAP. This allows the Office of Financial Management to classify accounts properly in accordance with GAAP. Clear statutory direction is given regarding the distribution of earnings for all accounts.

All accounts created in the state general fund shall be designated as accounts in the state treasury. All earnings on these accounts shall be credited to the general fund.

VOTES ON FINAL PASSAGE:

Senate 43 0
House 93 0 (House amended)
Senate 46 1 (Senate concurred)

EFFECTIVE: July 1, 1985

SB 3576

C 27 L 85

By Senators Hansen, Barr, Goltz and Newhouse

Revising provisions relating to the Lake Osoyoos water project.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

In 1982, legislation was enacted authorizing the Department of Ecology to construct, operate and maintain a new dam at the outlet of Lake Osoyoos, in accordance with an understanding reached with the Province of British Columbia. The existing structure was declared unsafe by the Corps of Engineers. Three million dollars made available in 1982 from Referendum 38 was to be matched by an equal amount of funds from the Province of British Columbia. As a condition in the appropriation language, the Province of British Columbia was also to pay one-half of the annual operation and maintenance cost of the new structure.

In 1984, the Province of British Columbia appropriated funds for construction, but, due to legal considerations, did not provide funds for future operation and maintenance.

SUMMARY:

It is clarified that the construction of the new dam is to be considered a joint venture between the Province of British Columbia and the State of Washington.

The requirement that British Columbia pay one-half of the annual operation and maintenance cost is eliminated. The State of Washington is responsible for the full operation and maintenance cost which is to be derived through appropriations from the state general fund.

VOTES ON FINAL PASSAGE:

Senate 46 0
House 96 0

EFFECTIVE: July 28, 1985

SSB 3580

C 290 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse and Hayner)

Changing provisions relating to business corporations.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

To do business in this state, a corporation must register with the Secretary of State and pay a license and a filing fee. The amounts of the fees vary with the size of the authorized capital, based on the value of the stock.

The scope of the director's or an officer's duty of loyalty to a corporation has been defined by judicial decision rather than by statute. A number of states have recently adopted statutes designed to provide participants with relatively certain legal consequences if specified steps are undertaken in connection with corporate transactions involving a director or an officer.

A two-tier or front-loaded tender offer occurs when one entity, either an individual or another corporation, makes an offer to buy a shareholder's stock in a specific corporation. The tender

offer has two parts. The first part of the offer is to buy the stock at a specified price. The second part of the offer is a notice that if the shareholder does not sell the stock at the specified price, the shareholder may, in the future, be required to accept less than the specified price in exchange for the shares.

The ability of a corporation to make loans to officers, loans to directors, and loans secured by a corporation's shares is limited by statute. Shares of stock may not be issued for promissory notes or future services. Until a change in the law in 1933, corporations were only allowed to exist for 50 years or less. Since 1933, corporations have been allowed perpetual existence. Some corporations, unaware of the change in the law, have not amended their Articles of Incorporation to allow for perpetual duration.

SUMMARY:

The variable fee structure is replaced with a flat fee. A corporation must pay \$50 annually for its license to do business and \$175 to file its Articles of Incorporation. Any corporation that fails to pay its annual license fee must pay a penalty of \$25. Because this flat fee does not depend on authorized capital, all references to par value of stock are deleted from the chapter.

The scope of a director's or an officer's duty of loyalty is set out. If a director or an officer is directly or indirectly interested in a transaction or is on one side of the transaction and the corporation is on the other, the transaction is not automatically voidable for conflict of interest. A transaction may be valid if, based on the facts and circumstances as they were known or should have been known at the time the transaction was entered into, it is otherwise fair. Procedures are set out for proving the validity of the transaction.

Special approval is required of certain transactions with interested shareholders. Transactions such as mergers, sales of substantially all of the assets, and liquidations, where one shareholder is a party to, or receives different consideration in, the transaction must be approved either by disinterested directors or by disinterested shareholders exclusive of the votes of the interested shareholder who has a personal stake in the transaction.

In a two-tier situation, approval by disinterested shareholders is not required if the shares in the second step are purchased for at least the highest

price previously paid by the interested shareholder in acquiring the shares in the first step. Disinterested shareholder approval is not required if the transaction is approved by a majority vote of the board of directors without counting the votes of the interested directors.

The basic test for validity of loans to directors is that either (1) the particular loan is approved by a majority of the shareholders or by the board of directors after a specific finding that the loan benefits the corporation, or (2) the loan is pursuant to a general plan approved by the board as being of benefit to the corporation. Shares of stock may be issued for promissory notes and future services.

A corporation has until the later of December 31, 1985, or any time during the period of two years following its dissolution to amend its Articles of Incorporation to extend its period of duration.

Appropriation: \$2,500 to the Secretary of State to notify corporations formed before 1933 of the need to amend their Articles of Incorporation.

Revenue: Filing fee of \$175 and annual license fee of \$50.

VOTES ON FINAL PASSAGE:

Senate	47	1
House	96	2

EFFECTIVE: July 28, 1985

SB 3593

C 255 L 85

By . Senators Thompson, McCaslin, Hansen, Patterson and Zimmerman

Ratifying previous local government reimbursements for costs related to the Mt. St. Helens eruption.

Senate Committee on Governmental Operations

House Committee on Local Government

House Committee on Ways & Means

BACKGROUND:

In the 1981 supplemental budget, a \$4,200,000 general fund appropriation was made to the

Office of Financial Management to be used exclusively for grants to those units of local government most severely impacted by the eruption of Mount St. Helens. Portions of those state funds were used by units of local government for costs directly resulting from the disaster, but some of the costs were later found to be ineligible for reimbursement under the Federal Emergency Management Agency (FEMA) guidelines.

SUMMARY:

All units of local government that originally received state grants under section 8, Chapter 5 of the 1981 supplemental budget shall be reimbursed at actual cost for those eruption-related costs not considered eligible for reimbursement under FEMA.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	95	1

EFFECTIVE: July 28, 1985

SSB 3594

C 66 L 85

By Committee on Agriculture (originally sponsored by Senators Hansen, Benitz, Goltz and Newhouse)

Changing provisions relating to irrigation district voting.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

Although the general rule in voting is one person-one vote, certain special purpose districts may have a different apportionment of voting rights. The Legislature established that, in an irrigation district, landowners were entitled to vote based on acreage, except residential property owners were not allowed a vote. In 1984, the state Supreme Court declared this voting scheme unconstitutional.

The court held that no property owner within the district may be denied the right to vote and that the number of votes allowed each property owner

SSB 3594

must be allocated according to an identifiable burden.

If the Legislature does not allocate the votes, the voting is based on the general rule of one person-one vote.

SUMMARY:

The unconstitutional voting scheme is deleted.

Three categories of irrigation districts are defined and voting rights allocated in those districts. The first category contains those districts with 200,000 acres or more. Each landowner in these districts is given one vote for up to 10 acres and one vote for any acreage over 10 acres. The second category contains districts with less than 200,000 acres and where the majority of ownerships are held in parcels greater than five acres. In these districts, two votes are allowed for each five acres owned. The third category contains the districts which are becoming more populated, where the majority of land is held in parcels of five acres or less. Each landowner in these districts is entitled to two votes.

Married landowners may each vote separately, or one of them may vote by common agreement.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	95	0

EFFECTIVE: July 28, 1985

SB 3596

C 201 L 85

By Senators Granlund, Kiskaddon, Talmadge, Deccio and Kreidler; by Office of Financial Management request

Changing provisions relating to the state criminal justice information system.

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

House Committee on Social & Health Services

House Committee on Judiciary

BACKGROUND:

A comprehensive state criminal justice information system was established in 1984 to provide a mechanism for reporting and disseminating felony criminal justice information, and to provide timely and accurate criminal planning and forecasting for the felony population. Several housekeeping changes are necessary to allow criminal justice agencies charged with implementing the system to work together more effectively.

Under existing provisions, only chief law enforcement officers are designated as official sources of fingerprints. There are cases where local directors of corrections contract with the chief law enforcement officers as a source of fingerprints.

Currently, dispositions are received by the Washington State Patrol only from prosecuting attorneys, who handle only about 40 percent of the cases that result in a disposition report. Thus, because complete information on all dispositions is not received by the State Patrol, the records are incomplete.

Information about current and future jail population and capacity problems is incomplete. A state-wide sentenced-felon jail forecast would provide state and local governments with a factual base for the analysis of issues related to state funding of local jail facilities and to jail populations.

SUMMARY:

Local directors of corrections are included with chief law enforcement officers as official sources of fingerprints.

The method of handling a routine disposition report is revised. In addition to the prosecuting attorneys, district and municipal courts and originating agencies are required to provide disposition reports to the Washington State Patrol. All four agencies are also to be included in annual compliance audits of disposition reports.

The Office of Financial Management (OFM) is designated as the official state agency for the sentenced-felon jail forecast, and OFM is required to provide at least a six-year projection by December 1 of every even-numbered year beginning in 1986. OFM must seek advice regarding forecast assumptions from criminal justice agencies and associations.

The Sentencing Guidelines Commission is required to keep records on all sentencings above or

below the standard range and must make such records available to public officials upon request.

The information system will maintain information on dependency cases involving sexual abuse or exploitation of children. Dependency record information is restricted to identifying data such as fingerprints, photographs, and palmprints.

Dependency record information collected by the Washington State Patrol section on identification is privileged and is disclosed to the extent that information regarding dependency is generally disclosed under current law or court rules.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	97	0	(House amended)
Senate	40	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3598

C 90 L 85

By Committee on Human Services & Corrections
(originally sponsored by Senators Granlund, Craswell, McManus, Stratton and Kiskaddon)

Establishing protections for disabled persons assisted by service dogs.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

In 1983, Washington State began a program to provide physically disabled persons with service dogs. These dogs assist disabled persons with a variety of tasks they are physically unable to perform. The dogs are recognizable by their harnesses with identifying insignia similar to guide dogs for the blind or hearing impaired.

Training of the dogs is currently being done at the Purdy Treatment Center for Women through a program under the auspices of Tacoma Community College.

The service dog program has proven beneficial to physically disabled persons. The persons who use

service dogs need the same privileges as persons who use guide dogs.

SUMMARY:

Service dogs are defined as dogs that are trained or approved by an accredited school or state institution of higher education for the purposes of assisting physically disabled persons.

Existing law providing for blind, partially blind and hearing impaired persons to be accompanied in public places, without extra cost, by their guide dogs is extended to physically disabled persons using their service dogs.

Automobile drivers are required to take the same precautions to avoid injury to persons using service dogs as they currently do for persons using guide dogs or white canes.

It is unlawful for persons who are not physically disabled to use guide dogs or service dogs in order to gain any of the rights accorded to persons legally using them.

Refusing admittance to or enjoyment of a public place to a person because he or she is physically disabled is a misdemeanor.

The Law Against Discrimination in any place of public resort, accommodation, assembly, or amusement (RCW 49.60.215) is amended to include discrimination against the use of a service dog by a physically disabled person as an unfair practice.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	96	0

EFFECTIVE: July 28, 1985

SB 3601

C 380 L 85

By Senators Guess, Hansen, Patterson, Peterson, Owen, Barr and Benitz

Revising proportional licensing of motor vehicles.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

As the interstate trucking industry grew after World War II, each state developed its own version of state taxation to compensate for resulting road damage. Commercial carriers were therefore placed in an inequitable position of paying full taxes in states in which they accrued only a small proportion of their mileage. As a solution, several western states developed the Uniform Vehicle Registration Proration and Reciprocity Agreement, also known as the Western Compact. This agreement allows carriers to pay an amount of a state's licensing fees and taxes which is in direct proportion to the miles the carrier accrues in that jurisdiction.

Although the Western Compact provides many benefits for the industry, its weaknesses are that carriers must (1) separately apply and pay fees to each jurisdiction, and (2) locate each power and trailing unit to attach identification for proof of fee payment. Further, many jurisdictions have varying registration periods, thus requiring a year-round licensing process for many carriers.

The International Registration Plan (IRP) is a proportional registration agreement which has been adopted by 34 jurisdictions, 22 of which are also members of the Western Compact. Washington State, Alaska, British Columbia, Nevada and New Mexico are the only Western Compact jurisdictions that are not members of IRP. In October of 1984 the U.S. Secretary of Transportation urged all states not currently participating in the IRP to consider taking steps toward IRP membership.

The IRP requires a combined, simplified fee schedule for the registration of prorated trucks and trailers. Combining our many fees into a single licensing fee according to the gross weight fee schedule plus the motor vehicle excise tax could facilitate Washington's entry into the IRP. Failure to simplify our fee/tax structure could result in several IRP jurisdictions refusing to calculate and collect Washington's fees/taxes, thereby placing an unacceptable burden on the state Department of Licensing.

SUMMARY:

The provisions and terms of the International Registration Plan (IRP) are adopted in general. Eligibility is allowed for registrants with a fleet of

apportioned vehicles operating in two or more member jurisdictions.

The new combined fee schedule is adjusted to make up for any potential revenue losses. The gross weight fee schedule is changed to reflect a total of Washington's many fees into a combined, simplified fee schedule for the registration of prorated trucks. A flat fee has been established for trailers in lieu of using the gross weight fee schedule.

Proportional fees are applied to certain registrations at a later date, or for a greater gross weight.

The replacement fees for lost or destroyed plates are \$10 for vehicles which use two license plates and \$5 for vehicles which use a single plate. The transfer of a license plate between two or more vehicles is made a traffic infraction with a maximum penalty of \$500. Law enforcement officers must confiscate the transferred plates and return them to the Department of Licensing. The plates are returnable after payment of all fees and fines.

The Department of Licensing is empowered to adopt and enforce administrative rules.

Fees for farm vehicles are modified by formula.

Trucks purchasing tonnage by the month pay an additional \$2 as a revenue adjustment, since the monthly tonnage rates do not include all the other licensing fees assessed when the owner/lessor makes a single payment for the full registration year's fees/taxes.

The proceeds from the combined vehicle licensing fees addressed in this chapter must be forwarded to the State Treasurer to be distributed into accounts by a specified percentage formula.

The Washington Department of Licensing is required to compute the Washington tax and fees for several IRP jurisdictions, which are unable to calculate and collect our fees/taxes initially.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	98	0

EFFECTIVE: January 1 of year following Washington's entry into International Registration Plan

SSB 3602

C 239 L 85

By Committee on Financial Institutions (originally sponsored by Senators Moore, Sellar and Wojahn; by Department of General Administration request)

Revising provisions relating to savings and loan associations.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

A savings and loan association may not lend any money to, or sell or purchase property or securities from, a director or employee.

SUMMARY:

Unless prior approval of the Supervisor of Banking is obtained, a savings and loan association may not lend any money to, or sell or purchase properties or securities from, former directors, separated from the association for less than one year, and to parties involved in tender offers for the association.

A savings and loan may repurchase from its employees stock that was received as part of an employee's stock purchase plan. This conforms state law to the Employee Retirement Income Security Act.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	92	0

EFFECTIVE: July 28, 1985

SB 3612

PARTIAL VETO

C 374 L 85

By Senators Gaspard, Kiskaddon, Johnson, Bauer, Bender, Wojahn and Conner

Placing a three-year freeze on the excess levy lid reduction and studying excess levies.

Senate Committee on Education

House Committee on Education

House Committee on Ways & Means

BACKGROUND:

In 1977, the Legislature created a process by which the state would assume responsibility for fully funding basic education. The Legislature, as part of the funding reform, also adopted the Levy Lid Act to restrict the amounts of levies school districts may request to 10 percent of their allocations received in the preceding year for basic education and categorical programs. The Levy Lid Act was subsequently amended to allow certain districts to run levies in excess of 10 percent until 1990. The levy capacity of districts currently allowed to run levies beyond 10 percent is being incrementally reduced so that by 1990 all districts statewide will be subject to the 10 percent restriction. Many districts are concerned about the ability of the state and districts to fully fund basic education when the phaseout program is complete.

SUMMARY:

The Levy Lid Act phase-down schedule is frozen for calendar years 1986, 1987 and 1988. The phase-down schedule is extended to end, with a uniform 10 percent levy lid, in 1993.

All school districts may use any of three alternatives to determine their levy percentage during the freeze period. Districts may: (a) use their 1985 calendar year actual levy percentage; or (b) use the 1985 calendar year statewide average levy percentage; or (c) use the 1985 calendar year average levy percentage of all the school districts in their educational service districts.

A joint select committee of 14 members of the Legislature, appointed respectively by the President of the Senate and the Speaker of the House of Representatives, is established to review and make recommendations on school funding issues. In conducting the study, the joint select committee is to consult with the SPL, the State Board of Education, school administration and employee organizations, and members of community and business organizations involved with education issues.

The study is to review funding issues, including: focusing on instructional resources and actual class size as the major components of the basic

SB 3612

education allocation formula; effectiveness of the excess levy as a funding mechanism; alternative methods of funding; methods for equalizing funding between districts; and ways school districts are expending income from all sources. The joint select committee is directed to report its findings and recommendations no later than January 13, 1986, to the Governor and to the Legislature.

Obsolete statutory language, including language which provides for converting a district's prior year basic education allocation to 100 percent of formula, as part of the method for calculating a district's 10 percent levy amount, is repealed.

VOTES ON FINAL PASSAGE:

Senate	34	14	
House	76	20	(House amended)
Senate	35	9	(Senate concurred)

EFFECTIVE: July 28, 1985**PARTIAL VETO SUMMARY:**

The section establishing a 14-member legislative committee to review school funding issues is deleted, so that the Governor may establish a broadly based study committee including legislators, educators, and interested citizens. The emergency clause is also removed. (See VETO MESSAGE)

SB 3624

C 96 L 85

By Senator Kreidler

Eliminating restrictions on political activity of persons eligible for employment security department personnel.

Senate Committee on Commerce & Labor

House Committee on Constitution, Elections & Ethics

BACKGROUND:

State law prohibits a Department of Employment Security employee from participating in party politics, or from becoming a candidate for or holding partisan elective public office.

Other state employees may hold part-time public offices unless the holding of such office is incompatible with or substantially interferes with the discharge of official duties in a state office.

SUMMARY:

Provisions prohibiting a Department of Employment Security employee from participating in party politics or from becoming a candidate for or holding partisan elective public office are deleted.

VOTES ON FINAL PASSAGE:

Senate	44	2
House	76	19

EFFECTIVE: July 28, 1985**SB 3625**

C 313 L 85

By Senators Kreidler, Zimmerman and Bottiger

Changing provisions relating to fire protection district annexation.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

A city or town lying contiguous to a fire protection district may annex to such district if at the time of the initiation of annexation the population of the city or town is 10,000 or less. Cities larger than a population of 10,000 request the ability to annex into a fire protection district. In 1981, the Legislature allowed cities with a population not exceeding 100,000 to annex into various library districts.

SUMMARY:

The maximum population of a city or town which may be annexed to a contiguous fire protection district is increased from 10,000 to 100,000.

VOTES ON FINAL PASSAGE:

Senate	44	4
House	96	0

EFFECTIVE: July 28, 1985

SB 3627

C 285 L 85

By Senators Warnke, Wojahn, Goltz, Metcalf and Bender

Modifying the unemployment compensation requirements for persons with marginal labor force attachment.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Under current law unemployment insurance claimants are considered to have "marginal labor force attachment" if their quarterly benefit amount exceeds total wages earned in the higher of two comparable quarters. These two comparable quarters are within the last two years prior to the benefit claim.

Individuals identified under this comparable quarters approach are directed into intensive work search, which includes:

- 1) Making five work search contacts per week;
- 2) For each contact, having the interviewing employer sign a form provided by the department to indicate a job inquiry was made; and
- 3) Accepting any job offer, when the claimant has the capability of performing the work.

This provision does not apply to those persons who have been employed at least 80 hours in each quarter of their base year (the first four of the last five quarters previous to the benefit claim). Exceptions are also made for those who earned no wages or reduced wages because of illness or disability in either comparable quarter, and for new entrants or re-entrants to the labor force.

A portion of the benefits paid to identified claimants is not charged to the appropriate employer experience rating accounts or reflected in UI tax rates.

The effective date for these provisions is July 1, 1985.

SUMMARY:

Prior to December 31, 1986, and under certain conditions, the Commissioner of the Employment Security Department is authorized to suspend the special work search requirements applicable to claimants identified as having marginal labor force attachment. To suspend the work search requirements, the Commissioner must find that a condition of economic distress exists or that governmental action prohibits normal activities in an occupation. A condition of economic distress exists when: (1) a county has unemployment at least 20 percent above the statewide average; (2) a labor market area experiences a sudden and severe loss of employment; (3) a labor market area contains a distressed industry; or (4) the claimant's circumstances fall within the intent of the work search suspension requirements.

The Commissioner must adopt rules to implement the work search policy when the special work search requirements are suspended, and must report work search suspensions to the Senate and House Commerce & Labor Committees.

The special work search requirements for claimants with marginal labor force attachment will take effect with new claims filed on or after July 1, 1985. For any week that a claimant identified as marginally attached to the labor force fails to actively seek work, benefits are suspended. (If such a claimant refuses to accept employment or to apply for work to which the claimant was referred by the Department, the claimant will be disqualified for benefits until the claimant obtains work and earns the required wages.) Other technical changes are made in the marginal labor force attachment provisions.

VOTES ON FINAL PASSAGE:

Senate	45	1	
House	89	9	(House amended)
Senate	43	2	(Senate concurred)

EFFECTIVE: July 1, 1985

SSB 3630

SSB 3630

C 381 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Gaspard and Talmadge)

Changing provisions relating to the Washington high-technology coordinating board.

Senate Committee on Commerce & Labor

House Committee on Trade & Economic Development

BACKGROUND:

The High Technology Coordinating Board was established by the Legislature in 1983 to coordinate the state's approach to high technology training and research. Since high technology education and research is an important aspect in business siting and expansion decisions, it is important that there be representation on the board from and coordination with the Department of Commerce and Economic Development.

SUMMARY:

The High Technology Coordinating Board is increased from 17 to 18 members by adding the director of the Department of Commerce and Economic Development (or a designee) to the appointed public sector members.

Obsolete language requiring the Board to report to the Legislature in 1984 is deleted.

The Board is required to work cooperatively with the Department of Commerce and Economic Development to identify the high technology education and training needs of existing and potential Washington businesses.

The following duties are added to the Board's responsibilities:

- a) Oversee, coordinate and evaluate high tech programs;
- b) Include research and development as a study item;
- c) Conduct a fiscal cost benefit analysis of each of its program recommendations;

- d) Increase private sector participation in the state's high tech programs;
- e) Evaluate the effectiveness of state-sponsored high tech research; and
- f) Establish a plan to guide high tech program development in public institutions of higher education.

Staff support for the Board is provided by existing resources of the Council for Postsecondary Education or its statutory successor and the Department of Commerce and Economic Development.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	97	0
Senate	44	0

EFFECTIVE: July 28, 1985

SSB 3654

C 373 L 85

By Committee on Ways & Means (originally sponsored by Senator McDermott)

Adopting the capital budget.

Senate Committee on Ways & Means

House Committee on Ways & Means

SUMMARY:

Capital appropriations are provided for the 1985-87 biennium.

VOTES ON FINAL PASSAGE:

Senate	36	11	
House	81	16	(House amended)
Senate	41	7	(Senate concurred)

EFFECTIVE: July 1, 1985

2SSB 3656PARTIAL VETO

C 6 L 85 E1

By Committee on Ways & Means (originally sponsored by Senator McDermott)

Adopting the 1985-87 biennial operating appropriations act.

Senate Committee on Ways & Means

House Committee on Ways & Means

SUMMARY:

The 1985-87 operating budget is adopted.

VOTES ON FINAL PASSAGE:

First Special Session

Senate 27 21

House 53 41

EFFECTIVE: June 27, 1985

PARTIAL VETO SUMMARY:

See VETO MESSAGE

SSB 3678PARTIAL VETO

C 190 L 85

By Committee on Ways & Means (originally sponsored by Senator McDermott)

Modifying excise taxes.

Senate Committee on Ways & Means

House Committee on Rules

BACKGROUND:

Like Washington State, West Virginia has a B&O tax on the gross receipts of a business. In June 1984, the U.S. Supreme Court found part of the West Virginia B&O tax to be unconstitutional (Armco Inc. v. Hardesty). The U.S. Supreme Court contended that West Virginia's wholesale gross receipts tax unconstitutionally discriminated against interstate commerce by exempting local manufacturers from the tax.

In West Virginia, a local manufacturer paid the manufacturing B&O tax and was exempted from the wholesale B&O tax when it sold its goods in West Virginia; any out-of-state firm that wholesaled in West Virginia had to pay the wholesaler's B&O tax. Under the Commerce Clause, a state may not tax a transaction more heavily when it crosses state lines than when it occurs entirely within the state.

This was the case in Washington State until 1948 when our state Supreme Court ruled this setup to be unconstitutional (Columbia Steel Co. v. State). Now in Washington, if a local manufacturer wholesales its goods in Washington State, it is exempted from the manufacturing B&O tax and pays the wholesalers B&O tax as does an out-of-state firm that also wholesales in Washington. A local firm only pays the manufacturing B&O tax if it sells its goods outside of Washington. In 1951, this system was found by the state Supreme Court to be constitutional (B.F. Goodrich v. State).

Subsequent challenges by out-of-state firms to this state's B&O tax were rejected by the U.S. Supreme Court. These companies had argued that Washington's B&O tax did not fairly apportion gross receipts derived in other states. The taxpayers, however, were unable to show that they were in fact subjected to manufacturing or equivalent gross receipt taxes in other jurisdictions (General Motors Corp. v. Washington, 1964 and Standard Pressed Steel Co. v. Washington Department of Revenue, 1975).

The Supreme Court also held in the Armco decision that a taxpayer challenging the tax was not required to prove actual discrimination--only that discrimination was theoretically possible. Because it was possible that a non-West Virginia firm could be charged a manufacturing tax in its home state and a wholesale tax in West Virginia while a West Virginia firm only paid a manufacturing tax and was exempted from the wholesaling tax, the court held a violation of the Commerce Clause existed.

Approximately 200 firms have filed appeals of Washington's B&O tax on products manufactured in state but sold out of state and on products manufactured out-of-state but sold within Washington.

The following are separate issues from the above:

Manufacturing equipment brought into Washington by a company moving its operations from another state to this state is subject to the use tax.

Recreational boats in Washington are subject to an annual 1/2 of 1 percent excise tax in lieu of the state property tax. The current market value of a pleasure boat is based on the original purchase price depreciated over time.

SUMMARY:

If the Supreme Court finds that a portion of Washington B&O tax is unconstitutional, then an in-state manufacturer selling its goods out-of-state may credit against its Washington manufacturing B&O tax any gross receipt taxes paid to another state. The amount of credit may not exceed the manufacturer's Washington tax liability. A gross receipts tax is a tax measured by the gross volume of business. A state is any other state or political subdivision thereof, the District of Columbia or any foreign country.

The use tax does not apply to manufacturing equipment brought into Washington that has been owned and used for at least one year in another state.

The boat excise tax is changed from a tax of 0.5 percent on the value of the boat to a tax based on the length of the boat.

Revenue: Administrative provisions relating to the B&O tax are modified.

VOTES ON FINAL PASSAGE:

Senate	34	14	
House	82	13	(House amended)
Senate	34	11	(Senate concurred)

EFFECTIVE: April 30, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed the sections of the bill not pertaining to the "Armco" decision. These included the use tax exemption for used equipment and the change in the method of boat taxation. (See VETO MESSAGE)

SSB 3684

PARTIAL VETO

C 375 L 85

By Committee on Ways & Means (originally sponsored by Senator McDermott)

Modifying provisions on the state lottery.

Senate Committee on Ways & Means

House Committee on Ways & Means

House Committee on Commerce & Labor

BACKGROUND:

Revenue from the sale of lottery tickets is currently distributed 45 percent to prizes, 40 percent to the general fund and 15 percent to a revolving fund. Money in the revolving fund is used to pay administrative costs of the Lottery Commission and sales agent discounts. The fund is nonappropriated but allotted.

SUMMARY:

The state lottery fund and the lottery revolving fund are eliminated. A separate account outside the treasury, the state lottery account, is established. Prizes are paid out of this account and do not require an appropriation for payment of obligation. The purchase and promotion of lottery games and game related services and sales agent compensation are also paid from this account. Allotment of all expenses paid from this account is required.

The lottery administrative account is created to pay costs incurred in the operation and administration of the Lottery Commission. The Legislature may appropriate for the payment of these costs.

Contracts exceeding \$2,500 shall be competitively bid.

No lottery employees shall accept employment or engage in any business that promotes or provides lottery related gaming goods or services within two years after termination of employment.

Appropriation: \$1.26 million from the lottery administrative account.

VOTES ON FINAL PASSAGE:

Senate	47	2	
House	94	2	(House amended)
Senate			(Senate refused to concur)
House	93	2	(House receded)

EFFECTIVE: March 1, 1985

PARTIAL VETO SUMMARY:

The following sections are eliminated: The requirement to bid all contracts exceeding \$2,500 in value competitively; and the provision forbidding former lottery employees from engaging in any business that promotes or provides lottery-related gaming goods or services within two years after termination of employment. (See VETO MESSAGE)

SSB 3723

C 272 L 85

By Committee on Ways & Means (originally sponsored by Senator McDermott)

Allowing local hotel/motel tax proceeds to be used for stadium restaurant facilities and additional seating.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

Counties and cities may levy a tax of up to 2 percent on the charges for transient lodging in a hotel, motel, rooming house, trailer camp or other similar facility. The proceeds are to be used to finance and operate public stadiums, convention centers and/or performing arts centers, tourism promotion programs, etc. A county imposing this tax must allow a credit against the county tax for any city tax that may be imposed, unless that county sold bonds prior to June 26, 1975 and pledged the revenues from this tax for the debt service of the bonds. If a county builds up a surplus and desires to use some of this tax revenue for purposes other than debt service, it is unclear whether any city tax would then need to be credited against the county tax.

SUMMARY:

Any revenue raised from the local option 2 percent hotel/motel tax for public stadiums, convention and arts facilities not immediately needed for debt service may be used for improvement to a county-owned stadium. These improvements can consist of improving a stadium restaurant, restrooms, turf, seating, parking, and scoreboard and information systems. Using the revenues in this manner will still allow a county not to credit any city tax that may be imposed against the county tax.

Revenue: Administrative provisions relating to the local option 2 percent hotel/motel tax for public stadiums are modified.

VOTES ON FINAL PASSAGE:

Senate	34	9
House	86	8

EFFECTIVE: July 28, 1985

SB 3762

C 233 L 85

By Senators McDermott, Goltz, Bluechel, Warnke, McDonald, Fleming and Bender

Modifying administrative provisions on the convention and trade center.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

The Washington State Convention and Trade Center was formed as a public nonprofit corporation. The State Finance Committee was given authority to sell general obligation bonds totalling \$99 million in order to design and construct a state convention and trade center in Seattle.

The type of financial relationship the Washington State Convention and Trade Center has with the general fund needs to be described more accurately. Operational adjustments not identified in the enabling legislation need to be addressed.

SB 3762

SUMMARY:

The State Finance Committee is authorized to sell the remaining general obligation bonds of \$6.25 million.

The Committee is given the authority to change from a single general obligation bond offering to one or more offerings. An enterprise fund is created.

Convention center employees are reimbursed for actual travel and subsistence expenses only for out-of-state travel to market the convention center. Promotional hosting is not reimbursable. The convention center is authorized to expend moneys for operational purposes in excess of the amount appropriated, subject to approval of the Office of Financial Management.

75 percent of interest income deposited in the general fund is credited against future borrowings by the corporation from the general fund. The credit applies to moneys deposited before and after the effective date of this act.

VOTES ON FINAL PASSAGE:

Senate	37	12	
House	73	25	(House amended)
Senate	38	10	(Senate concurred)

EFFECTIVE: May 10, 1985**SB 3765**

C 445 L 85

By Senators Thompson and Zimmerman

Modifying provisions on municipal utilities.

Senate Committee on Governmental Operations

House Committee on Energy & Utilities

House Committee on Local Government

BACKGROUND:

Under current law, nonvoted "councilmanic" bonds may not be used by cities and towns for water, sewer and refuse utility purposes. Cities and towns may issue nonvoted bonds for a wide range of other public purposes, so long as the debt issued does not exceed the particular municipality's nonvoted debt limit as established by the

State Constitution and by statute. Cities and towns may not issue nonvoted debt for utility improvements such as rebuilding water and sewer systems.

If a plan, system, or proposed extension for furnishing city water by a first class city is considered inadequate for any reason, then the city council must submit a new plan or a proposed change to the voters for their ratification or rejection. The city must publish notice of the election at least 30 days before the special or general election. The new plan or proposed change must be approved by a 60 percent vote. There is no specific statutory authority for cities to alter the manner in which they provide municipal utility services.

Existing law authorizes cities and towns to charge property owners for connecting with city or town water or sewer systems. The connection charges must be in proportion to the property owner's equitable share of the cost of the system. The Supreme Court held in 1965 that the equitable share was to be based on the original cost of the system, not on what it would cost to replace the system today.

SUMMARY:

A public vote is still required for the initial creation of a public utility, either through a specific ballot measure or a city charter. However, once the public utility has been established, additions and betterments to that utility can be carried out without a public vote (with the exception stated below), and nonvoted bond proceeds can be used for the payment of those improvements.

A city must receive simple majority approval from the voters if the service capacity of a city utility is increased by 50 percent or more, and where an amount of the increased service capacity equal to at least half of the previous service capacity is financed by the issuance of councilmanic (nonvoter approved) general obligation bonds.

These changes aid the rehabilitation of municipal utility systems by (1) making it clear that public votes are usually not necessary for improvements to existing utilities; (2) permitting the application of nonvoted general obligation bond proceeds to utility improvements; and (3) permitting "double-barrelled" bond issues, which are payable from utility revenues but are also backed by the full faith and credit of the issuing city or town. Double-barrelled bonds enable many municipalities

throughout the country to pay lower interest rates on their utility borrowings.

First class cities are no longer required to submit for the voters' approval proposed changes in the manner in which city water is provided. Cities are specifically authorized to alter municipal utility systems.

The method by which cities and towns measure charges for property owners connecting to city or town water or sewer facilities is redefined to include interest charges from the date of construction of a facility until connection, but not to exceed 10 years, along with an equitable share in the original cost of construction of the facility. The interest rate may not exceed 10 percent.

VOTES ON FINAL PASSAGE:

Senate	43	5	
House	96	1	(House amended)
Senate	41	6	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3776

C 317 L 85

By Committee on Governmental Operations (originally sponsored by Senators Thompson, Bluechel, Wojahn, Zimmerman, Goltz, Kiskaddon, McDermott, Warnke and McManus; by Arts Commission request)

Authorizing the continued existence of the state arts commission and restructuring the commission.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

The Washington State Arts Commission was included in the second formal list of agencies and programs on the sunset termination schedule in 1983 by the Joint Select Committee on Sunset. The termination date for the Commission is June 30, 1985. If it is not reauthorized or modified in this session of the Legislature, it will enter the one-year "wind-down" period before the sunset repealers take effect in 1986.

The Commission participates in or administers a wide variety of programs to improve the availability of and access to the arts for Washington residents. Among them are the cultural enrichment programs for school-age audiences, an artist-in-residence program, and the art in public places program ("percent for arts").

Both the Legislative Budget Committee review and the Office of Financial Management review suggested that the Arts Commission be continued, with modifications.

SUMMARY:

The Arts Commission is reauthorized and removed from the sunset schedule.

The statement of purpose concerning the state's public interest in the arts is revised to re-emphasize the contributions of artists and art works to the state and its general welfare. The Commission's authority to sponsor activities and assist individuals or organizations is clarified.

The manner of appointing legislative members to the Arts Commission is also clarified. Of the two legislative members, who must be from opposite political parties, one is appointed by the President of the Senate, and one by the Speaker of the House of Representatives. In making the 19 other appointments, the Governor must include citizens representing the various disciplines in the visual, performing and literary arts, giving consideration to nominations from individuals actively involved in cultural, state or community organizations. Geographical distribution of the membership must also be considered.

Terms of membership provide that the legislative members may serve as long as they are members of the chamber from which appointed, and each member may continue to serve until a successor is appointed. New authorization is granted for members to be reimbursed under the regular statutes relating to travel and lodging. Commission actions, as defined in the Open Meetings Act, may only be taken at a meeting at which a quorum is present and rules must be adopted pursuant to the Administrative Procedure Act.

The title of the chief executive officer of the Commission is changed from Executive Secretary to Executive Director. The Director's power to fix the compensation of Commission staff is removed. The Commission's report to the Governor is made biennial rather than annual, with the contents to

SSB 3776

include a full description of program and project activity, as well as fund sources and expenditures.

Sections repealed include those relating to the original statement of purpose, the creation and composition of the Commission, and the permissive authority to designate a poet laureate for the state.

VOTES ON FINAL PASSAGE:

Senate	45	4	
House	91	4	(House amended)
Senate	40	2	(Senate concurred)

EFFECTIVE: June 30, 1985

SSB 3781

C 4 L 85

By Committee on Transportation (originally sponsored by Senators Peterson and Patterson; by Washington State Patrol request)

Authorizing state patrol sergeant and lieutenant examinations to be held every two years.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

Promotional examinations for Washington State Patrol troopers seeking the rank of sergeant and lieutenant are authorized every three years. Some 350 troopers typically take the sergeants' examination. Of these, an average of 35 to 40 troopers are selected to fill vacancies that occur during the three years between exams. Those troopers with the highest scores are considered for promotion first.

Some people contend that more frequent exams would be beneficial to trooper morale because there would be more frequent opportunity to compete for promotion.

SUMMARY:

RCW 43.43.330 is amended to shorten the duration between sergeant and lieutenant promotional examinations from three years to two years.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	93	0

EFFECTIVE: March 13, 1985

SB 3782

C 62 L 85

By Senators Gaspard, Bender, Johnson, Stratton, Goltz and Conner; by Superintendent of Public Instruction request

Establishing the Washington state honors award program.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Presently, the state's involvement in recognizing outstanding student academic performance is limited to the Washington State Scholars program, under which 147 graduating high school students are recognized each year for significant academic achievement. These students qualify for two-year tuition and fee waivers at the state's public higher education institutions. It is suggested that an honors award program would provide the means to recognize additional students who have achieved high levels of academic performance.

SUMMARY:

The Washington State Honors Award program is established to promote and recognize outstanding academic achievement by public and private high school students in academic core subjects. School district and student participation in the program is voluntary.

The program is to include student performance in English, math, science, social studies and foreign languages. Such performance is to be determined by grade point averages, credits earned, and courses in which students are enrolled at the beginning of their senior year.

The program is also to include student achievement in verbal and quantitative areas as measured by the Washington Pre-College Test.

The Superintendent of Public Instruction (SPI) is required to adopt rules to establish and administer the Washington State Honors Award program. Such rules must establish minimum achievement scores, subject area performance levels, procedures to provide appropriate honors award designation, and other provisions.

The SPI must provide participating high schools with necessary material for conferring honors and shall require participating high schools to encourage local business and industry representatives to recognize students who receive an honors designation under the Washington State Honors Award program.

Appropriation: \$41,000 for the Superintendent of Public Instruction

VOTES ON FINAL PASSAGE:

Senate	44	1
House	96	0

EFFECTIVE: July 28, 1985

SSB 3786

C 382 L 85

By Committee on Judiciary (originally sponsored by Senators DeJarnatt and Owen)

Establishing misdemeanor offense for theft of shopping carts.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

There is growing concern over the increasing number of shopping carts that are being stolen or damaged at shopping centers, grocery stores, and other retail establishments across the state.

SUMMARY:

It is unlawful to remove a shopping cart from the parking area of a retail establishment with the intent to deprive the owner of the shopping cart of its use. In addition, it is unlawful to be in possession of any shopping cart removed from the parking area with similar intent.

These provisions do not apply unless the owner permanently attaches a sign to the shopping cart that 1) identifies the owner of the cart, or the retailer, or both; 2) details the procedure for authorized removal of the cart from the premises; 3) notifies the public that unauthorized removal is unlawful; and 4) lists a telephone number or address for returning carts to the owner or retailer.

"Shopping cart" and "parking area" are defined.

A violation of these provisions is a misdemeanor.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	91	5 (House amended)
Senate	38	0 (Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3792

C 305 L 85

By Committee on Financial Institutions (originally sponsored by Senators Moore, Sellar and Wojahn; by Department of General Administration request)

Modifying provisions relating to banks and banking.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

The Supervisor of Banking is required to visit each state chartered bank once a year. Banks cannot make loans to their officers or directors without specific authorization by resolution of their boards of directors, which creates a disparity with practices for nationally chartered banks. Branches of foreign banks which were approved before July 27, 1978 have the power to conduct business in the state.

The current fee to be paid by banks involved in an emergency acquisition is \$5,000. The investigation in connection with the SeaFirst acquisition cost the Division of Banking substantially more.

SSB 3792

SUMMARY:

The Supervisor is required to visit each bank only once every 18 months; however, he may visit and examine each bank more often if he considers it necessary.

Banks may make loans to their officers or board members up to 5 percent of capital and surplus or \$25,000 (whichever is larger) without approval of the board. Any amount in excess of these limits must be approved by the board.

Branches of foreign banks which filed for approval before July 27, 1978 are permitted to conduct business in the state, even if they were not actually approved by that date.

The Supervisor may establish the fee for an emergency acquisition by rule. The fee may not exceed the cost of processing the application.

With the prior approval of the Supervisor, a bank may purchase shares of its own capital stock, but at no time may it hold more than 5 percent of its outstanding shares.

Each person making a deposit in a bank must be given a receipt that shows or allows tracing of the name of the bank, the account holder, the account number, the date and the amount deposited. If the depositor requests it, all this information must be expressly stated on the receipt.

VOTES ON FINAL PASSAGE:

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

EFFECTIVE: July 28, 1985

SB 3794

C 200 L 85

By Senators Granlund and Bottiger

Permitting schools or institutions of higher education to purchase certain public lands.

Senate Committee on Education

House Committee on Higher Education

BACKGROUND:

In 1971, the Legislature adopted legislation allowing school districts that were leasing state trust land to purchase the land on or before January 1, 1974 if improvements had been made to the property. Currently, the Peninsula, Puyallup and Shoreline School Districts are leasing state trust lands. Puyallup and Shoreline are eligible to purchase the land they now lease. Peninsula is not eligible to purchase the state trust land it leases because the lease was established in 1980.

SUMMARY:

The January 1, 1974 time restriction on purchase of state lands by school districts leasing the land is removed. School districts leasing state trust land may purchase the land regardless of when the lease began.

VOTES ON FINAL PASSAGE:

Senate 48 0
House 95 0

EFFECTIVE: July 28, 1985

SSB 3797

C 378 L 85

By Committee on Education (originally sponsored by Senators Bauer, Thompson, Zimmerman and Conner)

Revising the laws for the state school for the deaf and the state school for the blind.

Senate Committee on Education

House Committee on Education

BACKGROUND:

The State School for the Deaf and the State School for the Blind are governed by the Secretary of the Department of Social and Health Services (DSHS). Students between the ages of 3 and 21, who are blind, deaf, or otherwise sensory handicapped, and who are free from loathsome or contagious diseases are eligible to attend the schools free of charge.

Staff members at the schools are employees of DSHS subject to civil service laws. The Secretary of DSHS appoints each superintendent who must

have at least ten years teaching experience in schools for the deaf or blind. Each board of trustees advises the Secretary in the selection of qualified superintendent candidates.

The board of trustees for the School for the Blind is composed of 12 trustees appointed by the Governor, and the board for the School for the Deaf is composed of 11 trustees appointed by the Governor. A trustee from each congressional district must be appointed. Ex-officio members representing interested organizations are also on each board.

SUMMARY:

All powers, functions and duties pertaining to the State School for the Blind and the State School for the Deaf are transferred from the Department of Social and Health Services (DSHS) to each school. Any appropriations made to DSHS for either school are transferred and credited to the schools, and records, equipment and property are also transferred. Appropriations for each school are to be made to the Superintendent of Public Instruction and then transmitted to each school.

All classified employees of the schools working for DSHS are assigned to the schools to perform his or her usual duties without any loss of rights. Such employees remain subject to civil service laws.

The primary purpose of the schools is declared to be to educate and train hearing-impaired and visually-impaired children. Children are eligible to attend on a space available basis if they have problems of learning originating from a visual or auditory deficiency. Full and due consideration shall be given to the parent's preference as to whether to place the child in either state school or in a program run by a local school district.

Employees at both schools must be given compensatory time off or a premium rate of pay for work beyond forty hours per week. Teachers at the schools must be certified and paid salaries similar to certified teachers in the district in which the facility is located. SPI may provide for additional certification standards or provisional certification.

The Governor is to appoint the superintendent of each school from a list of three applicants submitted by the respective boards of trustees. Candidates for appointment must have a master's degree and at least eight years experience in programs for the hearing or visually impaired,

including five years of teaching experience and three years of administrative or supervisory experience. Appointees shall serve at the pleasure of the Governor and must be confirmed by the Senate.

The superintendent of each school is granted general operational powers. Also, powers are granted to each superintendent to monitor the placement of each student, provide programmatic information to appropriate parties, and consult with SPI and school districts to improve local programs.

The boards of trustees of each school shall be composed of a resident from each congressional district. Additional non-voting members are added to each board. The voting members from each congressional district must be confirmed by the Senate.

Reporting requirements are changed to conform to the transfer of powers.

VOTES ON FINAL PASSAGE:

Senate	44	2	
House	71	25	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: July 1, 1986

SSB 3799

PARTIAL VETO

C 383 L 85

By Committee on Energy & Utilities (originally sponsored by Senators Stratton and Williams)

Increasing the state radiation control agency's responsibilities with regard to radiation control.

Senate Committee on Energy & Utilities

Senate Committee on Ways & Means

House Committee on Energy & Utilities

BACKGROUND:

Hanford has been selected as a potential site for the development of a high-level radioactive waste repository. Washington State needs to collect data on the environmental and health impacts caused by existing sources of ionizing

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radiation in order to evaluate the impact a repository may cause.

Funding needs to be provided for this data collection.

SUMMARY:

The state Radiation Control Agency is given these specific additional responsibilities: to develop a statewide radiological baseline; to implement a statewide radiation monitoring program to determine the presence and significance of radiation in the environment; to verify monitoring programs conducted by the federal government and by radioactive materials licensees; and to collect statistical and epidemiological data, if available, on diseases that result from ionizing radiation. The agency may acquire this information from other sources.

The agency must seek federal funding pursuant to the Nuclear Waste Policy Act to carry out its responsibilities related to the federal high-level radioactive waste program. If federal financial assistance is denied, the agency is directed to investigate potential legal action.

The agency is also directed to implement a site use permit system. The permit fees are to fund executive and legislative participation in the Northwest Interstate Compact on Low-Level Radioactive Waste.

The agency is required to set and collect a surveillance fee at a level sufficient to provide funds for the agency's radiation control activities that are not covered by any cost recovery programs. The fee is limited to 3 percent of the basic minimum fee charged on a per cubic foot basis by the site operator for the disposal of low-level radioactive waste. The fee also provides funding for other state agencies that incur expenses as a result of the management and control of low-level radioactive waste.

The agency will submit a report to the Governor and the Legislature at the start of the 1986 legislative session. The report will explain what monies are used to fund the agency's radiation activities and the sources of those monies.

Revenue: The site use permit fee and the surveillance fee imposed upon the disposal of low-level radioactive waste are increased.

VOTES ON FINAL PASSAGE:

Senate	28	19	
House	67	29	(House amended)
Senate	30	18	(Senate concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The section requiring the state Radiation Control Agency to verify the results of monitoring programs conducted by the federal government is deleted. This provision is contained in HB 3, which the Governor approved earlier. (See VETO MESSAGE)

SB 3800PARTIAL VETO

C 469 L 85

By Senators Granlund, Bailey and Garrett

Establishing uniformity in the publication of certain legal notices.

Senate Committee on Governmental Operations

House Committee on Judiciary

BACKGROUND:

Counties, cities, towns, and special purpose districts are generally required by statute to publish their legal notices and ordinances. Most of these statutes require that the publication be made in a newspaper of general circulation in the area affected. Some statutes, however, specify that publication must be made in a newspaper printed in the area affected, and other statutes specify a newspaper printed and published in the area affected. A decision by the Washington State Supreme Court states that publication may be dispensed with if there is no newspaper printed within the area, even though there may be newspapers of general circulation in the area. Citizens might be better informed if publication of legal notices and ordinances were required in newspapers of general circulation in the area affected.

Counties are required to designate an official newspaper for the publication of their legal notices and ordinances. Cities are not required to designate an official newspaper. Citizens might be

better informed if they knew that all legal notices and ordinances were published in one newspaper.

Some statutes require publication of legal notice in a daily newspaper and other statutes require publication of legal notice in a weekly newspaper. It has been suggested that any newspaper, whether it is a daily or a weekly paper, should be able to compete for contracts to publish legal notices.

SUMMARY:

If publication of a legal notice or ordinance is required by statute, publication must be made in a newspaper of general circulation in the area affected. Every city and town must designate an official newspaper by resolution. References to a weekly or daily newspaper are deleted.

VOTES ON FINAL PASSAGE:

Senate 46 1
House 94 1

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed sections that were repealed in other bills in order to avoid codification problems. (See VETO MESSAGE)

SB 3804

C 321 L 85

By Senators Zimmerman, McDermott, Talmadge and Kiskaddon

Modifying liability for "AIDS" in transactions involving blood donations.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

In lawsuits arising from the contraction of hepatitis and malaria from blood transfusions, persons or firms dealing in the processing and distribution of donated blood are expressly exempted from implied warranty liability under the Uniform Commercial Code. Liability arises only in the case of

wilful or negligent conduct. There is no similar liability exemption in cases involving acquired immune deficiency syndrome.

SUMMARY:

Implied warranty immunity is extended to lawsuits arising from the contraction of acquired immune deficiency syndrome (AIDS) from blood transfusions.

The Department of Social and Health Services is directed to provide a report to relevant Senate and House committees, by January 1 of 1986, describing the current policies and procedures utilized by blood banks for detecting AIDS in potential donors. The report is also to include the cost of administering the procedures, statistics on the number of cases of AIDS detected, and information acquired on the cases of AIDS as a result of transfusions.

VOTES ON FINAL PASSAGE:

Senate 29 17
House 80 18

EFFECTIVE: July 28, 1985

SB 3812

C 316 L 85

By Senators Kreidler and Talmadge

Modifying penalty provisions on the violation of water pollution control statutes.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

The Department of Ecology has statutory authority to issue civil penalties of up to \$5,000 per day/per violation for failing to observe the conditions of waste discharge permits, discharging without a required permit, or causing a direct and unpermitted discharge to state waters. It does not have the authority to issue civil penalties for violations of administrative orders to enforce water quality laws and regulations. Sewer connection restrictions, submission of planning and engineering documents to the Department of Ecology for

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approval of treatment systems, temporary authorizations to modify water quality, and other mandates are currently not enforceable through civil penalties.

Authority to issue civil penalties under hazardous waste and air quality statutes is broader than under water quality law.

SUMMARY:

The Department of Ecology (WDOE) is given authority to issue civil penalties for violations of any part of the water pollution control statutes, regulations required by them or administrative orders issued by WDOE to achieve the statutory objectives of these laws.

By January 1, 1986, the Department must report all enforcement activities for 1983-85 to the Legislature. The report is to include information on the number of complaints received, actions initiated and variances granted or penalties rescinded. Ecology must receive public comment on the adequacy of its enforcement and submit a summary to the Legislature.

The maximum penalty for violations of the state water pollution control act is \$10,000. The specific amount of the penalty is to be determined in consideration of the previous compliance record of the violator and the severity of the violation. Penalties are to be rescinded or mitigated only if extraordinary circumstances can be demonstrated. A \$20,000 penalty may be issued for each day of a continuing oil discharge violation. Necessary expenses which Ecology may collect from oil discharge violators are defined to include investigation of the discharge source, extent of damage and cleanup costs.

If no standards have been set for a particular contaminant, anyone causing the contaminant to enter state waters resulting in a significant degradation of water quality is liable for damages.

VOTES ON FINAL PASSAGE:

Senate	39	7	
House	96	0	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	97	0
Senate	31	17

EFFECTIVE: July 28, 1985**SB 3818**

C 192 L 85

By Senators Rasmussen, Pullen and Kreidler; by Secretary of State request

Adding an appointee of the director of financial management to the records committee.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

The Division of Archives and Records Management in the office of the Secretary of State is charged with the management of records of all departments and agencies of state government.

The State Records Committee acts on recommendations for retention of all agency public record files and on requests to destroy public records. The Committee is composed of the State Archivist, an appointee of the State Auditor, and an appointee of the Attorney General. The Committee meets at least once a quarter, and members are entitled to reimbursement for travel expenses.

It has been suggested that an appointee of the Director of the Office of Financial Management serve as a representative of the executive branch on the Records Committee for advice on fiscal concerns associated with retention of records.

SUMMARY:

An appointee of the Director of the Office of Financial Management is added to the State Records Committee.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	88	7

EFFECTIVE: July 28, 1985

SB 3826

C 71 L 85

By Senator Garrett

Modifying provisions on local government finances.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Short-term obligations issued by municipal corporations are defined by statute to include warrants, notes or other evidence of indebtedness, except bonds. They must mature not more than three years after the date of issuance. Short-term obligations issued in anticipation of the receipt of taxes must mature within six months from the end of the fiscal year in which they were issued.

Some leeway is given to governing bodies in establishing the terms of short-term obligations, but general obligation short-term obligations must be sold at not less than par value. Par value is essentially the face value of the note.

Short-term obligations may be renewed or refunded by the issuance of other short-term obligations and may be initially funded by the issuance of revenue or general obligation bonds.

A question has arisen as to whether general obligation bond anticipation notes must be paid within six months from the end of the fiscal year in which they were issued.

SUMMARY:

The requirement that general obligation short-term obligations be sold at not less than par value is eliminated. Short-term obligations issued in anticipation of the sale of general obligation bonds are not to be considered to be obligations issued in anticipation of the receipt of taxes. Thus, they are not to be subject to the six-month maturity requirement.

Improvement district and special assessment bonds are included within the list of bonds that may fund short-term obligations. Language is stricken mandating that short-term obligations and refunding or renewals thereof, payable from sources other than taxes, cannot be outstanding

more than three years. Language is added specifying that short-term obligations issued in anticipation of the sale of general obligation bonds will not be considered to be short-term obligations payable from taxes.

VOTES ON FINAL PASSAGE:

Senate	47	1
House	95	0

EFFECTIVE: July 28, 1985

2SSB 3828PARTIAL VETO

C 451 L 85

By Committee on Ways & Means (originally sponsored by Senators Talmadge, Kreidler, Bluechel, McDermott, Conner, Lee, Rasmussen, Cantu, Gaspard, Kiskaddon, Granlund, Craswell, Warnke, Goltz, Johnson, Moore, McManus, Peterson, Bailey, Fleming, Bender, Halsan, Zimmerman, Williams, von Reichbauer, Garrett and Vognild; by Governor request)

Reestablishing the Puget Sound water quality authority.

Senate Committee on Parks & Ecology

Senate Committee on Ways & Means

House Committee on Clean-Up & Management of Puget Sound

House Committee on Ways & Means

BACKGROUND:

There is evidence of serious water quality problems in many parts of Puget Sound. Several state agencies have responsibilities relating to Puget Sound water quality, including the State Departments of Ecology (WDOE), Social and Health Services (DSHS), Fisheries, Game and Natural Resources (DNR), but none addresses the Sound on a comprehensive level.

Through the years, the pollutants entering Puget Sound have accumulated because of poor flushing. Their character has also changed with increasing technological advances. The most recent concern about the Sound began in 1980

when the National Oceanographic and Atmospheric Administration (NOAA) released a study assessing the presence of toxic chemicals in various bays and describing their effects on biological organisms. Several urban bays were found to be chemically contaminated, and fish in Commencement Bay were diseased. Since then, other bays throughout the Sound have been identified as having abnormally contaminated fish and shellfish and contaminated sediments.

Because of the lack of a comprehensive state approach to Puget Sound pollution, the Legislature created the Puget Sound Water Quality Authority in 1983 (SB 3156). The 21-member Authority was to take a planning and monitoring role for Puget Sound pollution problems. It produced a comprehensive report on the Sound in late 1984. In the summer of 1984, then Governor Spellman created a joint state/federal Puget Sound Action Office to provide additional planning and research coordination assistance. These efforts have brought a sharper focus on the problems and potential solutions in the Sound, but many contend that a more intensive approach with appropriate resources should be devised.

SUMMARY:

The Puget Sound Water Quality Authority is comprised of seven members, all appointed by the Governor and confirmed by the Senate. One of the seven is the full-time chair serving at the pleasure of the Governor. The six other Authority members serve part-time. The Governor chooses one from each of the six congressional districts bordering the Sound. They serve staggered four-year terms. The Director of WDOE and the Commissioner of Public Lands are ex-officio nonvoting members of the group.

The Authority is responsible for preparing and adopting, by rule, the Puget Sound Water Quality Management Plan and for submitting it to the Governor and the Legislature by January 1, 1987. The Authority is also to solicit extensive public participation from advisory groups, government agencies and the public, including hearings throughout the Puget Sound region. While initially developing the plan, the Authority is required to submit quarterly progress reports to the Governor and the Legislature.

Every two years, the Authority is required to review and, if appropriate, revise the plan. It is also to prepare a biennial "State of the Sound"

report and submit it to the Governor, the Legislature, and state and local governments identified in the plan. Copies should also be made available to the public. The State of the Sound report is to include an economic and ecological assessment of Puget Sound, trends in Puget Sound water quality, and review of significant public and private activities and their consistency with the plan. In addition to preparing the plan and report, the Authority is to review budgets, regulatory and enforcement activities of state agencies with water quality, and resource responsibilities in Puget Sound.

The Authority chair may request one person to assist the Authority from each of seven agencies (Ecology, Community Development, Fisheries, Game, Natural Resources, Social and Health Services, and Agriculture). The advisory committee or committees are to assist the Authority in forming goals and strategies. They are also to review and make recommendations on the plan, as well as reviewing the Authority's reports and budget proposals.

The plan is to include research needs and priorities, a local government-initiated planning procedure, public involvement strategies, and fish and wildlife protection recommendations. Programs for water and sediment monitoring and dredge spoil disposal are required, as is industrial pretreatment program analysis. Also to be included in the plan is a legal analysis of existing laws relating to Puget Sound water quality, a goal statement, and a review and assessment of current criteria and guidelines for governments surrounding Puget Sound. Recommended legislation is also a required part of the plan. The Authority must likewise make recommendations for implementing waivers from federally-mandated secondary treatment. In making the recommendations on secondary waivers, the Authority is to consider federal criteria.

In conducting planning, regulatory and appeals actions, state agencies and local governments identified in the plan must incorporate appropriate guidelines, standards, and timetables specified in the plan. The Authority is to review state and local government actions and implementation of the plan. When government actions are inconsistent with the plan, the Authority can request a written explanation and a proposed remedy. The result of the Authority review and a description of the inconsistent government action

will appear in the State of the Sound report. Biennially, state and local governments are to review the consistency of their activities with the plan and to submit written reports or updates of their findings to the Authority. The Authority is also to review major actions being considered by state and local governments affected by the plan and is to comment on their consistency. State agencies and local governments are to be allowed to adopt rules, ordinances and regulations on a less than state-, county- or city-wide basis. If no money is appropriated for FY 1985, the act is to be null and void.

The Authority is charged with formulating standards and procedures for reporting progress by state and local governments in their implementation of the plan. The Authority is given authority to participate in administrative and judicial proceedings on consistency with the plan.

State and local governments may adopt portions of the plan on a less than state-, county- or city-wide basis.

VOTES ON FINAL PASSAGE:

Senate	43	5	
House	98	0	(House amended)
Senate	41	4	(Senate concurred)

EFFECTIVE: May 21, 1985

PARTIAL VETO SUMMARY:

The power of the Puget Sound Water Quality Authority to make recommendations on implementation of waivers from federal secondary sewage treatment requirements was deleted. (See VETO MESSAGE)

SB 3829

C 322 L 85

By Senators Kreidler and Deccio; by Department of Licensing request

Revising provisions relating to the licensing of physicians.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Several statutory changes are needed to update the laws governing the licensing of physicians and surgeons. Physicians employed by the Department of Social and Health Services can qualify for limited licensure. However, certain physicians employed by the Department of Corrections are not now eligible for limited licensure.

SUMMARY:

The established licensure examination fee and the established fees for licensure by reciprocity or waiver examination and for license certification are eliminated. The Director of Licensing is empowered to fix the fees at a sufficient level to fund the administration of the program (as per RCW 43.24.086, the general licensing fee statute).

The period of postgraduate medical training to qualify for licensure application is extended to two years. A grandfather clause enables applicants for licensure graduating from medical school before the effective date of the act (90 days after adjournment of the 1985 session) to qualify for licensure with one year of postgraduate medical training.

Gender-neutral language is applied to various provisions.

Credit based on experience is no longer allowed on the license examination grade.

The annual license renewal registration fee is to be established by the Director of Licensing, as per the general licensing fee statute. The established July 1 renewal cutoff date is eliminated.

The statute pertaining to limited licenses is modified to allow physicians accepted for employment by the Department of Corrections to obtain limited licenses. In addition, applicants for licensure who have not completed two years of postgraduate medical training (as opposed to the current one year requirement) are eligible for limited licensure. The established application fee for limited licensure is eliminated. Instead, the fee shall be set by the Director of Licensing, as per the general licensing fee statute.

The renewal of a limited license is no longer conditioned upon successful completion of either all parts of the examination given by the National Board of Medical Examiners or an equivalent examination approved by the State Board of Medical Examiners.

SB 3829

The acupuncture licensing statute is changed to eliminate Board consideration of an applicant's qualification license or certificate issued by any country or state which has generally equivalent standards for the practice of acupuncture as evidence of the applicant's qualification to practice acupuncture in this state.

VOTES ON FINAL PASSAGE:

Senate	37	6	
House	98	0	(House amended)
Senate	44	3	(Senate concurred)

EFFECTIVE: July 28, 1985**SB 3830**

C 254 L 85

By Senators Garrett, Saling and Williams

Requiring full compensation for street vacations acquired at public expense.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

A city or town which grants a petition to vacate a street may require that the petitioners compensate the city or town in an amount which does not exceed one-half the appraised value of the vacated property.

SUMMARY:

In the event the vacated property, or a portion thereof, was acquired at public expense, compensation equal to the full appraised value may be required.

VOTES ON FINAL PASSAGE:

Senate	44	0
House	95	1

EFFECTIVE: July 28, 1985**SB 3846**

C 214 L 85

By Senators Gaspard, Patterson, Kiskaddon and Bauer

Changing certain requirements regarding public schools' in-service training needs assessments.

Senate Committee on Education

House Committee on Education

BACKGROUND:

The In-Service Training Act of 1977 requires school districts or educational service districts to establish an in-service training task force. The task force must participate in a training needs assessment the districts are required to conduct. Also, the task force must approve a district's request for in-service training funding before the district may submit the request to the Superintendent of Public Instruction for consideration for funding. It is suggested that it would be more appropriate for school boards to have final authority for a district's request for state in-service training funds.

SUMMARY:

School districts and educational service districts must conduct an in-service training needs assessment every two years.

Each district must establish an in-service training task force which must participate in identifying the district's in-service training needs and goals. Districts must evidence participation of the task force in identifying district in-service training needs and goals.

Each district must demonstrate to the SPI its intentions to implement the recommendations of the needs assessment and its progress in providing in-service training as identified in the needs assessment.

School district boards of directors, rather than the In-service Training Task Force, shall have final authority in requesting in-service funds based on the district's needs assessment.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	95	0

EFFECTIVE: July 28, 1985

SB 3851

C 323 L 85

By Senators Wojahn, Warnke and Vognild

Allowing security and law enforcement officers, and fire fighters over eighteen upon licensed premises.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Security personnel, law enforcement officers or fire fighters who are between 18 and 21 years of age are not permitted to enter and remain on premises licensed by the Liquor Board.

SUMMARY:

Security personnel, law enforcement officers and fire fighters who are 18 years of age or older are permitted to enter and remain in an establishment licensed by the Liquor Board, if they are in the course of their official duties and are not direct employees of the licensed establishment.

The exemption for security officers is applied only to isolated incidents arising in the course of the officers' duties and does not extend to continuous or frequent entering or remaining on licensed premises.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	95	0	(House amended)
Senate	45	2	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3852

C 294 L 85

By Senators Wojahn, von Reichbauer, McManus, Pullen, Vognild and Johnson

Modifying the joint legislative committee on child support.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Federal law (PL 98-378) requires states to establish a commission to oversee, monitor and report on the operation of its child support system. A Joint Legislative Committee on Child Support was created in 1984 to comply with the federal mandate. The Committee has completed its work and has transmitted its recommendations to the Judiciary Committee in the State House of Representatives. The House Committee will complete the final report and submit it for federal review. Continuation of the Joint Legislative Committee is therefore no longer necessary.

SUMMARY:

The act establishing the Joint Legislative Committee on Child Support is repealed.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	98	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3854

C 273 L 85

By Senators Rinehart, Rasmussen and Bender

Permitting ongoing absentee voters.

Senate Committee on Governmental Operations

House Committee on Constitution, Elections & Ethics

BACKGROUND:

Voters may apply for absentee ballots from 45 days to one day prior to a primary or general election. If so indicated by the voter, a primary ballot application is honored as a general election ballot application. Voters admitted to a hospital at least five days before a primary or general election and confined to the hospital on election day may apply (with proof of status as a hospital patient) on election day for an absentee ballot. Signatures of such applicants are checked against

a registration record prior to approval. Several other circumstances may justify extended eligibility for absentee ballots.

SUMMARY:

Disabled voters or voters over the age of 65 may apply in writing for status as ongoing absentee voters. Voters granted such status by the county auditor automatically receive absentee ballots for each ensuing election in which they are entitled to vote. A separate application for each election need not be submitted. Ballots from such voters are to be handled in the same manner as other absentee ballots. Termination of status as an ongoing absentee voter occurs upon: (1) the written request of the voter; (2) the death or disqualification of the voter; (3) the cancellation of the voter's registration record; (4) the return of an ongoing absentee ballot as undeliverable; or (5) January 1st of each odd-numbered year.

"Disabled voter" is defined as a voter qualifying by reason of physical disability for special parking privileges under a statute within the vehicle licenses chapter.

As soon as practical after January 1 of each odd-numbered year, the county auditor is to notify such voters of the termination of their status as ongoing absentee voters. The notice is to include a postage-prepaid application for renewal of status as an ongoing absentee voter.

VOTES ON FINAL PASSAGE:

Senate	46	3	
House	95	1	(House amended)
Senate	40	2	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3856

PARTIAL VETO

C 470 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Vognild, Hansen, McManus, Metcalf, Bottiger, Zimmerman and Stratton)

Establishing a state fire protection board.

Senate Committee on Commerce & Labor

House Committee on State Government

BACKGROUND:

At the present time, several state agencies including the Commission for Vocational Education and the Office of the State Fire Marshal are involved in fire protection activities. As a result, fire protection services are considered to lack a comprehensive and consistent state focus.

SUMMARY:

The Legislature states that fire protection services have lacked a comprehensive state level focus which has resulted in a lack of cooperation and coordination between local and state agencies.

The State Fire Protection Board is established. The purpose of the Fire Protection Board is to: assist local fire protection agencies in program development; centralize traditional state fire protection services under a single state board; and advise the Governor and Legislature on fire protection issues. The Governor is required, in appointing members to the Fire Protection Board, to consult with organizations involved in fire protection and ensure that racial minorities, women, and persons with disabilities are represented on the Board. Members are appointed to a term of three years and receive compensation and travel expenses while engaged in Board activities. The chairperson is elected by the Governor.

The Board is required to: adopt and implement a state fire protection master plan; establish and promote state arson control programs; represent fire protection services in all state level fire protection planning; seek grants, gifts, and matching funds; disseminate fire related data within the state, and make recommendations and reports to the Governor and Legislature. These provisions do not apply to forest fire personnel and programs.

The Board is authorized to administer legislation concerning fire service training; establish and provide statewide fire service training and education courses; construct, equip, operate and purchase the necessary fire service training facilities; cooperate with schools, colleges, and local municipalities; administer federal funds; and adopt and implement a state fire training and education master plan. These provisions do not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs for reasonable fees.

The Board is authorized to act as a board of appeals concerning the decisions and regulations of the State Fire Marshal. The Board may employ a director of fire protection whose salary is set by the Governor. The director is required to supervise the staff necessary to carry out the Board's responsibilities. The members of the Board and director are exempt from civil service statutes.

Provisions in existing law referencing the Commission for Vocational Education in relation to the Fire Service Training Center are deleted, and new provisions referencing the State Fire Protection Board are inserted.

Insurance companies are required to report to the Board all fire losses in the state which are due to criminal activity or undetermined causes. Copies of the reports are required to be transmitted to the Insurance Commissioner. In the Fire Marshal's statute, several responsibilities are transferred from the Fire Marshal to the Board, including the authority to: hear appeals; receive and analyze fire data; subpoena witnesses; and set fire prevention standards in schools. The Board is substituted for the Fire Marshal in the definition of "authorized agency" in the Arson Reporting Immunity Act.

All classified employees, duties and resources of the State Fire Marshal and the Fire Service Training Division within the Commission for Vocational Education are transferred to the State Fire Protection Board. In addition, if a reallocation of budgeted funds is required due to the transfer of activities, the director of the Office of Financial Management is required to certify the amount of those funds.

Several existing statutes concerning fire protection are repealed, including provisions outlining the Commission for Vocational Education's powers and duties concerning fire protection training and provisions requiring insurers to report fire losses to the Insurance Commission.

VOTES ON FINAL PASSAGE:

Senate	30	17	
House	74	23	(House amended)
Senate	30	18	(Senate concurred)

EFFECTIVE: January 1, 1986

PARTIAL VETO SUMMARY:

The Governor vetoed the following provisions: establishing the terms of Board members; requiring the Governor to select a chairperson; authorizing the Board to employ an executive director; and requiring that the Board and director be appointed by October 1, 1985.

The Governor indicated in the veto message that he intends to ask the Legislature to modify the act in 1986 by placing the Board's responsibilities in an existing agency and changing its role to that of an advisory board. (See VETO MESSAGE)

SSB 3882

C 295 L 85

By Committee on Governmental Operations (originally sponsored by Senators Thompson, McCaslin, McManus, Rasmussen and Johnson; by Military Department request)

Authorizing the state militia to retain cleaning deposits and utility costs associated with armory rentals.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

State armories are rented by many organizations, including public or private school organizations for sports activities and nonacademic classes. The statute requiring the Adjutant General to set rental fees does not specify that utility costs or a cleaning deposit may be included. The Military Department has requested authorization to collect a cleaning deposit, all or part of which could be refunded if not needed.

Rental costs may be waived for official National Guard activities, but not for informally sponsored events, such as Boy Scout activities supported by some units. Rental terms are limited to periods between authorized Guard formations, even though some portions of armories are available for longer use by other groups, such as senior citizens.

SSB 3882

SUMMARY:

A cleaning deposit and utility costs are added to rental charges for state armories. Such costs may be waived for events sponsored by the Guard. The limitation on terms of rentals is removed. Only the rental and utility charges are to be paid into the general fund.

VOTES ON FINAL PASSAGE:

Senate 42 0
House 94 2 (House amended)
Senate 94 0 (Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3897

C 238 L 85

By Committee on Financial Institutions (originally sponsored by Senators Bender, Talmadge, McDermott, Halsan, Vognild and Moore)

Establishing new reporting requirements for property and casualty insurers.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Currently each insurer authorized by the Insurance Commissioner to do business in the state of Washington must furnish the Commissioner with an annual statement of its financial condition, transactions, and affairs. Statements must be on forms prepared by the Commissioner.

SUMMARY:

All insurers licensed to write property and casualty, commercial and personal medical malpractice insurance are required to file reports of premiums written and earned, reserves, expenses incurred, types of claims closed, and other information which is more specific than current reporting requirements demand. Losses "incurred but not reported" must be specified. The report shall be included in the required annual statement. Insurance companies must also file a report showing the required information for the years 1975 through 1985.

VOTES ON FINAL PASSAGE:

Senate 29 16
House 93 3 (House amended)
Senate 31 14 (Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3898

C 296 L 85

By Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Kreidler and Kiskaddon)

Clarifying definition of occupational therapist.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The Occupational Therapy Practice Act, enacted last year, regulates the practice of occupational therapy in Washington. It requires individuals who provide occupational therapy services to the public to obtain a license.

The Act defines occupational therapy and delineates some of the specific services provided by therapists. Some of these services and other very similar services are also provided by paraprofessionals, social workers and other professionals who are not licensed occupational therapists.

SUMMARY:

Those individuals who perform functions the same as or very similar to occupational therapy but who are not and do not hold themselves out to be licensed occupational therapists are exempt from the Act.

The Occupational Therapy Practice Act is to be repealed on June 30, 1990.

VOTES ON FINAL PASSAGE:

Senate 42 0
House 94 2 (House amended)
Senate 46 0 (Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3904

C 297 L 85

By Committee on Human Services & Corrections
(originally sponsored by Senators Kiskaddon
and Johnson)

Permitting self-medication in boarding homes
under certain circumstances.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Currently, boarding homes permit self-administration of medication by residents but residents often are developmentally disabled or have physical impairments and require training in the use of medications.

Boarding homes may not admit as residents persons requiring nursing or medical services provided in nursing homes, hospitals or private establishments, unless the boarding homes make available the services of registered nurses from a visiting nurse service, home health agency or a skilled nursing facility on or near the boarding home. This limits the ability of boarding homes to utilize the services of private-contract nurses who specialize in self-medication training.

The lack of an exact definition of the word "ambulatory" has made unclear what limitations must be placed on admittance requirements for residents of boarding homes.

SUMMARY:

The legislative intent of Chapter 18.20 RCW is broadened to make it clear that boarding home residents may administer their own medication, even if the residents need assistance because of physical disability, as long as self-medication is first approved by a physician, an osteopathic physician, or a podiatrist.

Nurses providing care to residents of boarding homes no longer must be from a visiting nurse service, home health agency or a skilled nursing facility on or near the boarding home.

The definition of supervised medication services as used in departmental rules and regulations is expanded to include an approved program of

self-medication or self-directed medication. Language specifically requiring residents of boarding homes to be ambulatory is deleted.

VOTES ON FINAL PASSAGE:

Senate	47	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 3906

C 235 L 85

By Senators Talmadge and Cantu; by Attorney
General request

Modifying provisions on pornography and moral
nuisances.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In 1982, the Legislature enacted an anti-pornography and moral nuisance statute which imposes civil and criminal penalties for certain acts relating to lewd matter and prostitution. The statute allows a court to impose a civil fine in any amount that the court determines to be appropriate.

In 1984, the United States Court of Appeals for the Ninth Circuit issued a 2-1 decision declaring the statute unconstitutional. One of the holdings of the Court of Appeals was that the civil remedy section was overbroad.

The case has been appealed to the United States Supreme Court and the court recently heard oral arguments.

SUMMARY:

The pornography statute is amended to comply with the federal Court of Appeals decision on penalties.

The fine section of the civil remedies provision is limited by imposing a civil fine not to exceed the greater of \$25,000 or those profits attributable to the prohibited activity. In determining the fine, the court is to review the profits made by the defendant directly attributable to the prohibited activity.

SB 3906

The crime of promoting pornography remains a Class C felony, and the usual \$10,000 fine for a Class C felony may be imposed.

VOTES ON FINAL PASSAGE:

Senate	41	0	
House	93	3	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: May 10, 1985

SSB 3911

C 386 L 85

By Committee on Governmental Operations (originally sponsored by Senators Fleming, McDermott, Bailey, Vognild, McManus and Kreidler)

Providing for increased opportunity for affordable housing for low and moderate income persons.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Housing authorities are authorized to make loans to persons of low income to enable them to rehabilitate a dwelling or to sell them a dwelling. Housing authorities are not authorized to make loans directly to persons of low income to enable them to purchase a dwelling, but may first purchase a dwelling and then sell it to the low income person.

Housing authorities are not authorized to make loans to lenders for the purpose of those lenders making mortgage loans to or for persons of low income, and are not authorized to purchase mortgage loans made by others to or for persons of low income. It is suggested that it would be more efficient if financial institutions were able to perform loan origination and servicing of loans instead of requiring housing authorities to provide this service.

There is no statutory authority for housing authorities to make loans to owners of property who are not low income for the purpose of enabling the property owners to construct or rehabilitate rental units for persons of low income.

SUMMARY:

Housing authorities are authorized to make loans to persons of low income to enable them to purchase dwellings.

Housing authorities may make loans to lenders for the purpose of those lenders making mortgage loans to or for persons of low income. Housing authorities may purchase mortgage loans made by others to or for persons of low income.

Housing authorities are authorized to contract with public development authorities to develop new housing projects or to improve existing housing projects.

Housing authorities may make loans to property owners who are not low income for constructing, rehabilitating, or improving property if the property owners promise to rent the property for a qualified project period to persons of low income. Housing authorities may not use bond proceeds to finance construction of new facilities unless (1) the authorities will own at least a 25 percent interest in either the property or the housing units located on the property upon completion, or (2) local, state or federal funds are to be invested in the property or improvements on the property.

VOTES ON FINAL PASSAGE:

Senate	39	5	
House	83	13	(House amended)
Senate	39	8	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 3920**PARTIAL VETO**

C 460 L 85

By Committee on Transportation (originally sponsored by Senator Peterson)

Adopting the 1985-87 transportation budget.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

The Legislature must make biennial appropriations for each agency's operating budget and capital improvements. The transportation budget

provides funding for the Transportation Commission, Department of Transportation, Traffic Safety Commission, Board of Pilotage Commissioners, County Road Administration Board, Urban Arterial Board, Washington State Patrol (State Patrol Highway Account only), Legislative Transportation Committee, and Department of Licensing (Motor Vehicle Fund and Highway Safety Fund only).

SUMMARY:

Biennial operating and capital appropriations are provided for transportation agencies. Appropriations for all transportation agencies and programs are funded within constraints of estimated revenues, except for the Driver Services Program administered by the Department of Licensing. The Driver Services Program budget, supported primarily by driver license fees deposited in the Highway Safety Fund, assumes legislative approval of various fee increases.

Inflation assumptions for state funded construction programs are established at 5 percent.

Workload increases requested by the Department of Licensing are not funded.

Sixty-one new State Patrol troopers are authorized for the 1985-87 biennium.

See Transportation Budget section for details.

VOTES ON FINAL PASSAGE:

Senate	30	17	
House	94	0	(House amended)
Senate	30	16	(Senate concurred)

EFFECTIVE: May 21, 1985

PARTIAL VETO SUMMARY:

The veto eliminates the requirement that any persons hired by the County Road Administration Board to implement a pavement management system for counties and to complete a road jurisdiction and revenue distribution study be employed only on a project basis.

A \$6,270,100 limit on 1985-1987 expenditures by the Department of Licensing for the County Auditor and Subagent Automation project is also removed. (See VETO MESSAGE)

SB 3942

C 1 L 85 E1

By Senator Peterson

Relating to drivers licensing.

Senate Committee on Transportation

BACKGROUND:

The highway safety fund is the funding source for the driver licensing and other driver related programs administered by the Department of Licensing. Highway safety fund revenues are derived primarily from driver license fees and other driver related fees.

Without an increase in some of the fees that are earmarked for the highway safety fund, projected 1985-1987 biennium revenues will fall short of the amount needed to fund appropriations from the highway safety fund for the 1985-1987 biennium.

SUMMARY:

Fees that are deposited in the highway safety fund are increased on July 1, 1985. The following fee increases are made.

Auto driver instruction permits from \$3.50 to \$5; nondriver ID cards from \$3 to \$4; driver license exams from \$3 to \$7; duplicate licenses from \$3.50 to \$5; replacement licenses from \$1 to \$2; occupational licenses from \$10 to \$25; classified renewal endorsements from \$0 to \$3; copies of records from \$1.50 to \$3.50; and juvenile agricultural driver permits from \$2 to \$3.

Driver instruction permit fees that currently are deposited in the traffic safety education account in the state general fund are transferred to the highway safety fund. (Note: Legislation enacted in 1984 abolishes the traffic safety education account on July 1, 1985.)

A motorcycle driver instruction permit fee of \$2.50 is established and deposited in the motorcycle safety education account in the highway safety fund. The portions of each \$4 motorcycle driver examination fee and each \$2 motorcycle endorsement renewal fee that are deposited in the motorcycle safety education account are increased from \$1 to \$2, and the portions deposited in the highway safety fund are reduced by \$1.

SB 3942

VOTES ON FINAL PASSAGE:

First Special Session

Senate 27 20

House 50 39

EFFECTIVE: July 1, 1985

SSB 3951

C 241 L 85

By Committee on Human Services & Corrections
(originally sponsored by Senator Peterson)

Providing for a feasibility study of reuse of facilities at Northern State Hospital.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Since the closure of Northern State Hospital in 1972, a number of proposals have surfaced concerning the reutilization of its grounds and facilities. Currently, three distinct programs are using part of the premises. They include a Job Corps Center, an alcoholism program and a residential program emphasizing pre-vocational rehabilitation for chronically mentally ill adults.

A large portion of the grounds is presently unused, and a number of the facilities that have been unoccupied for the last 13 years are in need of renovation.

SUMMARY:

A feasibility study on the reutilization of the facilities at Northern State Hospital is to be done under the direction of the Skagit County Council of Governments.

The study is required to be completed by June 30, 1986 and must, in addition to assessing other alternatives, consider:

- 1) Establishing a center for the neurologically impaired at Northern State; and,
- 2) Utilizing some of the grounds and facilities for the location of an agricultural technical center.

Appropriation: The sum of \$10,000 is appropriated from the general fund to the Department of

Community Development to be allocated to the Skagit County Council of Governments for the biennium ending June 30, 1985. This appropriation is contingent upon the Skagit Council of Governments providing at least \$10,000 in matching funds.

VOTES ON FINAL PASSAGE:

Senate 45 2

House 96 0 (House amended)

Senate 39 3 (Senate concurred)

EFFECTIVE: May 10, 1985

SSB 3981FULL VETO

By Committee on Commerce & Labor (originally sponsored by Senator Vognild)

Exempting independent taxicab operators from industrial insurance coverage.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

This state's industrial insurance law defines "worker" to include a person who works under an independent contract, the essence of which is his or her personal labor. A 1982 decision of the Washington State Court of Appeals held that this definition applies to persons who drive leased taxicabs. Taxicab companies believe that they are only engaged in the business of leasing vehicles for an agreed fee and that they should not be required to pay industrial insurance premiums for workers' compensation insurance for their lessees.

SUMMARY:

An exemption is provided from the definition of "worker" for a person who operates a taxicab which he or she leases or owns pursuant to the terms of an independent contract.

VOTES ON FINAL PASSAGE:

Senate 45 2

House 91 5

FULL VETO: (See VETO MESSAGE)

SSB 3989

C 54 L 85

By Committee on Financial Institutions (originally sponsored by Senator Moore)

Revising provisions relating to insurance coverage for mastectomies.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

Insurers are free to deny coverage to a person because she has had a mastectomy or lumpectomy five or more years ago. Coverage is not always provided for reconstructive breast surgery, which reduces the non-diseased breast to the size of the treated breast.

SUMMARY:

Insurers cannot deny a contract, cancel, fail to renew, or change rates, benefits, terms, conditions or type of coverage solely because a person has had a mastectomy or lumpectomy five or more years ago.

Insurers must provide coverage for all stages of one breast reduction on a non-diseased breast after definitive reconstructive surgery on a cancerous breast.

VOTES ON FINAL PASSAGE:

Senate	42	1
House	94	1

EFFECTIVE: January 1, 1986

SSB 4041

C 256 L 85

By Committee on Natural Resources (originally sponsored by Senator Owen)

Revising management of state oyster reserves.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The state oyster reserves were initially established to provide native Olympia oyster brood stock and seed stock to private shellfish farms. The oyster reserves now contain reduced populations of native Olympia oysters, but include healthy populations of other shellfish species.

There is a need for multiple use of the state oyster reserves.

SUMMARY:

State oyster reserves are to be managed on a sustained yield basis to produce shellfish efficiently by designating five management zones: native Olympia oyster broodstock reserves, commercial shellfish harvesting zones, commercial shellfish propagation zones, public recreational shellfish harvesting zones, and unproductive land. The Director of Fisheries shall develop an oyster reserve management plan, in coordination with the shellfish industry, by January 1, 1986. The Department of Fisheries shall develop a native Olympia oyster trial cultivation program. The Director of Fisheries is given the authority to lease oyster reserve lands on a long term basis for shellfish propagation. The Department of Fisheries is required to inventory oyster reserve lands and to submit reports to the Legislature periodically.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	97	0 (House amended)
Senate	47	0 (Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4059

SSB 4059

C 257 L 85

By Committee on Judiciary (originally sponsored by Senator Talmadge)

Revising provisions relating to juveniles.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

In the laws relating to dependency of a child and termination of a parent and child relationship, there is no specific penalty if any of the parties fail to comply with an order of the court.

Courts may require juvenile offenders to make restitution to victims. Payments are often credited first against court fines and assessments. The result is that restitution payments to victims may be delayed, or not made at all.

Juvenile offenders in the custody of DSHS are sometimes required to comply with a parole program. Clarification of the existing statutes is requested to permit a county or group of counties to perform parole functions for the Department.

The family-in-conflict provisions were enacted in 1977 to help status offenders (runaways, incorrigible youth, truants) and their families resolve problems through community-based, non-institutional services. Various changes are needed to insure the effective implementation of this law.

DSHS currently has responsibility for overseeing the full implementation of the law governing families in conflict and dependent children. The oversight role needs to be more clearly defined.

SUMMARY:

A specific contempt of court statute is established for failure of a party to comply with an order of the court relating to dependency and termination of a parent-child relationship. Contempt of court is punishable by confinement for up to seven days.

Payments by juvenile offenders are to be credited first against any payment of restitution.

Existing law is clarified to permit a county or group of counties to perform parole functions for juvenile offenders.

The statute allowing for compromise of misdemeanors (dismissal of charges if the victim has received satisfaction for injuries received) does not apply to juvenile offender proceedings.

The facility administrator of a Crisis Residential Center (CRC) is required to notify a parent and the appropriate law enforcement agency of an unauthorized leave within four hours of such leave.

A law enforcement officer who takes a child into custody and places that child in a CRC must inform the Department of the placement within 24 hours.

The Department of Social and Health Services (DSHS) is required to develop and distribute to all law enforcement agencies and to each CRC administrator a written statement delineating the client's rights and available services. An officer who takes a child into custody must provide this statement to the child and to his or her parent or responsible adult with whom the child is placed. The administrator of a CRC must provide every resident and parent with a copy of the statement.

A disposition plan prepared by DSHS as a result of a court order for out-of-home placement must delineate any conditions or limitations on parental involvement. The Department's oversight responsibility for implementing the family-in-conflict and dependent children's provisions is defined.

VOTES ON FINAL PASSAGE:

Senate	44	3
House	96	0

EFFECTIVE: July 28, 1985

SSB 4105

C 207 L 85

By Committee on Judiciary (originally sponsored by Senators Newhouse, Hayner, Lee and McCaslin)

Relating to mental health commitment.

Senate Committee on Judiciary

House Committee on Social & Health Services

BACKGROUND:

The records of any person committed to a state hospital for evaluation or treatment of mental illness are confidential and may be released only to certain persons for specific reasons.

The information may not be released to a person threatened by the patient, even if the patient has escaped or is on a temporary leave from the confinement of the state hospital.

SUMMARY:

Certain information about mental patients who have threatened or harassed another person may be released to law enforcement agencies and to the person who has been threatened or harassed. The information may include admission, release, authorized and unauthorized leave dates and any other information pertinent to the threat or harassment.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	96	0

EFFECTIVE: July 28, 1985

SSB 4107

C 447 L 85

By Committee on Judiciary (originally sponsored by Senators Talmadge, Zimmerman, Moore, Pullen, Kreidler, Williams, McManus and Johnson)

Establishing privileged communications between registered nurses and patients.

Senate Committee on Judiciary

House Committee on Social & Health Services

House Committee on Judiciary

BACKGROUND:

Existing statutes provide that a physician or surgeon may not be examined in a civil or criminal action as to any information acquired in attending a patient, without the consent of the patient. The purpose of this privilege is to promote the fullest possible disclosure of information relevant to treatment.

Registered nurses handle many sensitive health issues, such as drug and alcohol abuse, pregnancy detection, and sexually transmitted diseases, where treatment could be facilitated by a privilege for registered nurses similar to the physician privilege.

In addition, many registered nurses provide medical treatment in jail facilities and in rural settings where supervision or involvement of physicians is not available or required. In such circumstances, it is appropriate for patients to expect confidentiality of communications similar to what they expect from physicians.

SUMMARY:

Registered nurses practicing in a primary care setting or under a regimen prescribed by a physician may not be examined in a civil or criminal action as to information acquired in attending a patient, unless the patient consents to disclosure or the information relates to the future commission of a crime, the sexual or physical abuse of a child, or the abuse of a vulnerable adult.

The nurse-patient privilege is subject to the same limitations and exemptions as the physician-patient privilege.

VOTES ON FINAL PASSAGE:

Senate	44	2	
House	97	0	(House amended)
Senate	45	3	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 4110

C 225 L 85

By Senator Talmadge; by Superintendent of Public Instruction request

Authorizing the superintendent of public instruction to contract with the office of administrative hearings.

Senate Committee on Education

House Committee on Education

BACKGROUND:

The Superintendent of Public Instruction, with the assistance of the Office of the Attorney General,

SB 4110

decides all points of law submitted by an educational service district superintendent or by any other person upon an appeal from the decision of an educational service district superintendent.

The Superintendent of Public Instruction also adjudicates approximately 12 cases a year involving student transfers between districts, removal of a teacher's certificate, and the adequacy of and admittance to special education programs.

The State Office of Administrative Hearings, created in 1981 as an office independent of state administrative agencies, is responsible for impartial administration of administrative hearings. This office is under the direction of a chief administrative law judge, appointed by the Governor with the advice and consent of the Senate.

The Superintendent of Public Instruction is the only elected official who cannot refer cases to the Office of Administrative Hearings for a recommendation.

SUMMARY:

The Superintendent of Public Instruction may contract with the Office of Administrative Hearings to conduct formal administrative hearings. These hearings must be provided whenever a statute or rule requires an opportunity for a formal administrative hearing before the Superintendent of Public Instruction under Chapter 34.04 RCW.

The Superintendent of Public Instruction may make the final decision or delegate that power to a designee.

VOTES ON FINAL PASSAGE:

Senate 46 0
House 96 0

EFFECTIVE: May 7, 1985

SSB 4114

C 171 L 85

By Committee on Judiciary (originally sponsored by Senator Owen)

Modifying certain civil liability provisions for the sale of securities.

Senate Committee on Judiciary

House Committee on Financial Institutions & Insurance

House Committee on Judiciary

BACKGROUND:

Members of governing bodies and employees of state and state agency offices issuing securities are exempted from personal liability for fraudulent activities in connection with the sale of securities, unless they had knowledge of the fraud.

This immunity from liability does not extend to the state itself, nor to any of the political subdivisions or entities of the state.

SUMMARY:

The state, state agencies, political subdivisions of the state, and other governmental entities, as well as their employees, are exempted from liability for fraudulent activities in connection with the sale of securities exempt from registration under the state securities laws, unless they had knowledge of the fraud. This exemption from liability does not apply to bond counsel or bond underwriters.

VOTES ON FINAL PASSAGE:

Senate 35 2
House 85 13 (House amended)
Senate 42 2 (Senate concurred)

EFFECTIVE: July 28, 1985

SB 4115

C 439 L 85

By Senators Warnke, Bluechel, Bottiger, Newhouse and Sellar

Authorizing industrial development bonds for sports facilities.

Senate Committee on Commerce & Labor

House Committee on Trade & Economic Development

BACKGROUND:

Industrial development bonds (IDBs) are bonds, notes, and other obligations issued to finance the development of facilities that promote capital investment in industry, especially those that are

environmentally sound, and stimulate employment. The IRS exempts the income of IDBs from federal tax on a case-by-case basis.

In 1981, the Legislature authorized issue by local governments of IDBs for research, production, transportation, pollution control and energy projects, etc. In 1984, the Legislature authorized limited issue of IDBs at the state level.

Adding sports facilities to the scope of industrial development facilities eligible for IDB financing could stimulate employment and environmentally sound industry. A destination ski resort (an all-season lodging facility) planned for the Methow Valley could be an environmentally sound industry that could relieve the valley's 30 percent unemployment rate, and bring money into the state through tourism.

SUMMARY:

Sports facilities are added to the list of industrial development facilities eligible to receive IDB funding.

"Sports facility" is defined to exclude those facilities which are constructed by a private club, are integral or subordinate parts of a hotel or motel, or are unavailable to the public on a regular basis for general use.

VOTES ON FINAL PASSAGE:

Senate 31 15
House 65 31

EFFECTIVE: July 28, 1985

SB 4121

C 26 L 85

By Senators Hansen and Barr

Enabling legislation authorizing expenditures by agricultural commodity commissions for agricultural development or trade promotion and promotional hosting.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

Currently, Section 5, Article VIII of the State Constitution prohibits state funds from being used by the state to benefit private interests. HJR 42 is a proposed constitutional amendment which, if ratified by the voters at the next general election, allows the assessments collected by the agricultural commodity commissions to be used for agricultural development or trade promotion and promotional hosting.

The agricultural commodity commissions need statutory authority to use these funds for promotional activities.

SUMMARY:

Assessments collected by the agricultural commodity commissions may be spent for agricultural development or trade promotion and promotional hosting. Such expenditures shall be specific budget items approved by the commodity commissions.

The agricultural commodity commissions shall adopt rules specifying objectives of promotional hosting and the individuals authorized to make such expenditures.

This legislation takes effect only if the proposed constitutional amendment is approved and ratified by the voters at the next general election.

VOTES ON FINAL PASSAGE:

Senate 41 5
House 96 0

EFFECTIVE: January 1, 1986
(Pending approval of HJR 42)

SB 4122

C 25 L 85

By Senators Hansen, Barr and Bailey; by Department of Agriculture request

Modifying requirements for the contents of flour and bread.

Senate Committee on Agriculture

House Committee on Agriculture

SB 4122

BACKGROUND:

In 1983, federal regulations set minimum standards for vitamin and mineral nutritional content for flour, white bread and rolls. The federal minimums are higher than the maximum level currently set in Washington. This means that some firms complying with state law cannot ship products in interstate commerce or sell to federal installments because the products do not comply with federal regulations. Another problem exists because state law adopts by reference the Food and Drug Administration (FDA) regulations, thus creating conflicting provisions. The Department of Agriculture requests that Washington law be brought into conformance with federal regulations.

SUMMARY:

The minimum level of vitamins and minerals contained in bread, rolls and flour is set at the minimum level of federal FDA regulations.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: July 28, 1985**SB 4127**

C 226 L 85

By Senators Wojahn, Newhouse, Vognild, Benitz, Goltz, Hansen, Halsan, Warnke, Deccio and Hayner

Revising provisions relating to alcoholic beverage licenses.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

A licensed brewery is required to obtain a wholesaler's or retailer's license before it may wholesale or retail its own products.

All suppliers of liquor to the Washington State Liquor Control Board are required to affirm in their contracts that the Board's purchase price is equal or comparable to that of any other purchaser in the U.S.

By administrative rule, all licensed beer wholesalers, beer importers, breweries, wine wholesalers, wine importers and wineries are required to notify the Board prior to changing their products' prices. The Board may approve or disapprove of proposed price changes.

SUMMARY:

Licensed breweries in the State of Washington are permitted automatically to wholesale their own liquor products. They are also considered to hold class B and E retail liquor licenses which allow the sale of their products for on and off premise consumption.

The Board, in purchasing wine and beer, is prohibited from requiring warranties or affirmations regarding the price of the product and how it compares to the price paid by other purchasers. However, wineries and breweries are prohibited from discriminating in their selling price against any purchaser when the product is for resale in Washington.

It is unlawful for licensed beer wholesalers, beer importers, breweries, wine wholesalers, wine importers, or wineries to change prices without prior notification to and approval by the Board.

VOTES ON FINAL PASSAGE:

Senate	47	1
House	96	0 (House amended)
Senate	44	1 (Senate concurred)

EFFECTIVE: July 28, 1985**SB 4129**

C 298 L 85

By Senator McCaslin; by Corrections Standards Board request

Revising certain work-release provisions.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Current laws authorizing cities and counties to establish and maintain farms, camps, work release programs, and special detention facilities

do not comport with common practice and hamper effective program operation.

The sentence for an inmate on work release may be reduced by one-fourth if the inmate's conduct merits the reduction. Individuals sentenced to jail may receive a reduction of up to one-third. A change is needed to coordinate the application of good time for both jail and work release inmates.

SUMMARY:

Various changes are made to the laws governing work release programs. Work release facilities are authorized to withhold restitution payments from an inmate's wages. The salary deductions for work release prisoners, including deductions for room and board, personal expenses, victim compensation and court-ordered restitution, are no longer mandatory. The authority to make such deductions is now permissive. After all designated payments are made from a work release prisoner's earnings, the balance is returned to the prisoner, rather than being held until the prisoner is discharged.

The requirement that inmates are to be away from a work release facility or jail only for employment purposes is deleted. Inmates may leave a facility for program-related purposes.

Special detention facilities may establish a fee to cover the cost of incarceration, based on a person's ability to pay.

A work release prisoner's sentence may be reduced by one-third if the prisoner's conduct merits the reduction.

VOTES ON FINAL PASSAGE:

Senate	47	1	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	47	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4138

C 55 L 85

By Committee on Financial Institutions (originally sponsored by Senators Moore, Saling and Stratton; by Office of Insurance Commissioner request)

Revising procedures governing acquisition of domestic insurers.

Senate Committee on Financial Institutions

House Committee on Financial Institutions & Insurance

BACKGROUND:

If an out-of-state insurer attempts to buy or merge with a domestic (in-state) insurance company, the Insurance Commissioner has 20 days to disapprove of such an action or it is automatically permitted. In making this determination, the Insurance Commissioner conducts public hearings and takes into consideration the interests of the policy holders.

SUMMARY:

The Insurance Commissioner is given 60 days rather than 20 days to act on an out-of-state insurer's attempt to take over or merge with a domestic insurance company. If the Insurance Commissioner does not act within that time, the action is deemed approved.

The acquiring company must pay the expenses of the mandatory public hearing held by the Insurance Commissioner.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	87	0

EFFECTIVE: April 17, 1985

SB 4140

C 384 L 85

By Senator Gaspard; by Superintendent of Public Instruction, State Board of Education request

Revising high school graduation requirements.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Current state-level, minimum high school graduation requirements are set forth in statute in terms of

SB 4140

credits and years, with one year of study in a subject area being equivalent to three credits. It is suggested that equating one year of study to one credit would simplify record keeping. Also, prior to 1984, students in grades seven and eight could complete the graduation requirement in Washington State history and government.

SUMMARY:

Minimum high school graduation requirements are listed in credits only, with one credit being equivalent to one year of study in any given subject. A minimum state total of 18 credits, including all required courses, is required for high school graduation.

The State Board of Education is granted broad authority to grant equivalencies for, temporary exemptions from, and special alteration of the minimum high school graduation requirements. The State Board is also required to allow, by rule, for vocational and applied courses to fulfill in whole or in part the minimum high school graduation requirements.

The Washington State history and government requirement may be fulfilled in whole or in part by students in grades seven or eight or both, and students who have completed the Washington State history and government requirement in grades seven or eight or both shall be considered to have fulfilled the requirement.

For students beginning the ninth grade after July 1, 1987, the State Board of Education shall establish an additional one-credit elective requirement to be chosen from fine, visual or performing arts; any other subject areas required by the state for graduation effective July 1, 1985; or any combination of such courses.

The physical education statute is amended to: (a) eliminate the requirement that students must have a written request from a parent or guardian in order to be excused from physical education requirements, and (b) provide that in addition to current statutory reasons, students may also be excused from participating in physical education "for other good cause".

VOTES ON FINAL PASSAGE:

Senate	47	1	
House	97	0	(House amended)
Senate	45	2	(Senate concurred)

EFFECTIVE: July 28, 1985**SB 4142**

C 385 L 85

By Senator Gaspard; by State Board of Education request

Revising laws regulating the organization of school districts.

Senate Committee on Education

House Committee on Education

BACKGROUND:

Issues relating to school district boundaries and the organization or reorganization of school districts are handled locally by a committee on school district organization. There are 39 such committees statewide, one for each county. Consolidating these county committees on a regional basis could save time and money in the administration of problems and issues on school district organizations.

A school district must dissolve when the district's average enrollment is fewer than two pupils.

SUMMARY:

A regional committee on school district organization is created in each of the nine educational service districts to address issues relating to the organization and boundaries of school districts within each educational service district.

Regional committees shall consist of no fewer than seven nor more than nine members, elected by a majority of the votes cast by the school board members of all the school districts in the educational service district. Terms of members are for five years and members may run for re-election. Provisions are set forth governing election procedures and filling vacancies. Current county committee members shall constitute the regional committee of the educational service district until the election of the initial regional committee.

Certain educational employees including members of the State Board of Education, the Superintendent of Public Instruction, educational service district superintendents, school board members,

school district employees and others are prohibited from serving on a regional committee.

Regional committees are required to base judgments and recommendations on standards and considerations established by the State Board of Education in the preparation of plans and terms for changes in school district organization. Recommendations from a regional committee to the State Board on changes in school district organization must be based on such standards and general considerations. Standards and considerations adopted by the State Board of Education must give consideration to various factors. The State Board of Education retains final authority to approve proposals relating to school district organization.

In the event a new school district is created by voter approval in a special election, the superintendent of the educational service district in which the new district is located is required to obtain approval from the Superintendent of Public Instruction in designating a new name and number for the district and to fix the effective date no later than September 1 in the succeeding year for the purpose of redrawing taxing district boundaries.

The Superintendent of Public Instruction is required to appoint a temporary committee of five persons to resolve unsettled differences between the regional committees of two or more educational service districts relating to proposed changes in the organization of their school districts.

Effective immediately, regional committees on school district organization are required to dissolve any school district which has an average enrollment of fewer than five kindergarten through eighth grade pupils during the preceding school year, including the 1984-85 school year and any subsequent school year. Each educational service district superintendent is required to review his or her school districts' enrollments and report to the regional committee on organization of any school district which does not meet the average enrollment requirement. The review and any report must be completed within 30 days of the effective date of this act.

VOTES ON FINAL PASSAGE:

Senate	39	7	
House	90	5	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	89	8
Senate	26	22

EFFECTIVE: May 20, 1985 (Sections 24 and 39)
July 28, 1985

SB 4143

C 59 L 85

By Senator Gaspard; by Superintendent of Public Instruction request

Changing provisions relating to student transportation allocations.

Senate Committee on Education

House Committee on Education

BACKGROUND:

An allocation system to distribute state funds to school districts for student transportation services was implemented in 1982 to replace the prior reimbursement system. In 1983, the new allocation system was modified to distribute funds based on the numbers of eligible students transported to and from school during the regular school day and the distance students are transported. The Superintendent of Public Instruction recommends that further refinements to the allocation system be made.

SUMMARY:

The Superintendent of Public Instruction is required to calculate annually allocation rate(s), which include factors for vehicle amortization, to determine the transportation allocation to school districts for transporting students to and from school in district-owned passenger cars.

Before purchasing a car, a school district's board of directors must consider the safety of students being transported by car and the cost effectiveness of using a district-owned passenger car in lieu of a school bus.

The SPI shall notify school districts of their student transportation allocations before January 15 each year rather than before December 15 each year.

The SPI shall make student transportation allocation payments in January, in addition to making

SB 4143

payments in September, October, November, and December.

Obsolete language relating to implementation of the allocation system for student transportation services is repealed.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	96	0

EFFECTIVE: July 28, 1985

SB 4146

C 307 L 85

By Senators Thompson, McDermott, DeJarnatt and Zimmerman

Revising provisions relating to the effects of the eruption of Mount St. Helens.

Senate Committee on Governmental Operations

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

In October of 1984, the U.S. Army Corps of Engineers proposed a single sediment retention structure at the Green River site on the North Fork Toutle River as the permanent solution to flood and navigation problems caused by the eruption of Mount St. Helens. This retention structure, which is subject to final approval by the Assistant Secretary of the Army for Civil Works, will necessitate local matching funds of \$16.9 million. The local match will cover costs related to the acquisition of lands, easements, and rights-of-way. Modification and expansion of the state's dredge spoils program is needed to enhance recovery operations.

SUMMARY:

The need for sediment retention sites and for cooperation with the federal government in sediment retention is stated as a legislative priority.

Sedimentation retention sites are added to the Department of Transportation's land acquisition responsibilities, and fish and wildlife habitat is added to the scope of the Department of Natural Resource's authority for disposal of surplus lands.

The proposed sediment retention structure is not eligible for exemption from county and Department of Ecology requirements related to flood control. Current exemptions from these requirements are extended from June 30, 1988, to June 30, 1990. Exempted actions must be reported to the water resources district, rather than regional, supervisor.

The proposed sediment retention structure is not eligible for exemption from requirements of the State Environmental Policy Act.

The proposed retention structure is exempted from the current provision of law which limits the height of any dam, on the Columbia River drainage system downstream from McNary Dam, to less than 25 feet.

The location of flood control and dredging projects eligible for expedited Fisheries and Game Departments hydraulic permits is limited to the area downstream of the site of the proposed sediment retention structure. The proposed sediment retention structure is not eligible for exemption from the normal hydraulic permit review process. Current exemptions from the hydraulic permit review process are extended from June 30, 1988, to June 30, 1990.

The time in which private property owners may dispose of dredge spoils on their property without state permission is extended from December 31, 1985, to December 31, 1990.

The proposed sediment retention structure is not eligible for exemption from county and Department of Ecology requirements related to diking and drainage. Exempted actions must be reported to the water resources district, rather than regional, supervisor. Current exemptions from these requirements are extended from June 30, 1988, to June 30, 1990.

The proposed sediment retention structure is exempted from the substantial development permit requirements of the Shoreline Management Act. However, the county must comply with all substantive objectives of the Act. Exempted actions must be reported to the water resources district, rather than regional, supervisor. Current exemptions from these requirements are extended from June 30, 1988, to June 30, 1990.

The Joint Select Committee on Mount St. Helens Recovery Operations is repealed.

VOTES ON FINAL PASSAGE:

Senate 42 2
House 72 23

EFFECTIVE: May 16, 1985

SB 4152

C 198 L 85

By Senators Rinehart, Gaspard, Goltz and Bauer

Including high school students and recent graduates as residents for higher education tuition and fees.

Senate Committee on Education

House Committee on Higher Education

BACKGROUND:

Current law does not require high school students who attend higher education institutions to fulfill high school completion requirements to pay tuition and fees or meet any residency requirements. But Washington high school students are required to meet state residency requirements in order to qualify for in-state tuition and fee rates.

SUMMARY:

A new section is added to RCW 28B.15.520 to expand the authority of community college trustees to waive residency requirements for students enrolled in their specific community college in courses of study or programs in order to complete their high school education and obtain a high school diploma or certificate. The waivers which trustees may grant are only applicable to courses leading to a high school diploma or certificate.

VOTES ON FINAL PASSAGE:

Senate 46 0
House 93 3 (House amended)
Senate 45 0 (Senate concurred)

EFFECTIVE: July 28, 1985

SB 4155

C 389 L 85

By Senators Halsan and DeJarnatt

Changing definition of court costs a convicted defendant may be required to pay.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

At the present time, Washington courts may require convicted defendants to pay the costs of serving warrants for failure to appear. However, there is no clear statutory authority for imposing these costs.

On July 1, 1985, statutory provisions for penalty assessments and designated portions of fees, fines and forfeitures collected by the courts are scheduled to be replaced by a single public safety and education assessment that will raise a comparable amount of revenue for state programs. Court receipts will be divided between the state and local governments on a percentage basis that reflects the historic flow of revenue to state and local government. The split of revenue prescribed in last year's enactment is 35 percent for the state and 65 percent for the city or the county, as appropriate. The effective date of these changes was delayed a year to give the state and local government the opportunity to review the data upon which the split is to be based and to make any necessary refinements in the statutes that implement this system.

Current law requires that interpreters be provided for persons with hearing impairments who cannot readily understand or communicate in the spoken language in courts and other hearings before governmental agencies. This law was enacted in 1973 and does not address specific concerns that have arisen in recent years about the cost of interpreter services, standards to ensure qualified interpreters and circumstances in which such services must be provided.

SUMMARY:

The expenses incurred for the serving of warrants for failure to appear may be included in the costs the court may require a convicted defendant to pay.

Effective July 1, 1985, the division of court receipts between the state and local government is changed from 35 percent for the state and 65 percent for local government to 32 percent for the state and 68 percent for the city or county, as appropriate. Statutory costs to be awarded by the court to a party at the conclusion of a lawsuit are not to be considered as court receipts for purposes of calculating the division of receipts between state and local government. Certain specified fees collected by the superior court clerk for filing papers or performing other services are subject to the division of receipts. Statutory provisions regarding the funding of county law libraries through portions of district and superior court filing fees are clarified.

Standards for determining the qualifications of interpreters for hearing impaired persons are set forth. The situations and proceedings in which a hearing impaired person is entitled to an interpreter are clarified. The agency responsible for the appointment of an interpreter is responsible for the cost of the interpretive services. Information obtained by an interpreter while interpreting is treated as privileged and confidential if the communication would otherwise be privileged.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

EFFECTIVE: July 1, 1985 (Sections 2-9)
July 28, 1985

SB 4169

C 29 L 85

By Senators McDermott, Zimmerman and Gaspard

Extending the Thomas Burke Memorial Washington State Museum of the University of Washington.

Senate Committee on Education

House Committee on Higher Education

BACKGROUND:

The Burke Museum, established in 1885 at the University of Washington, is the oldest museum in the

western United States and the only natural history/anthropology museum in the Pacific Northwest. It is the State Museum and is responsible for preserving and exhibiting Washington State's historical and natural history documents and objects. Administered by the University of Washington, the museum has an annual budget of approximately \$700,000, of which approximately \$320,000 is contributed by the general fund.

The museum is under a sunset and will expire on June 30, 1985. The Legislative Budget Committee (LBC) performed a program audit in cooperation with the museum's staff. The audit concluded that the museum has complied with legislative intent to act as the state museum for preserving and exhibiting anthropological, geologic and zoologic materials. The museum has not acted in accord with original legislation with regard to historical documents and objects because three state historical societies have assumed that role. The report recommended that the museum's statutes be reauthorized, but modified to reflect the museum's familiar name and current emphasis.

SUMMARY:

Current statutes pertaining to the Washington State Museum are reauthorized. The museum, renamed the Thomas Burke Memorial Washington State Museum, serves as a repository for preserving, exhibiting, interpreting and conserving anthropological, geological and zoological documents and objects.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	96	0

EFFECTIVE: June 30, 1985

SB 4185

C 390 L 85

By Senators Rinehart, Patterson and Gaspard

Clarifying the definition of higher education tuition and fees.

Senate Committee on Education

House Committee on Higher Education

BACKGROUND:

Current law permits the state's institutions of higher education to charge students "general tuition fees," "operating fees," and "service and activity fees." General tuition fees are used for capital purposes, while operating fees are deposited in the state general fund. Two and one-half percent of operating fees is retained by the institutions. Washington is the only state which refers to its building fees as "tuition." The Joint Legislative Advisory Committee on Higher Education Governance, Tuition, Fees and Financial Aid has recommended that a single statutory definition of "tuition" be established to eliminate confusion among students and the general public as to the meaning of fees charged at the institutions of higher education in this state.

SUMMARY:

"General tuition fees" are renamed "building fees" and "tuition" is defined as both "building fees" and "operating fees." Changes are made in several statutes to reflect these new definitions.

VOTES ON FINAL PASSAGE:

Senate	48	0	
House	97	0	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4189

C 315 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Newhouse, Deccio, Warnke, Vognild and Cantu; by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to appellate jurisdiction in industrial insurance tax assessment actions.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

A case pending before the Washington State Court of Appeals raises the question of proper jurisdiction in worker compensation premium assessment cases.

The employer in the case argues that the Legislature has set forth an exclusive procedure for the determination and collection of all premium assessments. The procedure calls for the Department of Labor and Industries to issue a notice of assessment certifying the amount due. Appeal of this order is to the Superior Court. Department-initiated collection actions are also brought to the Superior Court.

The Department argues it may issue an order as well, which is appealable to the Board of Industrial Insurance Appeals, regarding certain premium assessment issues.

SUMMARY:

The jurisdiction for appeal in the case of a notice of assessment is changed from the Superior Court to the Board of Industrial Insurance Appeals. The employer may request the Department to reconsider its notice of assessment or file an appeal with the Board within 30 days of the service of the notice of assessment.

Procedures are set forth for transmitting the record from the Department to the Board of Industrial Insurance Appeals. The standards and procedure for appeals from the Board to the Superior Court are the same as those set forth under the Administrative Procedure Act.

The time at which a premium becomes due for the purposes of the statute of limitations is clarified.

The term "action" is defined for the purposes of the statute of limitations. Language with respect to claims for assessment adjustments by employers is also clarified.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	97	0

EFFECTIVE: July 28, 1985

SSB 4190

C 209 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Talmadge, Newhouse, Deccio, Cantu, Warnke and Vognild; by Joint Select Committee on Workers' Compensation request)

SSB 4190

Modifying the administrative procedures of the board of industrial insurance appeals board.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Until recently, the industrial appeals judge responsible for initiating a settlement conference was the same judge who presided at the hearing if no settlement was reached. The Board changed this policy; settlement conferences are now held by more experienced judges. If no settlement is reached, a different judge presides at the hearing.

The Board does not currently publish its decisions. Attorneys and others who wish to keep apprised of the latest decisions in a particular area of law must contact the Board directly. In some instances, the same issue has been appealed to the Board more than once due to lack of information regarding the Board's previous decisions.

SUMMARY:

The Board, in carrying out its mediation responsibilities, shall develop expertise in mediation. When possible, the judges appointed to mediation should have a demonstrated history of successfully resolving disputes and formal training on dispute resolution techniques.

The Board is required to publish and index its significant decisions and make them available to the public at reasonable cost.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	93	2

EFFECTIVE: July 28, 1985

SSB 4196

C 5 L 85 E1

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Cantu and Wojahn; by Employment Security Department request)

Providing for special programs to assist the unemployed and underemployed.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

1. Employment Services Funding: The Washington State Job Service program of the Employment Security Department currently provides reemployment assistance to unemployed people within the state. Funding for the program is provided by the federal portion of unemployment insurance taxes. In recent years job service programs have experienced budget reductions due to a reprioritization of allocations from the Employment Security Administration Account -- the account through which the program is funded. However, statistics indicate the number of persons unemployed in the state is significantly above the national average.

2. Reasonable Assurance: On March 25, 1985, the Employment Security Department was informed by the U.S. Department of Labor that RCW 50.44-.052 is not in conformance with federal law. This section of law defines "reasonable assurance" of employment for school district employees in order to determine eligibility for unemployment compensation benefits.

The Department of Labor further mandated that Washington law be appropriately amended or else a conformity hearing would most likely be commenced. If the state is found to be out of conformity, the state could lose \$545 million in employer tax credits and administrative funding.

3. Additional Benefits: The federal supplemental compensation (FSC) program was phased out on March 31, 1985. As a result, approximately 17,000 unemployed Washington workers receiving FSC had their benefits terminated effective April 6. The 1,300 claimants who exhaust regular benefits each week are similarly affected.

The FSC program was first enacted by Congress in 1982 to allow claimants to receive up to 12 weeks of benefits after exhausting regular benefits. Originally scheduled to end on March 31, 1983, Congress extended the program several times and increased the benefit period to 14 weeks. With the phase-out of FSC, the maximum duration of unemployment benefits will be the 30 weeks of regular benefits.

Despite improvements in the national economic outlook, Washington still has the eighth highest unemployment rate in the country. Proponents

contend that a temporary state funded additional benefit program is necessary in order to replace the FSC program and to assist the long-term unemployed to transition into gainful employment.

SUMMARY:

1. Employment Services Funding: The Employment Security Job Service program is directed to provide resources to assist with the reemployment of unemployed workers. The program and activities shall include, but are not limited to:

- a) supplementing basic employment services with special job search and claimant placement assistance designed to assist claimants to obtain employment;
- b) providing employment services, such as recruitment, screening, and referral of qualified workers to agricultural areas;
- c) researching and considering the degree to which the Employment Security Department can contract with private employment agencies, private for-profit and not-for-profit organizations in the fields of job placement, vocational counseling, career development, career change and employment development on a fee for service-performance basis; and
- d) providing information and analysis to the Legislature and program managers about issues related to employment and unemployment.

Funding for the program is provided from a special tax surcharge of two one-hundredths of 1 percent on the state unemployment insurance tax. The state unemployment insurance tax rate schedule is reduced so that there is no net tax increase to the majority of employers. For 9 percent of the employers, all in rate class 20, there is a two one-hundredths of 1 percent tax increase. The surcharge is in effect only for rate years 1986 and 1987. Revenue generated from this surcharge shall be placed in a special account in the Administrative Contingency Fund. The sum of \$4 million is appropriated from the fund to the Job Service program for the 1985-87 fiscal biennium. If federal funding is increased for the financing of the program, the appropriation is reduced by the amount that federal funding is increased.

2. Reasonable Assurance: To bring the current law into conformance with federal laws, the term "reasonable assurance" is redefined to mean a

written, verbal, or implied agreement that the school employee will perform services in the same capacity during the ensuing year. The "same capacity" means the same terms or conditions of employment in the ensuing year as in the previous academic year.

3. Additional Benefits: An additional benefits program is established. The program is funded by the state unemployment compensation trust fund. Additional benefits will be provided for a maximum of six weeks to claimants who have exhausted regular benefits and who meet a more intensive work search and suitable work requirement and the other eligibility criteria specified for regular benefits. Additional benefits are not charged to the experience rating accounts of individual employers. The program is phased out at the end of this year with no new claims accepted after December 31, 1985. A total of 34,000 claimants are expected to be eligible for additional benefits at an estimated cost of \$15 million.

VOTES ON FINAL PASSAGE:

<u>First Special Session</u>	
Senate	27 21
House	61 28

EFFECTIVE: June 14, 1985

SB 4206

C 324 L 85

By Senators Gaspard, Hayner and Johnson

Changing certain school bidding procedures.

Senate Committee on Education

House Committee on Education

BACKGROUND:

School districts are required to follow certain public bidding procedures when planning to buy furniture, equipment or supplies, except books, or when planning building, improvement, repair or other public works projects, or when planning other purchases. When the estimated cost equals or exceeds \$10,000, the district must advertise for bids once each week for two consecutive weeks in at least one newspaper of general circulation

SB 4206

within the district. When the estimated cost is between \$4,500 and \$10,000, districts must follow provisions to secure a minimum number of bid quotations.

Districts may make improvements or repairs to district property through the district's shop and repair department, without having to advertise for or secure bids. Districts are also authorized to waive all bidding procedures requirements in event of an emergency. If a district has reason to believe the lowest acceptable bid is not the best that can be obtained, the district may reject all bids and request new bids, but it is not authorized to enter into direct negotiations to achieve the best possible price.

SUMMARY:

The cost level at which public bidding procedures become applicable when school districts are planning to buy furniture, equipment or supplies, except books, or when planning building, improvement, repair or other public works projects, or when planning other purchases, is increased from \$10,000 to \$20,000.

The cost level at which districts are exempt from bidding provisions relating to improvements or repairs to school district property, that may be made by the district's shop and repair department, is increased from \$4,500 to \$7,500.

Purchases of furniture, equipment or supplies, except books, which are estimated to exceed \$7,500, rather than \$4,500, must be made on a competitive basis by school districts. If the estimated cost is between \$7,500 and \$20,000, rather than between \$4,500 and \$10,000, bids must be obtained from at least three different sources. If the estimated cost exceeds \$20,000, rather than \$10,000, public bidding procedures must be followed.

Building, improvement, repair or other public works projects estimated to cost more than \$7,500, rather than more than \$4,500, must be made on a competitive basis. If the estimated cost of such projects is less than \$20,000, rather than less than \$10,000, the project may be awarded to a contractor on the small works roster. If the public works project is estimated to cost more than \$20,000, rather than more than \$10,000, public bidding procedures must be used.

Statutory language permitting, but not requiring, school districts to reject any or all bids for good

cause is repealed; districts are granted general authority to reject any or all bids and put out a call for new bids.

VOTES ON FINAL PASSAGE:

Senate	46	0	
House	91	4	(House amended)
Senate	44	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4209

C 387 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Bauer, McManus, Owen and Thompson)

Regulating persons removing or encapsulating asbestos.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Federal and state laws regulate health and safety aspects regarding the removal and encapsulation of asbestos. The federal Occupational Safety and Health Administration and state Department of Labor and Industries have adopted minimum standards regarding protective clothing, respirator use, permissible airborne exposure, monitoring, disposal and decontamination at the workplace. The Environmental Protection Agency regulates the manufacturing and disposal of asbestos.

There are no training requirements for persons who remove or encapsulate asbestos.

SUMMARY:

No individual is eligible to remove or encapsulate asbestos unless issued a certificate from the Department of Labor and Industries. To qualify for a certificate, an individual must complete a basic course provided or approved by the Department, on the health and safety aspects of the removal and encapsulation of asbestos. No person may permit the removal or encapsulation of asbestos in that person's own facilities unless it is performed by a qualified asbestos worker. An exception is

provided for private projects undertaken in the business' own facility and by its own employees under the direct supervision of a qualified asbestos worker. In any case where a partnership, firm, corporation or sole proprietorship receives an exemption from the training requirement under the act, it must give the Department a written description of the nature of the project and demonstrate competence in performing the work.

The training requirements set forth in the act represent only minimum requirements and do not prevent additional training.

A person who knowingly violates the chapter will be subject to a civil penalty of not more than \$5,000 for each violation. A second violation will constitute a misdemeanor.

The Department may promulgate rules and prescribe fees for the issuance and renewal of certificates.

The course provided or approved by the Department must be a minimum of 30 hours.

VOTES ON FINAL PASSAGE:

Senate	43	0	
House	96	1	(House amended)
Senate	46	0	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 4216

C 202 L 85

By Senators Granlund and Kreidler

Prohibiting dentists from waiving the copayment requirements of a contract.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

It is current practice for a dentist to examine a patient, determine the total cost for necessary services, and then notify both the patient and the third party payer what their shares of the cost will be.

Before providing services, some dentists are agreeing to waive the copayment required under insurance policies and accepting, as their total

reimbursement for services, only the third party payer's share of the payment.

One of the reasons for requiring copayments is to reduce unnecessary elective services by requiring individuals to pay a part of the cost from their personal finances.

SUMMARY:

A dentist is prohibited from accepting as full payment for services rendered only that part of a contract received from a third party payer. To do so is considered unprofessional conduct.

VOTES ON FINAL PASSAGE:

Senate	32	17
House	93	3

EFFECTIVE: July 28, 1985

SB 4227

C 216 L 85

By Senators Bender, Kiskaddon, Vognild and Johnson

Changing provisions relating to scoliosis screening.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

Washington's scoliosis screening legislation, enacted in 1979, served as a model for similar legislation in 13 other states. The National Scoliosis Foundation is recommending several changes in the law.

Currently, screening for scoliosis is required in grades five through eight. It has been determined that scoliosis is not being detected in children who develop at a slower-than-average rate.

Idiopathic scoliosis and kyphosis are abnormal curvatures that are commonly and easily detected in the screening process now used.

SUMMARY:

Scoliosis is defined as idiopathic scoliosis and kyphosis.

Qualified licensed health practitioners (doctors, chiropractors and osteopaths) are added to the list of persons authorized to conduct scoliosis screening.

Screening for scoliosis is extended through grade 10. After July 1, 1987, however, the Superintendent of Public Instruction may waive screening in grades 9 and 10 if a cost/benefit analysis shows the screening is not necessary.

Students are exempt from the examination if a parent or guardian certifies, in writing, that the screening conflicts with philosophical or religious beliefs, or that the student is under the care of a health provider for spinal curvature or a related medical condition.

VOTES ON FINAL PASSAGE:

Senate	46	1	
House	95	0	(House amended)
Senate	45	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4228

PARTIAL VETO

C 471 L 85

By Committee on Ways & Means (originally sponsored by Senator McDermott; by Department of Revenue request)

Modifying business and occupation tax provisions on persons taxable on multiple activities.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

There are many instances where the B&O tax is thought to be unfairly treating a specific category of business.

A 1983 study by the Department of Community Development found that Washington cities, counties and special purpose districts had \$4.3 billion of critical repair and replacement projects for roads, bridges, water and sewer systems, etc. The cities, counties and special purpose districts reported they could finance only \$2.3 billion of the work, leaving a shortfall of \$2 billion.

SUMMARY:

The B&O tax on the gross receipts of meat processors is reduced from 0.363 percent to 0.275 percent from July 1, 1985 to June 30, 1986. The tax rate is further reduced to 0.138 percent after June 30, 1986.

The definition of "extractor" for B&O tax purposes is changed to exclude the cultivating or raising fish within confined rearing areas. The general agricultural exemption from the B&O tax is extended to those raising fish. Thus the B&O tax on fish farming is reduced to zero from 0.484 percent of gross receipts.

The definitions of "wholesale sale" and "retail sale" are changed to exclude the sale of precious metal bullion or monetized bullion. The effect is to make bullion exempt from the sales/use tax and the wholesale and retail B&O taxes. The B&O tax on metal bullion is set at 1.5 percent of the commissions earned on the transactions of bullion.

New manufacturing, research and development, and warehousing businesses locating in distressed areas are exempted from 50 percent of their B&O taxes during their first five years of operation. Distressed areas are defined as any county which exceeds the statewide annual unemployment rate and any city of less than 40,000 people within such a county. Also, any city of less than 40,000 people that can demonstrate that it is distressed by reason of recent plant closures can also qualify as a distressed area.

Income derived from business activities conducted by non-profit artistic or cultural organizations is exempt from the B&O tax.

A B&O tax exemption is granted to sales of fuel consumed on the high seas.

A public works assistance account is created in the state treasury. Public utility taxes on sewerage collection, water distribution and refuse collection businesses are raised, and the increased revenues are deposited in the public works assistance account. The conveyance tax is increased, and the revenues are deposited in the public works assistance account.

Revenue: The B&O tax on meat processors is reduced; fish farming is exempted from the B&O tax; the sale of precious metal bullion is exempted from the sales/use tax; the B&O tax on precious metal bullion is changed to 1.5 percent of commissions from 0.471 percent of gross receipts; new

manufacturing, R&D, and warehousing firms locating in distressed areas are exempt from 50 percent of their B&O tax; non-profit artistic or cultural organizations are exempt from the B&O tax; the sale of fuel used on the high seas is exempted from the B&O tax; the public utility taxes on sewerage collection, water distribution and refuse collection are increased; and the conveyance tax is increased.

VOTES ON FINAL PASSAGE:

Senate	33	14	
House	50	47	(House amended)
Senate	35	14	(Senate concurred)

EFFECTIVE: July 1, 1985

PARTIAL VETO SUMMARY:

The exemption from the B&O tax for the raising of fish in confined areas was vetoed. These sections were the subject of another bill -- HB 99 -- previously signed into law.

The 50 percent B&O tax reduction for new businesses locating in distressed areas was vetoed. (See VETO MESSAGE)

SSB 4229

C 50 L 85

By Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Kiskaddon, Talmadge, Johnson, Stratton, Conner and McManus)

Providing that juveniles not be confined in adult jail or holding facilities.

Senate Committee on Human Services & Corrections

House Committee on Social & Health Services

BACKGROUND:

The federal Juvenile Justice and Delinquency Prevention Act requires states that receive funds under the Act to remove juveniles from adult jails by the end of 1985. Failure to comply with the federal law may result in the loss of some federal funding.

SUMMARY:

Individuals under 18 years of age who have not been remanded to adult courts may not be confined in a jail or holding facility for adults except under certain circumstances.

Juveniles may be confined in an adult facility in a county where no juvenile detention facility is available, for a period not exceeding 24 hours excluding weekends and holidays, for the purpose of an initial court appearance, and for no longer than six hours when detention of the juvenile is incident to a subsequent police investigation. In both cases, there must be sight and sound separation from adult inmates.

The Corrections Standards Board is required to monitor and enforce compliance with this section.

VOTES ON FINAL PASSAGE:

Senate	46	1
House	96	0

EFFECTIVE: July 28, 1985

SSB 4231

C 464 L 85

By Committee on Natural Resources (originally sponsored by Senators Owen, Conner, McDonald and Zimmerman; by Department of Game request)

Adjusting hunting and fishing license fees.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The Department of Game was last granted a general fishing and hunting license fee increase in 1981. The Department has requested that the Legislature authorize a fee increase in the licenses, tags, permits and stamps issued under the authority of the Department.

SUMMARY:

Hunting, fishing, and trapping license and permit, tag and stamp fees are increased an average of 19 percent. Individual license, tag, or permit fees are increased in varying amounts as proposed by

the Game Commission. The Commission may establish the amount charged by license dealers for issuance of licenses and tags, but the Commission must report to the Legislature if license dealer fees are increased. A nonresident deer stamp and a nonresident mountain goat stamp are established, with annual fees of \$50 and \$150 respectively. Archery and muzzleloading stamp requirements are repealed. A steelhead punch-card return program is established. The conservation license format is changed from a vehicle license to a personal license, and persons under the age of 16, youth groups, family members and guests are exempted from conservation license requirements.

Falconers are required to purchase a falconry stamp to possess or hunt with a falcon. Nonresident trapping licenses are reduced from \$250 to \$150.

Resident fishermen may purchase a three-day license for \$7. The license is not valid for an eight-day period after the opening of lowland lake fishing season.

The minimum age at which a fishing license is required is reduced from 16 years old to 15 years old. The Game Commission is given rule-making authority to establish fishing license fees for persons 70 years of age or older. The Commission must consider the needs of low-income senior citizens and hold statewide hearings prior to adopting fishing license fees for persons over the age of 70 years. The Commission must report to the Legislature if license requirements for senior citizens are changed.

VOTES ON FINAL PASSAGE:

Senate	38	11	
House	83	13	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Free Conference Committee

House	55	41
Senate	28	13

EFFECTIVE: July 1, 1985

SB 4236

C 199 L 85

By Senators Wojahn and McDermott; by Deferred Compensation Committee request

Implementing the deferred compensation committee's operational activity appropriation.

Senate Committee on Ways & Means

House Committee on Ways & Means

BACKGROUND:

In 1984, the Legislature appropriated \$650,000 from the deferred compensation revolving fund to the Deferred Compensation Committee for operational activity during the present biennium. In order to effect the implementation of the appropriation, an interfund loan of the \$650,000 was authorized, with repayment of the loan to be accomplished by June 30, 1989.

The loan was made but the Treasurer advised the Deferred Compensation Committee that the issuance of revenue bonds would result in lower interest costs than would the use of the interfund loan.

SUMMARY:

The State Finance Committee is authorized to issue \$650,000 of revenue bonds or notes secured by and payable from the portion of the deferred compensation revolving fund identified as administrative fees. Such a bond issue or notes shall not constitute general obligations of the state nor pledge the full faith, credit, or taxing power of the state to their payment.

The State Treasurer, with the consent of the State Finance Committee, is authorized to make an interfund loan.

The Deferred Compensation Committee is authorized to enter into agreements providing for the payment of such bonds, notes or interfund loans. Repayment, with interest, is to be accomplished by June 30, 1989.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	95	0

EFFECTIVE: April 30, 1985

SB 4259

C 203 L 85

By Senators Fleming, Bender, Talmadge, Wojahn, Goltz, Warnke, Williams, McManus, Vognild and Gaspard

Prohibiting discrimination on the basis of sex in places of public resort, accommodation, assemblage, or amusement.

Senate Committee on Judiciary

House Committee on Judiciary

BACKGROUND:

The laws against discrimination protect citizens from discrimination based on race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap. The full enjoyment of public accommodations may not be denied because of sex-based discrimination.

The Human Rights Commission is charged with the duty of eliminating and preventing discrimination. This may be achieved through an administrative process if the alleged discrimination is defined by statute as an unfair practice. Discrimination on the basis of sex in offering public accommodations is not currently an unfair practice. Therefore, such discrimination may only be remedied through private actions in courts.

SUMMARY:

Discrimination on the basis of sex in offering public accommodations is made an unfair practice. This allows the Human Rights Commission to enforce this law through its administrative process.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	96	2

EFFECTIVE: July 28, 1985

SSB 4263

C 440 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Warnke, Sellar, Vognild, Hansen, Zimmerman, Moore, Bottiger, McDermott, Lee, Patterson, Guess, Halsan and Johnson)

Providing for the enforcement of the wholesale distributor/supplier equity agreement act.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

In 1984, the Legislature added to Title 19 RCW a new chapter which regulates agreements between suppliers and wholesaler distributors of malt beverages and wine. However, the chapter contains no enforcement language. Since many suppliers have failed to comply voluntarily with the 1984 statute, distributors maintain that sanctions are necessary for enforcement.

SUMMARY:

A supplier's failure or refusal to enter into an agreement with a wholesale distributor constitutes a violation. Injured parties can seek injunction of further violations. Continued violation is grounds for the Liquor Control Board to suspend or cancel the supplier or its agent's license.

Injunctive relief may be granted without bond for an "injured party" as well as for the "wholesale distributor," if there is a likelihood that the injured party will prevail on the merits.

VOTES ON FINAL PASSAGE:

Senate	46	3	
House	95	0	(House amended)
Senate	42	3	(Senate concurred)

EFFECTIVE: July 28, 1985

SB 4266

SB 4266

C 67 L 85

By Senators Williams and Benitz; by Energy Facility Site Evaluation request

Modifying provisions on the energy facility site evaluation council.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

The Energy Facility Site Evaluation Council was created in 1970 in response to a need to balance the increasing demands for energy facilities and the broad interests of the public. The Council was given the power to appoint an executive secretary and other employees as necessary to carry out the duties of the Council.

SUMMARY:

The Chairman is the chief executive officer of the Council and, with the concurrence of the Council, executes official duties on its behalf. The Chairman is required to appoint an executive secretary and may appoint a confidential secretary, both to serve at the pleasure of the Chairman. The Chairman is required to appoint other employees under the State Civil Service Law, as necessary. The Council's power to appoint an executive secretary and other employees is repealed.

Technical changes are made.

VOTES ON FINAL PASSAGE:

Senate	36	12	
House	94	3	(House amended)
Senate	36	11	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4267PARTIAL VETO

C 432 L 85

By Committee on Transportation (originally sponsored by Senators Hansen and Sellar)

Authorizing the department of transportation to buy and sell abandoned rail rights of way.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

During the last four years approximately 825 miles of rail line have been abandoned in Washington State. These abandonments have occurred on primarily a piece meal basis in all areas of the state.

The abandonment of rail lines is under the jurisdiction of the Interstate Commerce Commission. The state has no jurisdiction although the Utilities and Transportation Commission has responsibility to protest at abandonment proceedings. A railroad can abandon service on any line if that line is not economically viable for it to operate, regardless of how badly the rail service on that line is needed.

The Washington State Department of Transportation is charged with preparing a state rail plan. This plan is prepared as new lines are identified by the railroad as abandonment candidates. It includes an analysis of these lines, identification of those for which continued service is essential, and the establishment of priorities for use of federal and state financial assistance. Federal assistance is available for helping finance rail line rehabilitation, acquisition, new construction or substitute service.

Since 1978 the Department has received approximately \$5 million which has been utilized to maintain service in several counties of the state. Because federal participation is being phased out, the remaining funds, approximately \$600,000, are being utilized on a short-term low interest loan basis. A state rail program was established by the Legislature in 1983. This legislation gave counties the authority to form special rail districts to take over and maintain essential rail service. A state funded loan program was also established in order to help ports or rail districts in these efforts.

No significant appropriations have been made for this program.

Rail lines have been analyzed in the state rail plan on an individual basis as they were identified for abandonment by rail carriers. Efforts to maintain essential rail service are more difficult after a line is placed in an abandonment category and, accordingly, the Department of Transportation is now focusing its efforts on identifying a basic essential rail network serving the state. Specific factors in defining this basic network include traffic patterns, major rail service users, access to major markets, main rail lines, economic development potential and branch line economic viability.

Some argue that it is appropriate for the state to become involved in maintaining certain rail corridors for which there is a potential to reinstitute service at some future date. Acquisition of the rights of way would allow the state to keep them intact until a local takeover through a special rail district could be completed.

SUMMARY:

Until June 30, 1991, the Department of Transportation is authorized to purchase rail right of way which has potential for future rail service. That right of way must have been evaluated in the state rail plan and have been abandoned, and re-establishment of rail service in the future must be of benefit to the state. Such acquisitions may be made from the essential rail assistance account only with specific legislative appropriation or upon receipt of a donation of funds for such purpose. Acquisitions under these powers are not to be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation. Uses of the essential rail assistance account are expanded to include acquisition of rail right of way.

State rail plan preparation requirements are expanded to require an evaluation of rail freight lines that have recently been abandoned, including the costs and benefits of acquisition of right of way for the restoration of service.

The Department is directed to sell property acquired as a rail right of way to a county rail district, a port district or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the Department to purchase the right of way is to receive a credit against the purchase

price for the amount donated to the Department less management costs.

If no entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the Department, the Department is authorized to sell such property to certain governmental entities, the former owner from whom the property was acquired, or abutting property owners.

Failing this, it may transfer and convey the property to other governmental entities, when in the judgment of the Secretary of Transportation, the transferring conveyance is consistent with the public interest or it may, at its discretion, sell the property at auction. If no acceptable bids are received at the auction, the Department may enter into negotiations for the sale of the property or list the property with a licensed real estate broker. No property may be sold for less than its appraised fair market value.

The Department's authority to acquire right of way expires June 30, 1991, and all provisions expire June 30, 1992.

VOTES ON FINAL PASSAGE:

Senate	45	2	
House	90	8	(House amended)
Senate	46	1	(Senate concurred)

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The 1991 and 1992 expiration provisions of this legislation are eliminated. (See VETO MESSAGE)

SB 4278

C 391 L 85

By Senators Metcalf and Guess

Establishing procedures for redemption of a vehicle impounded from an unlicensed driver.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

In 1982, the Legislature passed ESSB 3549 which authorized law enforcement officers to impound a

SB 4278

vehicle upon determining that the driver had an invalid driver's license, or a license that had been expired for more than 90 days, or a suspended or revoked license.

In January of 1983, Whatcom Superior Court invalidated the impoundment procedure on the grounds that the operator of the vehicle was not provided due process of law. The court held that when law enforcement officers failed to notify the driver of the vehicle of his or her right to a hearing to contest the validity of the impoundment they violated the constitutional rights of the driver.

In 1982, the Department of Licensing estimated that as many as 300,000 unlicensed persons were driving motor vehicles in this state.

SUMMARY:

A procedure is established that requires, whenever a law enforcement officer impounds a vehicle, that the officer immediately notify the driver of the right to a hearing to contest the validity of the impoundment.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	94	3

EFFECTIVE: July 28, 1985

SB 4288

C 299 L 85

By Senator Lee

Modifying provisions relating to experience rating of employers for purposes of on the job training programs.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

Employers are taxed on the basis of an experience rating system. Each employer's unemployment experience is measured over a four-year period as determined from unemployment insurance (UI) benefit charges against the employer.

The following benefits are not charged to the experience rating account of any contribution paying employer:

- 1) The state's share of benefits under the state-federal Extended Benefits program;
- 2) Benefits paid to initially disqualified claimants who later requalify;
- 3) Benefits paid to employees involved in a labor dispute as a result of a determination by the Commissioner that no stoppage of work exists; and
- 4) Benefits paid to claimants who are considered to have "marginal labor force attachment."

These benefits are considered "pool costs" and are covered by all UI tax collections.

SUMMARY:

Benefits paid to an individual who does not successfully complete a Commissioner approved on-the-job training program are not to be charged to the experience rating account of the contribution paying employer who provided the training.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	97	0

EFFECTIVE: July 28, 1985

SSB 4294

C 227 L 85

By Committee on Commerce & Labor (originally sponsored by Senators Lee and Benitz)

Authorizing the establishment of a maximum three-month penalty-free period for employers paying industrial insurance premiums.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The Director of Labor and Industries may waive the whole or a part of any penalty imposed for failure to report or pay premiums to the Department, to secure payment of compensation for

workers covered by industrial insurance or for any other reason stated in Chapter 51.48 RCW.

Proponents support an amnesty from penalties to encourage employers who have not previously reported or paid premiums to come forward and comply.

SUMMARY:

The Director may give a maximum three-month amnesty from penalties only to employers who have not previously registered under RCW 51.16.110. Employers may qualify only once for the amnesty, upon payment of up to one year's past due premium and either payment of the deposit or posting of bond required by RCW 51.16.110. Such employers would then be subject to penalties for any future non-compliance.

The period for which the Director may authorize amnesty is one year, starting July 1, 1985.

VOTES ON FINAL PASSAGE:

Senate	45	4
House	98	0

EFFECTIVE: July 1, 1985

SB 4302

C 426 L 85

By Senators Wojahn, McDermott and Williams

Revising provisions relating to lie detectors.

Senate Committee on Judiciary

House Committee on Commerce & Labor

BACKGROUND:

It is unlawful to require an employee or prospective employee to take a lie detector test as a condition of employment or continued employment. There are exceptions for: 1) initial applications for employment to a law enforcement agency; 2) promotion to the rank of captain or higher in public law enforcement; 3) applications for employment or continued employment dispensing controlled substances pursuant to the Uniform Controlled Substances Act; and 4) applications for employment or continued employment directly involved with national security.

Unlawfully requiring someone to take a lie detector test is a gross misdemeanor.

SUMMARY:

It is unlawful to require, directly or indirectly, an employee or prospective employee to take a lie detector test.

There is an exception for persons who manufacture, distribute or dispense controlled substances under the Uniform Controlled Substances Act. The exception for promotion to the rank of captain or higher in public law enforcement is deleted.

A person who unlawfully requires someone to take a lie detector test is guilty of a misdemeanor.

Persons unlawfully requiring someone to take a lie detector test may be liable for actual damages, \$500 and reasonable attorneys' fees.

VOTES ON FINAL PASSAGE:

Senate	35	12	
House	50	48	(House amended)
Senate	26	21	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4314

C 208 L 85

By Committee on Natural Resources (originally sponsored by Senators Halsan and Owen)

Requiring proposals for legislation to reinstate certain natural fish runs.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

The upstream migration of salmon and steelhead trout into the upper Cowlitz River was blocked by the construction of Mayfield Dam in 1962 and Mossyrock Dam in 1968. Programs to transport adult salmon and steelhead trout into the upper Cowlitz and Tilton Rivers have not provided fisheries equal to those in the upper Cowlitz River watershed before the dam was built.

SSB 4314

SUMMARY:

The Department of Fisheries and Department of Game must develop proposals to reinstate natural salmon and steelhead runs in the Tilton and upper Cowlitz Rivers. The Director of Fisheries is required to coordinate the investigation and development of these proposals with the Department of Game and the College of Fisheries at the University of Washington. The proposals, containing recommended legislation and cost estimates for replenishing the fish runs by 1991, must be submitted to the Legislature no later than January 1986.

Appropriation: \$30,000 from general fund to the Department of Fisheries.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	98	0

EFFECTIVE: July 28, 1985

SSB 4358

C 325 L 85

By Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Providing for two deputy directors within the department of labor and industries.

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

BACKGROUND:

The director of the Department of Labor and Industries is currently authorized by law to appoint only one assistant director to serve as deputy director. In the case of a vacancy in the office of director, the deputy director continues in charge of the Department until a director is appointed and qualified or until the Governor appoints an acting director. Allowing the director of the Department of Labor and Industries to appoint an additional deputy director could allow the director more flexibility in reorganizing the Department.

SUMMARY:

The director of the Department of Labor and Industries is authorized to appoint two assistant

directors as deputy directors. Only one of the deputy directors is to be designated by the director to serve as the deputy director in charge of the department in case of a vacancy in the office of director.

VOTES ON FINAL PASSAGE:

Senate	37	1
House	94	0

EFFECTIVE: July 28, 1985

SSB 4361

C 291 L 85

By Committee on Parks & Ecology (originally sponsored by Senator Williams)

Revising provisions relating to the centennial commission.

Senate Committee on Parks & Ecology

House Committee on State Government

BACKGROUND:

The 1989 Washington Centennial Commission was created in 1982 to develop a program for celebrating the 100th anniversary of the state's admission to the Union. The Commission is composed of 15 members, including four legislators, and 11 citizen members appointed by, and serving at the pleasure of, the Governor.

The Commission is to submit an annual report to the Governor containing recommended centennial projects and activities such as the restoration of historic properties, state and local historic preservation programs, publications, conferences, lectures, cultural exhibits, and ceremonies.

The Commission is authorized to spend appropriated funds for commemorative activities and may accept public or private gifts or grants. The Commission is also authorized to license its symbol for commercial commemorative products, retain income and grants in a special general fund account, and disburse funds for centennial purposes under its enabling legislation.

SUMMARY:

The Washington Centennial Commission is expanded from 15 members to 25 members.

The annual report to the Governor and Legislature for the centennial celebration shall include the Commission's recommendations on archaeological programs, improvements to museums and libraries, and destination tourist attractions.

The Commission is required to implement or assist in the implementation of a program to observe the 200th anniversary of the adoption of the U.S. Constitution and the 100th anniversary of the adoption of the State Constitution.

A centennial fund is created in the custody of the State Treasurer. Legislative authority is required for disbursement of earned income. No legislative authority is required for the disbursement of gifts or grants deposited in the centennial fund.

VOTES ON FINAL PASSAGE:

Senate	43	4	
House	92	5	(House amended)
Senate	36	9	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4386

C 392 L 85

By Committee on Governmental Operations (originally sponsored by Senators Thompson and Zimmerman)

Revising provisions relating to the bonded indebtedness of a public library.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

Cities not exceeding a population of 100,000 may annex into a rural library district. However, there is no provision in law authorizing a rural library district to assume an annexed city's liabilities that were incurred for the purpose of acquiring, operating or maintaining a library or libraries. Furthermore, there is no provision in law allowing for the assumption of an annexed city's existing voted bonded indebtedness incurred for the purpose of acquiring, operating or maintaining a library or libraries.

SUMMARY:

All liabilities of an annexed city incurred for the purpose of acquiring, operating and maintaining a library or libraries may be assumed by the annexing rural county library district.

A rural library may, with the assent of three-fifths of its voters, assume an annexed city's existing voted bonded indebtedness incurred by acquiring, operating or maintaining a library or libraries.

VOTES ON FINAL PASSAGE:

Senate	48	1	
House	96	0	(House amended)
Senate	47	1	(Senate concurred)

EFFECTIVE: July 28, 1985

SSB 4399

PARTIAL VETO

C 388 L 85

By Committee on Governmental Operations (originally sponsored by Senators Thompson and Zimmerman)

Creating a local governance study commission.

Senate Committee on Governmental Operations

House Committee on Local Government

BACKGROUND:

The Legislature finds that there is a need to examine the present demographic and governmental service provisions relating to the relationship among and between counties, cities, and special purpose districts. The Legislature also finds that there is a need to examine the practices of other states in terms of allocation of responsibility, authority, and funding among various levels and agencies of government.

SUMMARY:

A Local Governance Study Commission of 21 members is created. The Commission shall:

- (a) Identify and examine the present demographic and governmental service provision of cities, counties, and special purpose

districts and also examine the present manner in which revenues are received for the provision of services by the various jurisdictions;

- (2) Examine the public policies and history that led to the current situation;
- (3) Analyze why policies that are identified in the study had an impact on growth and development in the state of Washington and why they contributed to the current situation;
- (4) Examine the policies, practices, and experiences in other states in regard to allocating responsibility, revenue authority, and responsiveness to provide governmental services;
- (5) Develop recommended policy, statutory, and constitutional changes that would serve to better define the appropriate roles and activities of cities, counties, and special purpose districts and their relationship to one another.
- (6) Appoint advisory committees to the Commission.
- (7) Submit to the Governor and the Legislature a report containing the Commission's findings, conclusions, and recommendations by November 1, 1986.

The Commission is financed by moneys diverted from the motor vehicle excise tax distributions to counties and cities.

The Local Governance Study Commission and its powers and duties shall be terminated on June 30, 1987.

Appropriation: \$249,996

VOTES ON FINAL PASSAGE:

Senate	27	20	
House	97	0	(House amended)
Senate	26	20	(Senate concurred)

EFFECTIVE: May 20, 1985

PARTIAL VETO SUMMARY:

The subsection specifying the exact composition of the Local Governance Study Commission was eliminated. The Governor wished to preserve his appointment prerogatives. (See VETO MESSAGE)

SSB 4424

PARTIAL VETO

C 435 L 85

By Committee on Agriculture (originally sponsored by Senator Hansen)

Reopening the certification period of the pollution control board for certain parties to the Yakima adjudication.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

In 1969, the Legislature enacted requirements for filing claims to withdraw or divert waters of the state. In addition to filing a claim, a person may obtain certification of the claim by the Pollution Control Board. The certification does not itself determine whether a water right exists.

Several individuals who are currently parties to the Yakima Basin adjudication of water rights failed to obtain certification before the 1979 deadline.

SUMMARY:

The certification period is opened until September 1, 1985, to allow individuals or irrigation districts to have their claims certified by the Pollution Control Board.

Any certification filed during this period shall not affect or impair any prior water right.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	95	0	(House amended)
Senate			(Senate refused to concur)

Free Conference Committee

House	97	0
Senate	46	0

EFFECTIVE: July 28, 1985

PARTIAL VETO SUMMARY:

The Governor vetoed the emergency clause. (See VETO MESSAGE)

SJM 102

By Senators Owen, Rasmussen, Stratton, Metcalf, Conner, Johnson, Patterson and Barr

Requesting restrictions on importation of Canadian forest products.

Senate Committee on Natural Resources

House Committee on Natural Resources

BACKGROUND:

Imports of Canadian lumber have been rising dramatically, and Canadian producers are taking a larger share of the traditional Northwest forest product markets. The associated decline in the Northwest's forest products industry has had a devastating effect on Washington communities and families dependent on timber-related employment. The issue centers around the Canadian government's subsidization of its forest products industry, which gives Canadian producers an advantage over Northwest producers. Canadian lumber producers control 32 percent of the U.S. market, whereas in 1975 the share was 19 percent.

Congressmen Weaver (Oregon), Craig (Idaho) and Chandler (Washington) are co-sponsoring federal legislation to establish a limit on the importation of Canadian softwood lumber. The limit would be based on the historical Canadian average market share.

Since the ability to limit imports is granted exclusively to the U.S. Congress, the State of Washington cannot itself impose import restrictions.

SUMMARY:

The memorial points out the decline in the forest products industry and its relationship to the increased importation of subsidized Canadian lumber. The memorial requests both the Governor and the Washington congressional delegation to resolve the issue of Canadian forest product imports, while at the same time to recognize the importance of maintaining good relations with Canada.

VOTES ON FINAL PASSAGE:

Senate	31	9	
House	97	0	(House amended)
Senate	44	1	(Senate concurred)

SSJM 104

By Committee on Governmental Operations (originally sponsored by Senator Fleming)

Petitioning Congress to enact legislation to provide financial assistance to Japanese-Americans who were relocated during World War II.

Senate Committee on Governmental Operations

House Committee on State Government

BACKGROUND:

A 1983 Washington law authorized payment of a total of \$5,000 to former state employees or their surviving spouses of Japanese ancestry who were interned during World War II.

A federal Commission on Wartime Relocation and Internment of Civilians has recommended that Congress provide for reparations to all who were similarly interned, but authorizing legislation is still pending.

SUMMARY:

The Legislature requests Congress to enact the proposed legislation authorizing direct payment of up to \$20,000 to persons of Japanese descent who became involuntary residents of internment facilities.

VOTES ON FINAL PASSAGE:

Senate	32	12
House	61	35

SJM 107

By Senators Talmadge, Kreidler, Williams, Hansen and Lee

Requesting congressional funding for cleanup of hazardous waste sites.

Senate Committee on Parks & Ecology

House Committee on Environmental Affairs

BACKGROUND:

In 1980, the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) was passed by the U.S. Congress and

signed into law. Known as "Superfund," it established a trust fund for federal and state governments to respond directly to problems at uncontrolled hazardous waste disposal sites.

The initial Superfund provided \$1.6 billion over a five year period. Eighty-six percent of the money came from taxes on producers and importers of petroleum and 42 basic chemicals, and the remainder from federal appropriations. In 1984, Congress attempted to reauthorize Superfund but did not. The Senate proposed a \$7.5 billion reauthorization for a five year period while the House of Representatives proposed \$10 billion for five years. The increase in amount from 1980 is attributed to a larger number of sites being identified than was initially projected.

In order to continue providing hazardous waste site cleanup funds through Superfund, Congress must reauthorize the Act this year. Washington State currently has 13 sites eligible for Superfund and 10 pending approval. The Department of Ecology and the U.S. Environmental Protection Agency are conducting preliminary investigations on more than 500 potential sites. It is unknown how many will be eligible for Superfund.

SUMMARY:

The memorial requests the President, U.S. Senate and U.S. House of Representatives to authorize a minimum of \$7.5 billion for Superfund (CERCLA) for the next five years. It notes that Washington ranks among the top ten states in the nation for numbers of Superfund-eligible uncontrolled hazardous waste sites. It also notes the threat to Puget Sound and drinking water the sites pose and the problems that may develop if funding is not provided.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	95	1

SJM 108

By Senators Williams, Benitz, Bottiger, McDermott, McManus, Halsan, Bailey, Wojahn, Kreidler, Granlund, Rasmussen, DeJarnatt, Owen, Thompson, Stratton, Warnke, McCaslin, Saling, Bauer, Goltz, Peterson, Garrett, Barr, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Gaspard, Guess, Hansen, Hayner,

Johnson, Kiskaddon, Lee, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rinehart, Sellar, Talmadge, Vognild, von Reichbauer and Zimmerman

Requesting the federal government to withdraw the proposal to modify payments of the Bonneville Power Administration.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

The U.S. Office of Management and Budget (OMB) submitted a proposal to the President as part of the budget package to be submitted to Congress on February 4, 1985. The proposal would put the Bonneville Power Administration on a fixed schedule to repay loans to build dams on the Columbia River and would accelerate repayment of irrigation system loans. If enacted, the OMB proposals would cause severe economic hardships to the Northwest and the State of Washington.

SUMMARY:

The memorial details some of the potential effects of the budget proposal. It requests that President Reagan withdraw the proposal and that Congress consider the vast harm that it would do to the Pacific Northwest and the State of Washington.

VOTES ON FINAL PASSAGE:

Senate	47	0
House	95	1

SJM 109

By Senators Goltz, Williams and Saling

Petitioning the U.S. Department of Energy to shut down operations at the Purex plant under certain circumstances.

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

BACKGROUND:

The PUREX (plutonium-uranium extraction) plant on the Hanford reservation processes irradiated fuels and separates plutonium for use in the U.S.

Department of Energy's defense and research development program. It first operated between 1956 and 1972 and was restarted in November 1983. In January 1984, the plant was shut down because of concern over its emissions, which were believed to be plutonium, but were found to be thoron. A formal investigation showed that the monitoring system had malfunctioned.

SUMMARY:

The United States Department of Energy is requested to disclose to the public all actual and apparent releases of radioactive material at the PUREX plant on the Hanford reservation. The memorial also requests that the plant become nonoperational when any release exceeds established limits or when monitoring devices malfunction. The plant is to remain nonoperational until the unusual occurrence is remedied.

VOTES ON FINAL PASSAGE:

Senate	43	4	
House	79	17	(House amended)
Senate	48	0	(Senate concurred)

SJM 110

By Senators Bauer, Benitz, DeJarnatt, Warnke, Bender and Conner; by Temporary Committee on Educational Policies request

Petitioning Congress to support a federal college savings plan.

Senate Committee on Education

House Committee on Higher Education

BACKGROUND:

Three major factors make it increasingly difficult for middle income families to afford higher education:

- (1) The costs of higher education have risen sharply to the point where average annual costs per student at an independent college or university now total more than \$12,000 and average annual costs per student at a public research university are more than \$6,200.

- (2) Financial aid programs have not kept pace with the rate of inflation. Many fear these programs will fall even farther behind if federal support declines.
- (3) Because of the demand for financial aid by more recipients and in larger amounts, financial aid programs are increasingly being targeted to lower income students; therefore less financial aid is available to middle income students and their families.

To offset these factors, several Congressional proposals have been developed to encourage middle income parents to begin savings programs when their children are young. Most of the proposals create tax-sheltered accounts, similar to the now popular Individual Retirement Accounts (IRAs), in which parents could invest to cover tuition and other allowable costs of higher education.

Members of the Temporary Committee on Educational Policies, Structure and Management have urged that the state transmit support for a college savings plan to Congress.

SUMMARY:

Members of the Washington Senate and House of Representatives petition the President, Congress and the Department of Education to establish a college savings plan for families that would provide tax incentives to parents to save for the post-secondary education of their children.

VOTES ON FINAL PASSAGE:

Senate	39	0
House	94	0

SJM 111

By Senators Bauer, Benitz and Rasmussen; by Temporary Committee on Educational Policies request

Petitioning for federal action to increase minority participation in graduate education programs.

Senate Committee on Education

House Committee on Higher Education

SJM 111

BACKGROUND:

Congress established the National Commission on Student Financial Assistance in 1981 as a bipartisan panel of members of Congress, leaders of the higher education community, and representatives of the public charged with providing reliable information and policy recommendations on the issues of federal student assistance in postsecondary education.

In December, 1983 the Commission made the following recommendations to increase minority student participation in graduate education:

- 1) Funding for all programs that support minority graduate students should be increased;
- 2) Programs that support minority student participation in law, nursing, medicine, science, and engineering should be expanded;
- 3) The National Institutes of Health grants should be maintained to support undergraduate research training for minorities leading to graduate work in the health sciences;
- 4) Similar undergraduate programs should be established for other academic areas, particularly those in which minorities are most seriously underrepresented;
- 5) Support for the improvement of science education programs in predominantly minority undergraduate institutions should be expanded; and
- 6) Colleges and universities should provide more research assistantships to minority students.

SUMMARY:

The President, the Congress, and the Department of Education are asked to take action to increase minority participation in graduate education programs.

It is requested that the recommendations made by the National Commission on Student Financial Assistance in its report on graduate education in America be adopted, particularly as those recommendations apply to minority students.

VOTES ON FINAL PASSAGE:

Senate	42	1
House	91	5

SJM 119

By Senators Zimmerman, DeJarnatt, Patterson, Hansen, Deccio, Hayner, Benitz, Newhouse, Thompson, Bauer and Sellar

Asking Congress to appropriate funds for locking facility at Bonneville Dam.

Senate Committee on Governmental Operations

House Committee on Transportation

BACKGROUND:

Locking facilities at dams along the Columbia and Snake Rivers enable vessels to pass around the dams and navigate the rivers as far as Lewiston, Idaho. The usual width of the locks is 86 feet. The locks at Bonneville Dam are 76 feet wide. The size of the Bonneville locks restricts the number of barges in tow that may proceed through the locks. After a feasibility study, the U.S. Army Corps of Engineers submitted a proposal to Congress in 1984 for the construction of a new locking facility at the Bonneville Dam. The project was not funded in the 1984 budget enacted by Congress.

SUMMARY:

Congress is requested to recognize the need for a new locking facility at the Bonneville Dam, and to appropriate \$191 million to the Corps of Engineers to complete its designed project.

VOTES ON FINAL PASSAGE:

Senate	48	0
House	92	4

SSJM 121

By Committee on Agriculture (originally sponsored by Senators Bauer, Hansen, Benitz, Moore, Gaspard, Barr, DeJarnatt, Goltz, Rasmussen, Bender, Wojahn and Bailey)

Urging Congress to amend federal law to assist farm banks.

Senate Committee on Agriculture

House Committee on Agriculture

BACKGROUND:

There is increasing concern over the availability of credit to farmers. Due to a number of factors, including low prices for some agricultural commodities, a number of farmers are having increased difficulty meeting loan repayment schedules.

The Production Credit Association Office in southwest Washington has closed, and its operations have been transferred to the Yakima office. Farmers in southwest Washington may no longer have credit available to them.

SUMMARY:

The federal government is urged to recognize the severity of economic stress in agriculture by modifying appropriate provisions of the Farmer's Home Administration loan guarantee program. In so doing, commercial and cooperative banks should be able to continue providing loans to a larger portion of high risk and problem loan accounts during the coming production cycle.

VOTES ON FINAL PASSAGE:

Senate	42	5
House	96	1

SJM 127

By Senators Bottiger, Bluechel and Moore

Petitioning Congress to undertake a study on vessel air emissions.

Senate Committee on Transportation

House Committee on Transportation

BACKGROUND:

All states are attempting to reduce air pollution by lowering or restricting permissible vehicle emissions of sulfur dioxide. Likewise, coastal states with maritime shipping are attempting to reduce such emissions from ships by regulating the types of fuel ships may burn while on waters within their respective jurisdictions. However, standards that require expensive retrofitting of vessel engines,

fuel supply systems, or emission control mechanisms are difficult to enforce for ships of foreign registry, or those involved in international trade or commerce. Enforcing stringent controls solely on vessels of the United States, or those subject to the Jones Act, places their operators in an unfair competitive position. Because the federal government extends its jurisdiction further offshore than the states, and because the problem of sulfur dioxide emissions from vessels is international in scope, a federal study can most effectively evaluate emission standards and develop national (and perhaps international) standards for all maritime shippers.

SUMMARY:

The United States Congress is requested to: (1) undertake or direct the U.S. Coast Guard to undertake a study on vessel air emission standards, recognizing the need for uniformity and the impact of such standards on foreign trade; (2) include the states, local governments, and the maritime community in the conduct of the study; and (3) encourage members of the congressional delegations from Hawaii, Alaska, Washington, Oregon and California to work together during the development of national emission standards just as state legislators from those states have been doing, through the National Conference of State Legislatures, to assist federal and state efforts toward enhancing international and Pacific Rim Trade.

VOTES ON FINAL PASSAGE:

Senate	45	0
House	91	5

SJM 128

By Senators Bottiger and Moore

Requesting the United States custom service to retain one headquarters for all west coast ports.

Senate Committee on Transportation

House Committee on Rules

BACKGROUND:

The United States Customs Service has its West Coast headquarters in Los Angeles, California. The jurisdiction of this regional office includes the ports of Alaska, Oregon, Washington and California.

Recently, the U.S. Customs Service proposed splitting Alaska, Oregon, and Washington into a separate region from California, and headquartering this new region in Chicago, Illinois. Such a split would leave California in a region by itself with the headquarters remaining in Los Angeles.

Delays in customs inspections and the U.S. Customs Service's inability to handle increasing trade and tourism are attributable to the present staffing level of the Service. These problems have impeded the expansion of Pacific Basin trade.

SUMMARY:

The Legislature asks the President of the United States, the U.S. Customs Service, the President of the U.S. Senate, the Speaker of the House of Representatives, and each member of Congress from Washington to continue the U.S. Customs Service uniform jurisdiction over all West Coast ports, and to increase the number of customs inspectors on the West Coast to ensure the expeditious movement of trade.

VOTES ON FINAL PASSAGE:

Senate	47	1
House	95	0

VETO MESSAGES



Governor Clarence Martin greets the 1935 Wenatchee Apple Blossom Queen.

© 1935 Vibert Jeffers, courtesy Susan Parish Collection.

SHB 52	363	SHB 396	377	SHB 843	391	SSB 3261	407	SSB 3684	424
SHB 61	364	2SHB 428	378	HB 853	392	SB 3282	409	SSB 3799	425
HB 99	366	SHB 435	379	SHB 863	393	SSB 3333	410	SB 3800	426
HB 116	367	SHB 493	380	HB 999	395	SSB 3354	412	2SSB 3828	427
SHB 150	368	SHB 550	381	SHB 1191	396	SSB 3367	413	SSB 3856	428
SHB 187	369	SHB 625	382	SHB 1234	397	SSB 3376	414	SSB 3920	430
SHB 242	370	2SHB 627	385	SSB 3007	398	SSB 3384	415	SSB 3981	432
SHB 262	371	HB 723	386	SSB 3067	399	SB 3400	416	SSB 4228	433
SHB 270	372	2SHB 738	387	SSB 3069	401	SB 3569	417	SSB 4267	435
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HB 327	374	SHB 760	389	SSB 3184	404	2SSB 3656	419	SSB 4424	438
SHB 386	376	SHB 781	390	SSB 3249	406	SSB 3678	423		

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STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 25, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval a portion of Section 4, Substitute House Bill No. 52, entitled:

"AN ACT Relating to revising provisions relating to
the human rights commission."

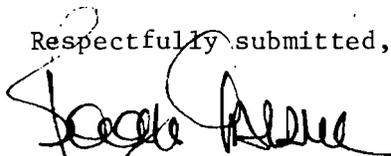
This bill makes various technical and procedural changes to the operation of the Human Rights Commission.

However, a portion of Section 4 requires the governor in making appointments to guarantee that the membership of the commission is representative of the various geographical areas of the state. This language is not typical of clauses for other Boards and Commissions and is vague. Language which expressly states the number of representatives from each side of mountains is typical and preferable where the legislature desires to mandate a geographic mix.

I am committed to work for geographical representation on Boards and Commissions and overall feel I have done so.

With the exception of a portion of Section 4, Substitute House Bill No. 52 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without approval, Substitute House Bill No. 61,
entitled:

"AN ACT Relating to health insurance."

This bill would impose costs on local governments to provide insurance programs to some of their former employees. This issue should be decided at the local level since the cost is substantial and the state is providing no added revenue sources or funding. Some local governments have also expressed concern that this legislation violates the intent, if not the letter, of Initiative 62, which restricted the state's ability to impose new programs on local governments without providing funding sources.

The idea contained in this bill is worthwhile. People who have taken early retirement from local governments find it expensive to obtain coverage under reasonably priced individual policies. Those eligible for medicare coverage fare slightly better when purchasing supplemental health insurance but still face costly options.

Several local governments have established programs similar to the one contained in this bill, but the retirement group is separately rated from the active employees group. Joining the two groups increases the cost to local government. The extent of the increased cost is not easy to estimate.

May 21, 1985
To the Honorable, the House of
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However, there is little doubt that the cost of this bill for local governments would be substantial. It would vary from government unit to unit depending on the size of the active employee group, the benefits in the health policy, the number of retirees, and the insurance carrier(s).

I would encourage local governments to provide this program for their retired employees. The state and local governments who have opted to join the State Employees Insurance Board (SEIB) have this program already. Others can also provide the coverage by joining SEIB or setting up the program with their separate insurance carriers.

Due to the substantial cost impact on local governments, I have vetoed Substitute House Bill No. 61.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 25, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to one section,
Engrossed House Bill No. 99, entitled:

"AN ACT Relating to the taxation of fish farms."

Section 5 of this bill attempts to assure that the previous sections
could not be construed to imply that fish farmers were taxable as
extractors for B&O taxes and liable for sales and use taxes on their
feed purchases prior to the effective date of this bill.

This section would weaken the state's position if fish farmers
attempted to avoid payment of back taxes by legal action.

With the exception of Section 5, Engrossed House Bill No. 99 is
approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one portion of a section, Engrossed House Bill No. 116, entitled:

"AN ACT Relating to public employees."

Section 3, in part, requires that the same standardized performance evaluation procedure applies to both classified and exempt positions. I feel that agency directors should have flexibility in establishing performance evaluation forms and procedures for their exempt employees. If a position meets the criteria for exemption, the supervisor of that sensitive position should have the flexibility to evaluate the employee's performance with the most appropriate process and form. I am also in favor of maintaining a clear distinction between classified and exempt positions. Section 3, in part, is therefore vetoed.

With the exception of the part of Section 3 which I have vetoed, Engrossed House Bill No. 116 is approved.

Respectfully submitted,

Booth Gardner
Governor



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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to one section
Substitute House Bill No. 150, entitled:

"AN ACT Relating to special districts;"

I am vetoing Section 44 in order to eliminate a conflict
with Section 87. Section 44 would amend RCW 85.08.290; Section
87 would repeal the same. The procedures set forth in Section
44 are not needed, it refers back to Sections 1 through 19
which do contain the formation procedures.

With the exception of Section 44, which I have vetoed, the
remainder of Substitute House Bill No. 150 is approved.

Respectfully submitted,

Booth Gardner
Governor



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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to a portion of
Section 4, Substitute House Bill No. 187, entitled:

"AN ACT Relating to state-authorized improvements to
state highways by counties and service districts;"

Language in Section 4 prohibits the Department of Transportation
(DOT) from eliminating, delaying, or reducing the scale of a
project that would otherwise be a part of the six-year highway
plan in order to coerce a county or service district to partici-
pate in funding. Although I support the legislatures intent
with this language in Section 4, I am concerned that it could
place DOT in the difficult position of proving a lack of malice
whenever the department eliminated, delayed or reduced the
scale of a project for good cause. This would disrupt the
systematic planning process and might invite litigation over
routine decisions of the agency. For these reasons I have vetoed
a portion of Section 4.

With the exception of a portion of Section 4, Substitute House Bill
No. 187 is approved.

Respectfully submitted,

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 7 and 9,
Substitute House Bill No. 242, entitled:

"AN ACT Relating to rights of crime victims, survivors of
crime victims, and witnesses of crime."

This bill, among other things, contains changes in the Crime Victims
Compensation Act. Sections 7 and 9 relate to the restitution provisions of
the current law and require that they apply to offenses committed before
the effective date of this legislation. The Legislature intended to refer
only to those crimes committed after the sentencing guidelines took effect;
the language in Sections 7 and 9 could affect offenders sentenced many
years ago. I believe this is inappropriate and am, therefore, vetoing
Sections 7 and 9.

With the exception of Sections 7 and 9, which I have vetoed, Substitute
House Bill No. 242 is approved.

Respectfully submitted,

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

May 16, 1985

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to one section
Substitute House Bill No. 262, entitled:

"AN ACT Relating to obsolete provisions in Title 28A RCW;"

Substitute House Bill No. 262 was introduced at the request of
the Superintendent of Public Instruction to modify or repeal
certain obsolete provisions of Title 28A RCW, the education
code.

Due to a drafting oversight, the Section 6 modification is an
updating of existing State Board of Education member election
law rather than a change to reflect current practice. Current
law provides that elections be held annually. In practice,
these elections are held biennially. The State Board intended
that this section be modified to authorize the practice of
biennial elections. The State Board has requested a veto of
this section, with the understanding that they will request
mandatory legislation in 1986 to bring Board member election
practice in line with statutory requirements.

With the exception of Section 6, which I have vetoed, the
remainder of Substitute House Bill No. 262 is approved.

Respectfully submitted,

Booth Gardner
Governor



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98504-0413

BOOTH GARDNER
GOVERNOR

May 16, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to one portion
Substitute House Bill No. 270, entitled:

"AN ACT Relating to acupuncture;"

Section 5(2)(a) of this bill would require applicants for licensure as an acupuncturist to complete two years of college training in the general sciences and humanities before undertaking acupuncture training. While general education is certainly desirable, we must be careful not to impose any requirements on applicants that are not specifically related to their ability to practice competently. This two-year education requirement does not relate to competence, and neither does the requirement that it be completed before occupational training commences.

With the exception of Section 5(2)(a), Substitute House Bill No. 270 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR



May 20, 1985

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

To the Honorable, the House of
Representatives of the
State of Washington

OLYMPIA
98504-0413

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 105 and Section 202(2), Substitute House Bill No. 314, entitled:

"AN ACT Relating to state agencies;"

This legislation is the second supplemental appropriations bill. It reduces appropriations over twelve million dollars and authorizes transfers to the General Fund in excess of seven million dollars.

Section 105 reduces the Department of Personnel's general fund appropriation by \$45,000. These monies were part of the appropriation made in 1984 to allow the Department to conduct a comparable worth study and are necessary to complete the study. Thus, the reduction in Section 105 is inappropriate.

It should be noted that the Department has placed into reserve status \$45,000 from two other General Fund-State appropriations made under Chapter 15, Laws of 1983, 1st Extraordinary Session and Chapter 162, Laws of 1984. These monies will revert to the General Fund-State at the end of this biennium and will help to reduce any possible shortfall.

Section 202(2) requires that the Department of Social and Health Services adopt rules no later than June 1, 1985, relating to criteria for eligibility for the general assistance-medical program. This section would necessitate the adoption of such rules on an emergency basis without public hearing.

While the Department is prepared to propose rules by June 1, 1985, it is my opinion that there is no emergency requiring immediate adoption. Rather, the Department should be permitted to hold appropriate public hearings and train staff on the implementation of such new rules before their effective date.

With the exceptions of Section 105 and Section 202(2), which I have vetoed, Substitute House Bill No. 314 is approved.)

Respectfully submitted,

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 16, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to one section
Engrossed House Bill No. 327, entitled:

"AN ACT Relating to motor vehicles."

Section 1 of this bill would prohibit the use of optical strobe
light devices on motor vehicles other than emergency or law
enforcement vehicles.

Section 2 would provide that the owners of pre-1968 motor vehicles
would retain their pre-1968 license plates if they consider their
vehicles to be collector's items.

Current state law provides that a motor vehicle over thirty years
old is a collector's item. The vehicle must be restored and in
good working condition. The owner of a collector's item can keep
the original plates if the plates are of the same year as the year
the subject vehicle was manufactured.

Current law also mandates that all pre-1968 motor vehicle license
plates must be replaced starting in January 1985 unless the vehicle
can be classified as a collector's item. The purpose for this law
is to aid law enforcement officials and to promote highway safety.

Section 2 would negate the current mandate for the replacement of
all pre-1968 vehicle plates. The only basis for the determination
that a vehicle owner would be exempt from current provisions is the
owner's opinion that the vehicle is a collector's item. The
Department of Licensing would not have the authority to evaluate the
owner's claim or to establish rules for the determination of
collector's items that are less than thirty years old.

To the Honorable, the House
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May 16, 1985
Page Two

The Department of Licensing estimates that there are over 500,000 motor vehicles in the pre-1968 category. Very few of these vehicles would be classified as collector's items under the current law. Indeed, the potential for abuse of the proposed law could be significant. With less persons complying with the intent of the current law, both the law enforcement and safety aspects of the law would be reduced.

Pre-1968 vehicle owners have been purchasing replacement plates since January 1985. The old plates have been destroyed, and the Department of Licensing has no authority to refund replacement plate fees. Thus, if enacted, Section 2 would create equal protection for the motoring public.

For these reasons I have vetoed Section 2.

With the exception of Section 2, Engrossed House Bill No. 327 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

April 2, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 502(5)(g),
Engrossed Substitute House Bill No. 386 entitled:

"AN ACT Relating to state agencies."

The section I have vetoed was designed to correct a specific problem
in one school district. Since legislative action on ESHB.386, it has
come to my attention that the language may do more than intended.

The vetoed language involves complex contracting situations. Retaining
the language could cause confusion among local bargaining units and
administrators.

I believe the problem raised by this issue deserves a solution. I will
work with the Legislature during the interim to find an appropriate one.

Respectfully submitted,



Booth Gardner
Governor



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98504-0413

BOOTH GARDNER
GOVERNOR

May 16, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to subsection 5
of Section 3, Substitute House Bill No. 396, entitled:

"AN ACT Relating to making state eligibility requirements
for grant assistance programs consistent with federal
law;"

Subsection 5 of Section 3 would establish a state procedure for
computer matching of Internal Revenue forms of all people apply-
ing for assistance in order to verify their income and resources.
This procedure would be implemented by December 31, 1985.
However, the federal government must be a partner in this endeavor,
and the federal regulations upon which the procedures will be
based have not been finalized. Therefore, since this program must
be in place by federal requirement on October 1, 1986, the state
should not implement a program at an earlier date that may need
substantial revision to bring it into conformance with federal law.

With the exception of subsection 5 of Section 3, Substitute House
Bill No. 396 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

April 25, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one provision,
Second Substitute House Bill No. 428, entitled:

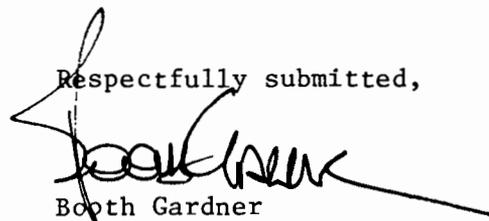
"AN ACT Relating to real estate licenses."

This bill requires that sales persons and brokers complete a prescribed number of hours of instruction in order to obtain, renew or reinstate their real estate licenses. In addition, in Section 3 of the bill, the Department of Licensing would be required to mail a warning notice of impending cancellation of a license if the department does not receive the renewal fee from a license holder within eleven months after the license expiration date.

I have vetoed Section 3 of the bill because it is more correctly the license holder's responsibility, and not the department's, to complete a timely renewal of the license. There are already sufficient reminders: renewal notices are mailed to the last known address of the licensee sixty days before the due date; real estate brokers are charged by law to employ only currently licensed persons; real estate auditors check the current status of licensees during audits; each licensee's renewal date is fixed on his or her birthday; and, reminders are published quarterly in the Real Estate News.

With the exception of Section 3, Second Substitute House Bill No. 428 is approved.

Respectfully submitted,



Booth Gardner
Governor



BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

May 21, 1985

OLYMPIA
98504-0413

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to two sections,
Engrossed Substitute House Bill No. 435, entitled:

"AN ACT Relating to county, municipal and political
subdivision employees."

The last portion of Section 2 after the word "taxes" is vetoed. This
language makes no sense and appears to be a drafting error which only
confuses the meaning of this section.

Section 7(1) provides that employees would continue to receive all other
benefits given active employees. This language could include such things
as uniform allowances, shift differential, shooting pay, sick and vacation
leave accruals, and other compensation normally given only to working
employees. The section attempted to parallel the LEOFF I program, hence
my veto.

The balance of the bill is approved. It provides a needed benefit to a
group of employees generally acknowledged by the public as subject to
unusual duty related injuries. The cost appears not to be substantial.

I do not support the piecemeal or total readoption of the LEOFF I system
for LEOFF II employees. This bill standardizes a practice similar to one
voluntarily adopted by a number of counties and cities.

With the exceptions of Section 2 in part and Section 7(1), the remainder of
Engrossed Substitute House Bill No. 435 is approved.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR



May 21, 1985

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

To the Honorable, the House
of Representatives of the
State of Washington

OLYMPIA
98504-0413

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill
No. 493, entitled:

"AN ACT Relating to Seismic Safety;"

Substitute House Bill No. 493 would create a seismic safety commission which would review preparedness for an earthquake, recommend priorities, and disseminate information. The Department of Emergency Management currently has a program and the legal authority to carry out these functions. Furthermore, the proposed commission would include only two members who are not state officials.

Creation of new boards and commissions should be done only after careful consideration of their need. In the case of this department, the creation of a new commission without funding may lessen the needed staff time to work on this and other serious department measures. In general, commissions can be useful where functions cannot be exercised by a single existing state agency or where there is a strong public purpose served in establishing citizen oversight of governmental functions. Even in these circumstances, alternatives such as interagency coordination and temporary advisory groups should be considered before creating a new government entity.

I have instructed the Director of the Department of Emergency Management to ensure that the purposes of Substitute House Bill No. 493 are carried out by the department. As needed, the Director will ask for technical advice from experts outside the department.

For these reasons, I have vetoed Substitute House Bill No. 493.

Respectfully submitted,



Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to two sections,
Engrossed Substitute House Bill No. 550 entitled:

"AN ACT Relating to the theft of cable television services."

Section 1(3) and Section 4(4) are not approved because they include
presumptions of intent. Such statutory presumptions run counter to
general law and should be reserved for use only in situations where
significant public harm is involved.

With the exception of Section 1(3) and Section 4(4), Engrossed Substitute
House Bill No. 550 is approved.

Respectfully submitted,

Booth Gardner
Governor



BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

May 21, 1985

OLYMPIA
98504-0413

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to several sections,
Substitute House Bill No. 625, entitled:

"AN ACT Relating to the Department of Commerce and
Economic Development."

The Department of Commerce and Economic Development is scheduled to be
terminated on June 30, 1985, pursuant to RCW 43.131.257 of the
Washington Sunset Act of 1977, as amended.

Substitute House Bill 625 would reauthorize the Department to continue
after June 30, 1985. The Department's name would be changed to the
Department of Trade and Economic Development.

The bill would also create two new advisory groups and a new international
trade and investment information system.

I am delighted that the Department is being reauthorized. The
encouragement of state economic growth and job creation are major public
policy goals of both the executive and legislative branches of state
government. Competition with other states to attract new, job creating
investments is at a high level. The efficient and wise use of our
resources to accomplish our economic goals requires that we maintain a
focal point in state government for economic development-related activities.
This Act would not only allow the Department to continue, but it would
also provide its management with the necessary flexibility to respond to
changing circumstances in the state's economic development environment.

Although I agree with the primary purpose of this Act, several sections
require veto.

May 21, 1985
To the Honorable, the House
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I believe that strong private sector involvement in state government economic development activities is good public policy. The authority and the responsibility for appointing advisory groups is provided to the Director of the Department of Trade and Economic Development in Section 16 of this Act. I concur with this provision because I believe that the Director is in the best position to determine when advisory groups used to be formed, as well as to provide adequate budget and other resources required to support their work.

Accordingly, I have vetoed Sections 79 through 81, which would create the Forest Products Market Development Task Force. This proposed new statutory body does not have an appropriation, and its functions could be implemented by the Department without a new statutory body.

I do concur with the need for the state to develop coordinated strategies to enhance its competitive export trade position in the forest products industry, which is the primary purpose of Sections 79-81 of Substitute House Bill No. 625. However, I believe this purpose could be addressed by the Department of Trade and Economic Development in concert with others through the interagency "coordination" and "trade development" provisions, Sections 4 and 6 respectively of Substitute House Bill 625, without the creation of a new statutory board as specified in Sections 79-81. Alternatively, the Department of Natural Resources, within its existing responsibilities and authorities, could appropriately initiate such an advisory committee. Further, the University of Washington's Center for International Trade in Forest Products, which the legislature has now made a permanent part of the College of Forest Resources, is charged with the responsibility for drawing upon public and private sector resources to expand the State's export of forest products.

Similarly, Sections 84-94 would create an advisory group to be known as the Tourism Partnership Commission, which does not have an appropriation. The intent of Sections 84-94 can be accomplished under Section 16 of Substitute House Bill 625 which authorizes the Director of the Department of Trade and Economic Development to appoint advisory groups as needed, and, therefore, a new statutory body without an appropriation is not warranted at this time.

In addition to the vetoes of Section 79-81 and 84-94, I have also vetoed several sections of this Act for technical reasons.

May 21, 1985

To the Honorable, the House
of Representatives of the
State of Washington

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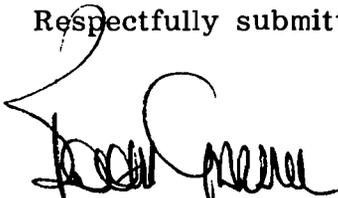
I have vetoed Sections 7 and 8 because they duplicate international trade policy statements and objectives contained in other sections of the Act.

I have vetoed Section 59 because it is a triple amendment to RCW 43.160.030 pertaining to membership on the Community Economic Revitalization Board (CERB). Sections 2 and 3 of Substitute House Bill No. 863 and Sections 1 and 2 of Substitute House Bill No. 461, both which also passed the legislature this session, also amend RCW 43.160.030. Sections 2 and 3 of Substitute House Bill 863 have also been vetoed by separate action.

I have also vetoed Sections 82 and 83 which would establish an international trade and investment information system within the Department of Trade and Economic Development. Similar but broader responsibilities are provided to the Department by Sections 5, 6 and 12 of Substitute House Bill No. 625.

With the exception of Sections 7, 8, 59 and 79-94, Substitute House Bill No. 625 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written over a large, stylized number "2".

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1 through 8,
Engrossed Second Substitute House Bill No. 627, entitled:

"AN ACT Relating to economic development."

Sections 1 through 8 of this bill would establish a Mental Sports
Competition and Research Commission. While the intent of these sections is
laudable and I heartily endorse competition in chess, bridge and other
intellectual games, I feel that it is more appropriate for communities and
school districts to support and promote these activities at the local level,
or through state associations.

With the exception of Sections 1 through 8, which I have vetoed,
Engrossed Second Substitute House Bill No. 627 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR



May 21, 1985

To the Honorable, the House
of Representatives of the
State of Washington

STATE OF WASHINGTON
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OLYMPIA
98504-0413

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 723, entitled:

"AN ACT Relating to radioactive waste;"

House Bill No. 723 extends the Business and Occupational tax rates currently applied to the disposal of low level radioactive wastes at Hanford to all activities related to the storage or disposal of high level radioactive wastes in the state. It is intended that this tax be levied on U.S. Department of Energy site characterization activities related to the possible siting of a high level waste repository at Hanford, as well as to the disposal of high level wastes.

The paramount issue in siting a repository at Hanford is safety. I have stated on many occasions that the site must be proven both safe and the safest available. I am concerned that signing this measure would send a new message: that the state will accept the repository if the price is right.

Some proponents of the bill see it as a significant near-term source of revenue for the state. I believe the state could not rely on such revenues. Attempting to collect such a tax on federal activities would certainly result in prolonged litigation with uncertain prospects for eventual success.

The Nuclear Waste Policy Act of 1982 commits the Federal government to making payment in lieu of taxes at rates the state would ordinarily collect. I am committed to ensuring that such payments will be made at the appropriate rate.

For these reasons, I have vetoed House Bill No. 723.

Respectfully submitted,

Booth Gardner
Governor



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98504-0413

BOOTH GARDNER
GOVERNOR

May 10, 1985

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section
13, Second Substitute House Bill No. 738, entitled:

"AN ACT Relating to community economic
development."

I strongly support the "community revitalization team" approach
contained in this bill for a coordinated effort by state agencies
to assist the leaders of distressed communities in planning and
implementing programs to achieve economic stabilization and
recovery.

Section 13 of the bill stipulates that this legislation "shall
be null and void" if funding is not specifically provided for it
in the omnibus appropriations act for the fiscal year beginning
July 1, 1985. While the omnibus appropriations act for the
1985-87 biennium has not yet been enacted, funding for Second
Substitute House Bill No. 738 was specifically provided for in
the Senate and House budget proposals. Accordingly, I have
vetoed Section 13.

The remaining sections of Second Substitute House Bill No. 738
are approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 21, 1985

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, Engrossed House Bill No. 758 entitled:

"AN ACT Related to public utilities."

This bill would provide that a utility customer is presumed liable for the costs and damages incurred by a utility if there is evidence of meter tampering or circumvention to avoid payment for utility services. Utilities would be able to recover triple damage in any civil action sought under this provision.

Section 1(3) creates a rebuttable presumption of a violation. Such statutory presumptions run counter to general law and should be reserved for use only where significant public harm is involved.

With the exception of Section 1(3), Engrossed House Bill No. 758 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 10, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

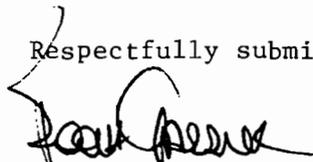
I am returning herewith without my approval as to one
section Engrossed Substitute House Bill No. 760, entitled:

"AN ACT Relating to youth employment."

Section 8 of the bill repeats the text of the existing statute
on the expiration date of the Washington Conservation Corps
with no changes. Since Section 8 contains no amendatory lan-
guage it is an unnecessary part of the bill.

With the exception of Section 8 which I have vetoed, the
remainder of Engrossed Substitute House Bill No. 760 is
approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 16, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 7,
Substitute House Bill No. 781, entitled:

"AN ACT Relating to higher education."

The bill establishes the Washington Distinguished Professorship Trust Fund. This fund would provide state challenge grants of \$250,000 each to match an equal amount in private donations raised by the four-year institutions to create endowments for distinguished scholars.

Section 7 would make the entire act null and void if the Legislature does not provide specific funding for the distinguished professorship program by July 1, 1987. The bill requires the Legislature to appropriate a sum to the trust fund for the purpose of making the state challenge grants. Obviously, such grants cannot be made or promised until such funds are appropriated by the Legislature. Moreover, since state funds from the trust fund cannot be disbursed until the requisite private donations are deposited, Section 7 is unnecessary. Further, I believe the program is of sufficient merit to survive until state funds are made available, For these reasons, I have vetoed Section 7.

With the exception of Section 7, which is vetoed, Substitute House Bill No. 781 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to one section
Substitute House Bill No. 843, entitled:

"AN ACT Relating to livestock;"

Section 25 of this bill amends a notice that was also amended
in Section 8 of Senate Bill No. 3800. The latter is preferable
because it is part of a statewide standardization of notice
provisions.

With the exception of Section 25, which is vetoed, the remainder
of Substitute House Bill No. 843 is approved.

Respectfully submitted,

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

May 10, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one
section, House Bill No. 853, entitled:

"AN ACT Relating to the issuance of title certificates
of ownership and the protection of security interests
in vessels and watercraft."

Section 12 of the bill directs that Sections 1, 2, and 5
through 11 must be added to Chapter 82.02 RCW, general pro-
visions relating to excise taxes. This directive is not
correct. Those sections should be added to Chapter 88.02 RCW,
the chapter relating to watercraft registration.

With the exception of Section 12, House Bill No. 853 is
approved.

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Respectfully submitted,


Booth Gardner
Governor



STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the House of
Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to four sections,
Engrossed Substitute House Bill No. 863, entitled:

"AN ACT Relating to transportation improvements necessitated by
planned economic development."

I fully support the purpose of Engrossed Substitute House Bill No. 863. It allocates funds through existing Department of Transportation bond authority to allow CERB (Community Economic Revitalization Board) to fund improvements to the state highway system in connection with economic development projects. The bill also establishes a procedure for coordinated review and approval of these highway system improvements between CERB and the State Transportation Commission. Also, in the closing hours of the legislative session, an amendment was added to Engrossed Substitute House Bill No. 863 which increased the membership of CERB.

Engrossed Substitute House Bill No. 461, an act relating to economic development, is a bill that was the subject of much deliberation and which also passed the legislature this session. Among its provisions, Engrossed Substitute House Bill No. 461 also amends the CERB statute, Chapter 43.160, RCW, by clarifying evaluation standards for CERB projects, and enlarging the CERB Board.

I agree with the purpose of both bills. However, they contain provisions that would result in four double amendments to the CERB statute.

May 21, 1985
To the Honorable, the House of
Representatives of the
State of Washington
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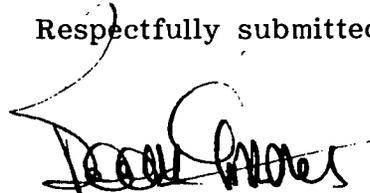
Sections 2 and 3 of Engrossed Substitute House Bill No. 863 add additional members to CERB. Sections 1 and 2 of Engrossed Substitute House Bill No. 461 also add members to CERB. I have vetoed Sections 2 and 3 of Engrossed Substitute House Bill No. 863 because I believe the membership provisions of Engrossed Substitute House Bill 461 is a more definitive statement of legislative intent because the bill resulted from more extensive discussion and negotiation during the session.

Section 4 of Engrossed Substitute House Bill No. 863 adds a new section to Chapter 43.160 RCW. Section 4 of Engrossed Substitute House Bill No. 461 duplicates the same language. Therefore, I have vetoed Section 4 of Engrossed Substitute House Bill No. 863 in order to avoid the confusion of duplicate sections being added to Chapter 43.160 RCW.

Section 12 of Engrossed Substitute House Bill No. 863 adds an emergency clause to the act and makes Section 3 effective July 1, 1985. The emergency clause is not necessary and the referral to Section 3 would make it a double amendment. Therefore, I have vetoed Section 12 of Engrossed Substitute House Bill No. 863 in order to avoid confusion.

With the exception of Sections 2, 3, 4 and 12, Engrossed Substitute House Bill No. 863 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR



May 21, 1985

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

To the Honorable, the House of
Representatives of the
State of Washington

OLYMPIA
98504-0413

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, House Bill No. 999 entitled:

"AN ACT Relating to educational clinics...;"

House Bill No. 999 establishes a new system for the allocation of state funds in support of educational clinics, and directs a study by the Superintendent of Public Instruction concerning the funding and program criteria for educational clinics and public school drop-out prevention programs.

Section 5 was added as a Senate floor amendment. The intent of the section was to preclude the potential disruptiveness that might result from drop-out students returning to their former high schools. The amendment, though, would allow such students to return for attendance in vocational educational programs. The intent of this amendment has merit, although it unfortunately raises two significant legal questions: equal protection for all students; and denying the constitutional right to a basic education. The Supreme Court ruled that there is an absolute right of the state to provide a basic education, unless prevented by the student. The Section 5 provision might be held unconstitutional because it limits the state's responsibility to provide an equal opportunity for basic education for all students.

The equal protection issue arises because only drop-outs who have attended educational clinics and obtained a GED would be prohibited from returning to the common school system. There is no statutory prohibition against a drop-out returning to the common school system.

With the exception of Section 5, which I have vetoed, the remainder of House Bill No. 999 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 23, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one provision,
Substitute House Bill No. 1191, entitled:

"AN ACT Relating to incorporation of cities and
towns; and adding new sections to Chapter 35.21 RCW."

The creation of a mandatory credit in section 2 could obligate
county government to continue to provide services beyond the
sixty day phase in period provided in section 1 without any
compensation. The county could be required for a longer term
to provide services even though the revenue (tax base) to pay
for those services would be transferred to the city.

Counties and cities have in the past been able to work out co-
operative interlocal agreements under RCW 39.34 to insure the
continuation of essential public services. Section 1 which
remains, insures a free start up period for newly created cities.
Additional terms for services should be subject to mutual agree-
ment without mandatory credits.

With the exception of section 2, Substitute House Bill No. 1191
is approved.

Respectfully submitted,

Booth Gardner
Governor



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98504-0413

BOOTH GARDNER
GOVERNOR

April 25, 1985

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to one section,
Engrossed Substitute House Bill No. 1234, entitled:

"AN ACT Relating to agricultural marketing."

This bill designates the Department of Agriculture as the agency
of state government for the administration and implementation of
state domestic and foreign agricultural market development
activities.

Section 4 of the bill would create an agricultural market develop-
ment advisory committee. Members of the committee would be
appointed by the Governor and advise the director of the Department
of Agriculture on the development and administration of agricultural
marketing programs to be conducted by the department.

I believe that the idea of having strong private sector involvement
in state government agricultural marketing activities is good public
policy. Business background and experience would strengthen program
implementation and help to ensure successful operations. However, I
also believe that it would be more efficient for the director of the
Department of Agriculture to organize such advisory committees and
appoint the members directly. The Director already has the authority
to appoint advisory committees, when necessary, and can proceed as
intended by this legislation.

With the exception of Section 4, Engrossed Substitute House Bill No.
1234 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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May 20, 1985

BOOTH GARDNER
GOVERNOR

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 5,
Substitute Senate Bill No. 3007, entitled:

"AN ACT Relating to motor vehicles;"

Section 5 provides that the value of a motor vehicle for the
purpose of paying a use tax will be determined by a bill of
sale signed by both parties. Such a proviso would require
the acceptance of an unverified document as proof of sales
price.

It is my belief that this is an improper way to administer
the laws relating to tax collection on vehicles. The Departments
of Revenue and Licensing have indicated that they will adminis-
tratively provide instructions to Licensing's agents to insure
the best collection method for use tax on motor vehicles.

With the exception of Section 5, which I have vetoed, Substitute
Seante Bill No. 3007 is approved.

Respectfully submitted,

Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to several portions, Substitute Senate Bill No. 3067, entitled:

"AN ACT Relating to aquatic farming."

Section 6 would create an aquaculture advisory council appointed by the Governor. I wholeheartedly support the purpose of the council, which will bring together private interests with the state agencies responsible for aquaculture promotion and regulation. This cooperation is essential to a successful program. However, the council should more appropriately be appointed by and report to the Director of the Department of Agriculture, who has the prime responsibility for promotion under the Act. The Director has authority under existing statute to appoint such an advisory body. The Director should consult the Departments of Fisheries and Natural Resources in making appointments.

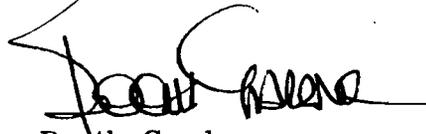
Section 8(7) would provide treble damages in civil actions by aquatic farmers in cases where Department of Fisheries' orders for the destruction of aquatic products are held to be unreasonable. Treble damages against the state are without precedent and are, I believe, excessive and unnecessary. However, removing this provision in no way suggests that the Department should not be accountable for its actions. When the Department has committed an unreasonable act, the courts should continue, as under current law, to award actual and consequential damages.

To the Honorable, the Senate
of the State of Washington
May 21, 1985
Page 2

Section 26(2) would require the Department of Fisheries to survey the boundaries of the state's Puget Sound oyster reserves, assess their ability to support aquaculture, and report to the legislature regarding their optimum use. The Department of Fisheries reports that the surveys required by this subsection would cost more than \$500,000, for which no funding has been provided. In recognition of the need to enhance Puget Sound oyster reserves, I have signed into law Substitute Senate Bill No. 4041. This requires that Fisheries categorize the reserves according to their best uses. It further requires that Fisheries undertake a pilot Olympia oyster cultivation project.

With the exception of Sections 6, 8(7) and 26(2), which I have vetoed, Substitute Senate Bill No. 3067 is approved.

Respectfully submitted,



Booth Gardner
Governor



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GOVERNOR

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May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1,
Substitute Senate Bill No. 3069, entitled:

"AN ACT Relating to professional service
corporations;"

Section 1 of Substitute Senate Bill No. 3069 permits non-profit corporations practicing in one of the professions otherwise regulated by Title 18 of the Revised Code of Washington to employ individuals or groups incorporated under Title 18. This provision is unnecessary to the central purpose of this measure which is to permit organizations currently organized under Title 18 to organize under the non-profit corporation provisions of Title 24.

The inclusion of this provision raises significant questions about the relationships of for-profit enterprise with non-profit corporations. There is no current bar to a non-profit corporation contracting with a Title 18 professional services corporation as long as an arms length relationship is maintained. Section 1 of Substitute Senate Bill No. 3069 is therefore unnecessary unless some change in existing policy is intended. I believe that any provision which implies less stringent standards than those in the current law governing the relationship of non-profit entities to for-profit enterprise is unwise. I have therefore vetoed Section 1.

With the exception of Section 1, which I have vetoed, Substitute Senate Bill No. 3069 is approved.

Respectfully submitted,

Booth Gardner
Governor



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GOVERNOR

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98504-0413

April 17, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill
No. 3090, entitled:

"AN ACT Relating to defense of persons."

The legislature in trying to strengthen the self-defense statute appears to have significantly broadened the areas of coverage. The current statute protects citizens who defend themselves or aid others in defense of heinous crimes from the added burden of paying legal fees when they are charged with criminal conduct. When the citizen's actions are found to be justified, the state will pay the legal costs. The current statute is a positive approach by state government to help its citizens.

However, Substitute Senate Bill No. 3090 includes an exemption for civil liability, as well as criminal, and could be construed to require the state to pay legal fees, loss-wages, and all expenses in civil cases. Normally, the losing party in a civil suit pays at least the court costs of the prevailing party. It would not be appropriate to expand the use of state funds to pay legal fees, loss-wages and other expenses in civil cases where the state is not a party to the litigation.

The bill also greatly expands the offense categories which are covered under self-defense actions. The United States Supreme Court recently handed down a decision concerning the use of force by law enforcement to stop a fleeing criminal. The Court ruled that the crime committed should be considered a "dangerous felony" for the police to shoot the criminal. The offense categories in this bill are expanded beyond what could be considered a dangerous felony and should be the subject of further review before changes are made, including a review of the state law on use of deadly force.

To the Honorable, the Senate
of the State of Washington

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April 17, 1985

The bill would also expand coverage for legal fees to include law enforcement officers who are required to defend themselves in a coroner's inquest or other similar proceeding. According to RCW 30.24.020, coroner's inquests are a local decision and proceeding with cost borne at the local level. It would seem reasonable that additional costs for law enforcement officers are also clearly a local responsibility, which should not be transferred to the state.

For the above reasons, I have vetoed Substitute Senate Bill No. 3090.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to three portions of Substitute Senate Bill No. 3184, entitled:

"AN ACT Relating to state-owned housing."

This bill would establish that no rent could be charged to state employees who are required to live in state-owned or leased living facilities as a condition of their employment. I have been advised this portion of the bill is mandated by a existing court order and the old rent structure varied from zero to \$100 per month. I have left this portion of the bill intact, but noting the free rent may count as income for retirement and other tax purposes.

However, Section 3(1) in part, requires that housing be made available rent free to employees who work at the site but are not required to live there. These employees should pay rent since it is their option to live at the facilities. I have left intact the portion of the bill which allows employees the first option and non-employees the second option to occupy the housing if the agency chooses to rent the facility for its fair market rental value.

I have also vetoed Sections 3(2) and 3(3) which limited to \$78 per month or less, the discretion of the state to charge employees the actual cost of utilities and placed the rent determination at the agency level rather than at a centralized level as it had been in the past.

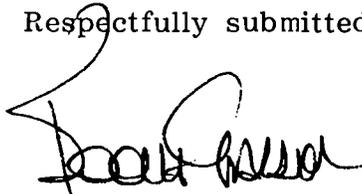
May 21, 1985
To the Honorable, the Senate
of the State of Washington
Page 2

In all these situations, the state is acting as a landlord and should fulfill its obligations beyond just maintaining the facilities in a safe and healthful condition. The facilities should also be made reasonably energy efficient given their age and design and given regular maintenance. I feel requiring these measures makes more business sense than setting an arbitrary average maximum rate and house size on utility rates by statute. Other legislation passed this session takes a major step in requiring energy standards for new housing. I feel the state also should work to make all of its buildings as energy efficient as financially practical.

The Department of Personnel, General Administration and effected agencies will be asked to work together to resolve the above issues reference rental rates and improving the energy efficiency and maintenance of housing involved. If necessary, I will ask the Department of Personnel and General Administration to adopt regulations or draft an Executive Order to implement a uniform progressive policy in this area.

With the exceptions of Sections 3(1) in part, 3(2) and 3(3), Substitute Senate Bill No. 3184 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill
No. 3249, entitled:

"AN ACT Relating to group life insurance;"

This bill would have established a separate statute governing
group life insurance policies for members of an association composed
of Washington National Guard members. The original intent for the
bill was to allow the proceeds of members' group life insurance
coverage to endow a scholarship fund. However, the final bill goes
much further than that and contains provisions that should not be in
statute.

I would be happy to consider legislation that would properly accomplish
the original intent of this bill. In the meantime, I am pleased that
an existing group policy is providing for the personal needs of
Association members.

For the above reasons, I have vetoed Substitute Senate Bill No. 3249.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to four sections
Engrossed Substitute Senate Bill No. 3261, entitled:

"AN ACT Relating to building codes;"

This Act would establish the State Building Code Council. The
Council would be responsible for the administration of the State
Building Code. Counties, cities and towns would have the respon-
sibility for its strict enforcement.

Substitute House Bill No. 1114, which I have signed, would also
amend the State Building Code to provide a process and guidelines
for the establishment and maintenance of up to date energy build-
ing codes.

I agree with the purpose of both bills. However, there are four
double amendments that must be corrected.

Section 7 of Engrossed Substitute Senate Bill No. 3261 would
conflict with the language of Section 1 of Substitute House Bill
No. 1114. Therefore, I have vetoed Section 7 of Engrossed
Substitute Senate Bill No. 3261 to avoid any possible confusion
among the users of the State Energy Code.

Section 12 of Engrossed Substitute Senate Bill No. 3261 would
make a minor amendment to a section of the State Building Code
and makes reference to an obsolete federal code. Section 2 of
Substitute House Bill No. 1114 extensively amends the same section
of the State Building Code. Therefore, I have vetoed Section 12
of Engrossed Substitute Senate Bill No. 3261 as no longer being
required

To the Honorable, the Senate
of the State of Washington

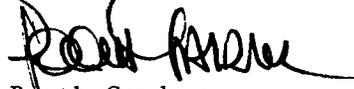
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May 20, 1985

Section 14 of Engrossed Substitute Senate Bill No. 3261 amends an obsolete provision of the State Building Code that would be repealed by Section 5 of Substitute House Bill No. 1114. Therefore, I have vetoed Section 14 of Engrossed Substitute Senate Bill No. 3261 to avoid any possible confusion.

Section 18 of Engrossed Substitute Senate Bill No. 3261 recodifies several obsolete sections of the State Building Code. Section 5 of Substitute House Bill No. 1114 repeals the same sections. Therefore, I have vetoed Section 18 of Engrossed Substitute Senate Bill No. 3261 as the recodification will not be necessary.

With the exceptions of Section 7, 12, 14, and 18, which are vetoed, Engrossed Substitute Senate Bill No. 3261 is approved.

Respectfully submitted,



Booth Gardner
Governor



BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

May 21, 1985

OLYMPIA
98504-0413

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill
No. 3282, entitled:

"AN ACT Relating to historic preservation;"

I support the intent of Engrossed Senate Bill No. 3282 which would require the Director of General Administration to assert a preference for historic properties when the state has a requirement to purchase, lease or rent space for state agency purposes. This preference is to be asserted when it would be feasible and prudent compared with available alternatives.

Nevertheless, I am vetoing Engrossed Senate Bill No. 3282 because it would impose a costly procedure on the State Historic Preservation Officer (SHPO) to prepare a detailed list of qualifying properties in each instance that the Department of General Administration has a space requirement to fill. The SHPO does not currently maintain the type of information about historic properties which is mandated by Engrossed Senate Bill No. 3282, and this legislation does not provide an appropriation.

While I am vetoing Engrossed Senate Bill No. 3282, I will establish by executive order a procedure for building and maintaining an inventory of suitable historic properties and a policy that establishes a preference for the state to use historic properties under certain circumstances.

For these reasons I have vetoed Engrossed Senate Bill No. 3282.

Respectfully submitted,

Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR



May 21, 1985

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without approval as to certain sections, Substitute Senate Bill No. 3333, entitled:

"AN ACT Relating to motorcycle franchises."

This bill would establish a very detailed regulatory system for the business relationship between manufacturers and the dealers of motorcycles, all terrain vehicles, snowmobiles, and any motor vehicle weighing less than 1,500 pounds. The activities of both the manufacturer and dealer would continue to be regulated under RCW 46.70. The bill is held by its proponents as being necessary to end certain practices on the part of motorcycle manufacturers.

I believe that motorcycle manufacturers have been, at times, heavy-handed in their relationships with dealers. Nonetheless, government should be extremely careful about substituting statutory regulation for matters normally decided between the parties of a commercial transaction.

In general, government should not interfere with business transactions except to protect the consuming public from dangerous, anti-competitive, or fraudulent activities. The alleged actions leading to the measure at hand do not directly affect the consuming public but rather the practices of one business with respect to another. It appears that many of these practices result from vigorous competition within the motorcycle industry.

Some of the provisions of Engrossed Substitute Senate Bill No. 3333 are reasonable standards for any business transaction. Other provisions place unreasonable restrictions on the ability of one party to engage in normal business activity. Others are clearly anti-competitive and would deny the public the benefits of a full, competitive market. For example, entry of new dealers in major urban markets would be virtually prohibited by this bill due to language giving dealers a ten mile radius marketing area. It also restricts warranty work to dealerships and prohibits manufacturers from owning or operating dealerships. All of these

May 21, 1985

To the Honorable, the Senate
of the State of Washington
Page 2

provisions, and others like them, restrict competition and would lead to higher prices for the consumers.

The bill also prohibits a manufacturer from reducing a dealer's allocations of motorcycles for poor sales performances, from denying a transfer or succession of dealership to another person except under extremely restricted conditions, and from initiating certain sales promotions which require dealer participation.

In summary, the bill places extraordinary restrictions on one type of business entity for the benefit of another. The public does not benefit from these restrictions and may, in fact, be adversely affected by reduced competition, higher prices and poor service.

The bill also would require manufacturers to purchase back all of a dealer's new or prior year "new" motorcycle inventory which had not been driven over fifty miles, all new, used and rebuilt parts, etc., at a price not less than current prices charged. This section would apply even where the dealer voluntarily chose to go out of business. This language puts the business risk almost totally on the manufacturer.

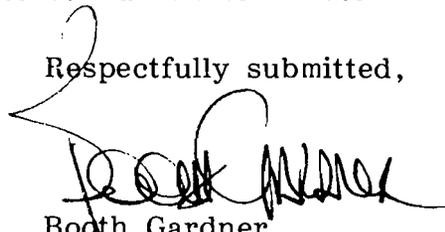
While this bill contains many provisions such as those described above which are not in the interests of the public, there are also desirable provisions which provide reasonable standards for any business relationship. To preserve these positive provisions, I have decided to approve this measure with the exception of a number of sections.

In making these vetoes, I have attempted to establish a balance between the interest of the dealers, manufacturers and the consumers. The consumer is best served by leaving room for competition between dealers and bargaining power on both sides between dealers and manufacturers in establishing franchise agreements.

For the above reasons, I have vetoed the following Sections: 3(2) in part, 3(8) in part, 3(16), 4(1)(a) in part, 4(1)(b), 4(1)(c), 4(1)(g), 4(7), 4(11), 4(17), 4(18), 4(20), 4(21), 4(22), 4(24), 5(4), 5(5), 6, 7, 8(1) in part, 8(2) in part, 10 in part, 11 and 12.

With the exception of the above vetoes, Substitute Senate Bill No. 3333 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
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BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

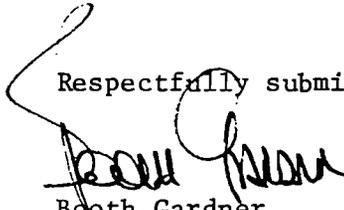
I am returning herewith without my approval as to Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354, entitled:

"AN ACT Relating to the medical aid fund;"

These sections of the bill would require expenditures from the Medical Aid Fund to be subject to appropriation. While this has been a very troubled program in the past, I have appointed new management which is actively undertaking management improvements. The need for control of health care costs is to run the workers' compensation program like the insurance business that it is. To do this, management needs the flexibility to adequately direct the program. For these reasons, I have vetoed Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7.

With the exception of Section 1 subsection (5), Sections 3, 4, 5, and a portion of Section 7, Substitute Senate Bill No. 3354 is approved.

Respectfully submitted,



Booth Gardner
Governor



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BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to Section 1, Substitute
Senate Bill No. 3367:

"AN ACT Relating to the public disclosure law."

Section 1 amends the definition of "election campaign." While there may need to be more clarity in this definition, I do not believe the proposed change is appropriate. Under the proposed new definitions an "election campaign" would begin when the initial campaign committee organization form is filed. It would not end until a final report showing a \$0 balance in the campaign fund is filed. In my opinion, this would mean an unacceptably long "election campaign" since most campaign committees do not file final reports after each November election.

With the exception of Section 1, Substitute Senate Bill No. 3367 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to one section
Engrossed Substitute Senate Bill No. 3376, entitled:

"AN ACT Relating to governance in higher education;"

Senate Bill 3630 transfers the High Technology Coordinating Board's administrative support responsibility from the existing Council for Postsecondary Education to the Department of Commerce and Economic Development. Engrossed Substitute Senate Bill No. 3376 replaces CPE with a new Higher Education Coordinating Board and changes existing statutes accordingly. Therefore, Section 3 of Senate Bill No. 3630 and Section 88 of Engrossed Substitute Senate Bill No. 3376 are in conflict as they relate to staff for the High Technology Coordinating Board. To carry out legislative intent, I, therefore, have vetoed Section 88 of Engrossed Substitute Senate Bill No. 3376.

With the exception of Section 88, Engrossed Substitute Senate Bill No. 3376 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

BOOTH GARDNER
GOVERNOR

OLYMPIA
98504-0413

May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval of two portions of Substitute Senate Bill No. 3384, entitled:

"AN ACT Relating to salmon enhancement."

The first two sentences of Section 8(1)(c) would require all facilities funded by the Salmon Enhancement Account to operate at full production capacity or be made available for volunteer cooperative projects to produce salmon for stocking state waters. This provision is apparently based on the idea that any hatchery not operated at full capacity is surplus. This is not the case. There are many good reasons for operating at less than full capacity, including disease control, water quantity and quality, and compliance with federal court orders.

The remainder of Section 8(1)(c) requires that the Salmon Advisory Council evaluate the operation of certain salmon hatcheries and report to the Legislature. I will request that the Council comply with this language.

Section 9 contains similar language relating to the Game Department. I am vetoing it for the same reasons.

With the exception of Sections 8(1)(c) and 9, Substitute Senate Bill No. 3384 is approved.

Respectfully submitted,

Booth Gardner
Governor



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OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, Engrossed Senate Bill No. 3400, entitled:

"AN ACT Relating to the exploration and extraction of nonrenewable resources."

Section 5 of this bill would change the fees for surface mining permits. The current fee structure was instituted only a year ago and has been very positively received. In addition, the change proposed in this section would result in the need for a higher general fund subsidy of this activity in a time of severe revenue shortfalls. I believe that the current fee structure should receive a longer trial and a thorough evaluation before we consider changing it again.

With the exception of Section 5, Engrossed Senate Bill No. 3400 is approved.

Respectfully submitted,

Booth Gardner
Governor



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98504-0413

BOOTH GARDNER
GOVERNOR

April 25, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to two sections,
Senate Bill No. 3569, entitled:

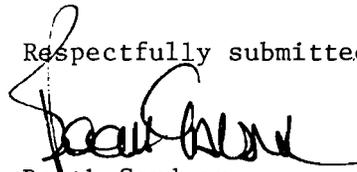
"AN ACT Relating to risk management."

Sections 6 and 7 of this bill would require claims against the state for damages arising out of tortious conduct to be filed with the Risk Management Office in addition to the currently required filing with the Office of Financial Management. This dual claim filing could be unnecessarily burdensome and confusing to the public. However, notice to the Risk Management Office is necessary to the improvement of our risk management program, which I support.

Therefore, I have directed the Office of Financial Management to provide the Risk Management Office with a copy of all filings. This will accomplish the purpose of these sections at no inconvenience to the public. State government should avoid requiring duplicate filings by the public when possible.

With the exceptions of Sections 6 and 7, Senate Bill No. 3569 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

May 20, 1985

OLYMPIA
98504-0413

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to two sections Engrossed Senate Bill 3612 entitled:

"AN ACT Relating to excess school levies;"

The primary purpose of Engrossed Senate Bill 3612 is to extend the levels of local school support levy options for three years. Section 2 of that legislation also establishes a legislative committee to undertake a review of the means to adequately fund the state's basic education responsibilities.

I support both the need for such a study and the issues identified within Section 2. However, I believe that there are additional far-reaching issues that must also be considered. These issues include state and local revenues; the relationship of educational funding to other state responsibilities; and structured relationships between the state and local schools which result from state funding.

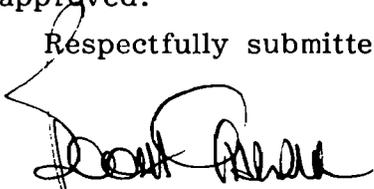
For this reason I am vetoing Section 2. In lieu of allowing that section to become law, I will, by executive order, establish a broadly based study committee including legislators, educators and interested citizens.

Section 4 of the bill declares an emergency and provides for the act to take effect immediately. The emergency clause section is not necessary in order to continue the administrative provisions for the collection of the levels of school levies that would be based upon this legislation. The 1985 levies have already been certified. The 1986 levies are to be certified in October, well after the normal effective date of this legislation.

The emergency clause should be restricted to those instances where its use is clearly warranted due to the urgency of the situation. For these reasons I have vetoed Section 4.

With the exception of Sections 2 and 4, which I have vetoed, the remainder of Engrossed Senate Bill No. 3612 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

June 27, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to several sections, Second Substitute Senate Bill No. 3656, entitled:

"AN ACT Relating to the budget; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1985 and ending June 30, 1987."

Section 1, Subsection (3), Page 2, Biennial budget.

The effect of this section is to place an absolute prohibition on transferring appropriations between fiscal years 1986 and 1987. Based on the language of Subsection (4) of this section, I do not believe the Legislature intended this absolute prohibition and the consequent restrictions on management actions. In removing this language, I do not intend to transfer appropriations between programs. Rather, I want to ensure the ability to allot monies as needed over the entire biennium. I have therefore vetoed this section.

As further explanation of my veto of Subsection (3), I am offering the following comment on the language in Subsection (5) which states the Legislature's intent that the dollars appropriated are to sustain state government through the biennium without any supplemental appropriations. I endorse this statement and will manage within the scope of this policy. However, if the assumptions underlying the appropriations in this document as to enrollments, caseloads, prison population, and other critical factors vary significantly, it could result in a supplemental budget request.

To the Honorable, the Senate
of the State of Washington
June 27, 1985
Page 2

Section 2, Page 2, OFM review of publications.

This section prohibits production or publication of any magazine or brochure unless it has been expressly authorized by the director of Financial Management. I believe agency directors and elected officials should be responsible for the content of their publications and whether or not to publish them. I also believe that sufficient oversight authority already exists under RCW 40.07. However, we will advise agencies of the Legislature's concern. Agencies will be required to review their policies on publications and expected to use restraint.

Section 119, The Proviso, Page 7, Excess appropriations by OFM for State Auditor.

I have vetoed the proviso to this section which places certain conditions and limitations upon the director of Financial Management in relationship to the State Auditor. RCW 43.09.418 currently allows the director of the office of Financial Management the discretion to approve payments to the State Auditor in excess of the legislative appropriation in cases of necessity. This proviso in the budget would require OFM to approve any additional payments as determined by the State Auditor. This language appears to limit the discretion of OFM rather than broaden it.

Section 121, Subsection (4) in part, Page 8, DWI grants.

I have vetoed the following sentence from Subsection (4) of Section 121: "No city or county is eligible for grants under this subsection unless the city or county has levied or proposed all optional excise taxes authorized by the Legislature." This language appears to disqualify most, if not all, of the fifty jurisdictions presently receiving grants. Few have "levied or proposed all optional excise taxes" which probably means the half-cent sales tax, the quarter percent real estate excise tax, the gambling excise taxes, and other miscellaneous excise taxes.

However, the message from the Legislature to cities and counties is clear - don't ask for more money until you have exhausted or tried to exhaust all avenues to raise local taxes for funding this activity. The funds provided in this budget are to allow local governments time to assume full responsibility for support of this program.

Section 214, Subparagraph (2), Page 36, Work Incentive Demonstration Project

The Work Incentive Demonstration Project (WIN Demo) is a federal program which would require the consolidation of WIN Work Programs under DSHS

To the Honorable, the Senate
of the State of Washington
June 27, 1985
Page 3

administration. At the current time, responsibility for the program is divided between DSHS and the Employment Security Department. Implementation of WIN Demo would result in a reduction of federal funds. It is possible, however, that this reduction would be offset by operating efficiencies.

I am vetoing the requirement that a WIN Demo application be submitted to the federal Department of Health and Human Services. I have the matter of WIN Demo and other means to increase the effectiveness of these programs under consideration. My intention is to initiate program changes in this area within the near future.

Section 214, Subparagraphs (3) and (4), Page 36 and 37, Community Work Training Programs.

I am vetoing the sections requiring increases in these programs because no money was appropriated for the staff needed to carry them out.

Section 311, Subsection (2), Page 55, Plans for Salmon fishery management.

I have vetoed Subsection (2) of Section 311 because Subsections (1) and (2) appear redundant in part. I have chosen to retain Subsection (1), which appears to more accurately conform with the description of the activities intended for these funds.

Section 601, Subsection (3) in part, Page 75 and Section 602, Subparagraph (4), Page 77, Community College intercollegiate sports.

I have vetoed the first sentence of Subsection (3) of Section 601 and Subsection (4) of Section 602 which would have placed a \$648,000 maximum on what could have been spent for intercollegiate sports purposes by the State Board for Community College Education. This amount was based upon inaccurate data provided to the Legislature. While I do not condone providing less than accurate figures, either through oversight, inadvertence or neglect, it would be inappropriate to create unintended consequences by imposing the extent of this reduction. I have left intact the portion of Subsection (3) which expresses the Legislature's intent for intercollegiate sports becoming self-supporting to the greatest extent feasible by June 30, 1989. The Board has agreed to restrict spending to 90 percent of the actual current funding level for this activity, which is consistent with the approach for most four year institutions.

Section 603, Subsection (4) in part, Page 78 and Section 604, Subsection (5) in part, Page 80, University of Washington and Washington State University faculty salary increases.

To the Honorable, the Senate
of the State of Washington
June 27, 1985
Page 4

I have vetoed the language "other than normal increments" from the first sentence in Subsection (4) of Section 603 and Subsection (5) of Section 604. I have done so because this language appears to have been included inadvertently and only serves to confuse the meaning of this section. The University of Washington and Washington State University do not have "normal increments" for faculty salaries. The vetoed language is standard in salary provisions in a number of other areas of state government where normal increments do occur.

Section 604, Subsection (6), Page 80, W.S.U. Southwest Joint Center for Education.

I have vetoed this section which places a maximum of \$7,500 per academic year for full-time equivalent enrollment average for the biennium to be spent at the Southwest Joint Center for Education for Washington State University. The Southwest Joint Center is intended to provide students in Southwest Washington access to first rate scientific and technical instruction provided by Washington State University. This is a worthwhile objective, but the current costs of this program are more than four times higher on a per student basis than any other similar program. The Legislature found the difference unacceptable and I agree. Reducing costs to a yearly average of \$7,500, however, is simply not practical. It would very likely result in the total failure of this program. While vetoing this provision, I expect the administrators of the Southwest Joint Center program to take effective action beginning immediately to reduce per student costs to a level which is comparable to other similar programs.

Section 609, Subsection (1) in part, Page 84, Funding for Council for Postsecondary Education.

I have vetoed the first sentence in Subsection (1) of Section 609 which reads "16,824,000 from the fiscal year 1986 general fund - State Appropriation and \$16,824,000 from fiscal year 1987 general fund - State Appropriation are provided solely for student financial aid, including administrative costs." A technical error in this subsection resulted in \$300,000 of general operating funds for the agency being earmarked for financial aid. The result is an inadvertent \$300,000 reduction for other council programs which would severely impact this agency.

With the exception of Sections 1 (3), 2, 119 - The proviso, 121 (4) in part, 214 (2), (3) and (4), 311 (2), 601 (3) in part, 602 (4), 603 (4) in part, 604(5) in part, 604 (6), and 609 (1) in part, Second Substitute Senate Bill No. 3656 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 30, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to several sections,
Engrossed Substitute Senate Bill No. 3678, entitled:

"AN ACT Relating to revenue and taxation."

The following sections of Engrossed Substitute Senate Bill No.
3678 are hereby vetoed: Sections 2, 3, 4, 5, 6, 7, and the part
of Section 9 which refers to Sections 3 through 6.

This bill was a very narrow one which is a response to the recent
U. S. Supreme Court decision in Armco relating to taxation. Due
to the narrowness of my request and the need for passage of this
legislation, I requested that no other measures regardless of
merit be attached as amendments.

Although the sections I am vetoing may be meritorious, I believe
it is important to maintain the legislation as a narrow bill as
requested.

With the exceptions of those sections vetoed, Engrossed Substitute
Senate Bill No. 3678 is approved.

Respectfully submitted,

Booth Gardner
Governor



BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to two portions
Substitute Senate Bill No. 3684, entitled:

"AN ACT Relating to lotteries;"

Section 2(6) of this bill would require the lottery to competitive-ly bid all contracts exceeding \$2,500 in value. The Lottery now competitively bids all contracts for goods. Contracts for services, however, are done on a negotiated basis when appropriate. The option of negotiating contracts in appropriate circumstance is available to all other departments, and should continue to be available to the Lottery.

Section 3 of the bill would forbid former lottery employees, (managers and rank and file alike), within two years of termination, to work for an employer that supplies or promotes lottery related goods or services. This section was apparently designed to prevent state employees from providing favored treatment to suppliers in hopes of receiving employment after termination. This concern is not without foundation, nor without countervailing concerns for the rights of individuals to use their skills and knowledge for their own benefit. Because the same potential for wrongdoing exists in several other areas of state government I believe that this situation should be treated in a comprehensive manner and more practical in scope as an amendment to the conflict of interest statutes, RCW 42.18.

With the exception of Sections 2(6) and 3, Substitute Senate Bill No. 3684 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

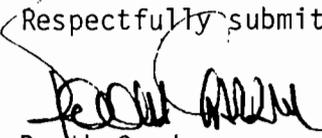
I am returning herewith without my approval as to Section 1(e),
Substitute Senate Bill No. 3799, entitled:

"AN ACT relating to nuclear energy and materials;"

Section 1(e) is identical to Section 1(c) of Engrossed Second
Substitute House Bill No. 3. Since I have previously signed
ESSHB No. 3, Section 1(e) of this bill is unnecessary.

With the exception of Section 1(e), Substitute Senate Bill
No. 3799 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

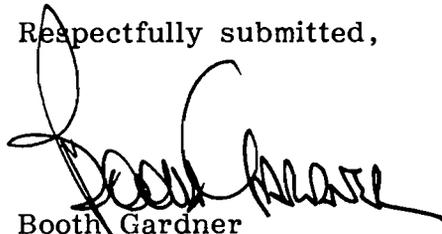
I am returning herewith, without my approval as to Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, Senate Bill No. 3800, entitled:

"AN ACT Relating to publications."

Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85 conflict with provisions contained in Substitute House Bill No. 150 and House Bill No. 331. While the proposed amendatory language contained in these sections is consistent with the intent of Senate Bill No. 3800, they would no longer be applicable since Substitute House Bill No. 150 and House Bill No. 331 are approved. I have, therefore, determined to veto these sections in order to avoid difficulties in codification and future interpretation of these sections.

With the exception of Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, which I have vetoed, Senate Bill No. 3800 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR



May 21, 1985

STATE OF WASHINGTON

To the Honorable, the Senate
of the State of Washington

OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 8(18),
Engrossed Second Substitute Senate Bill No. 3828, entitled:

"AN ACT Relating to Puget Sound water quality."

This is a significant bill which establishes a planning mechanism for improving and maintaining the water quality of Puget Sound. The Puget Sound Water Quality Authority is reestablished as a seven-member body and required to develop, with the participation of all interested citizens, a comprehensive Puget Sound water quality management plan by January 1, 1987.

Section 8 requires the plan to be a "positive document prescribing the needed actions for the maintenance and enhancement of Puget Sound water quality." This section also specifies twenty subjects which are to be studied by the Authority and included in the plan. With the exception of Subsection 18, these subjects are all positive actions that are likely to result in improved water quality for Puget Sound.

Subsection 18 of Section 8 calls for the Authority to make recommendations for "implementation of waivers from the uniform national requirements of secondary treatment." This language was added by amendment late in the legislative process and is not, in my opinion, consistent with the purposes of the act. Moreover, our Congressional delegation has indicated that the prospect for secondary treatment waivers under federal law appears remote and that "political and practical reality calls for secondary treatment compliance." The issue has the potential to consume too much of the limited time for the Authority to develop the plan. For these reasons, I am vetoing Section 8(18).

With the exception of Section 8(18), which is vetoed, Engrossed Second Substitute Senate Bill No. 3828 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3, 5, 9 and Section 40 in part, Engrossed Substitute Senate Bill No. 3856, entitled:

"AN ACT Relating to fire protection."

This bill would create a ten-member Fire Protection Board to administer the fire protection services that are now under the Insurance Commissioner and the fire training services that are now under the Commission for Vocational Education.

I agree that the fire protection functions which are brought together in this measure ought to be located within a single agency. I do not believe that it is wise to create a separate, single-purpose state agency governed by a new board for this purpose. The functions should properly be located within the executive branch in an agency responsible to the Governor.

Since I believe the purposes of this measure are worthwhile, I am approving it with several exceptions. I am vetoing the following:

Section 3: establishes the terms of the Board.

Section 5: says the Governor selects one member to serve as chairperson.

May 21, 1985
To the Honorable, the Senate
of the State of Washington
Page 2

Section 9: authorizes the Board to employ an Executive Director.

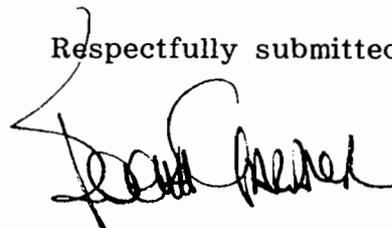
Section 40: as to the portion requiring the Board and Director to be
appointed by October 1, 1985.

By vetoing these sections, a board will be established which may later act
in an advisory capacity to the fire protection unit. The board will not,
however, be able to proceed to implement the substantive provisions of
this act until the legislature passes new legislation.

I intend to ask the next regular session of the legislature to perfect this
measure by placing the functions of the board in an existing executive
agency and making the board advisory to that agency.

For these reasons, I have vetoed Sections 3, 5, 9 and a part of Section 40
of Engrossed Substitute Senate Bill No. 3856.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
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98504-0413

BOOTH GARDNER
GOVERNOR

May 21, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to several portions, Engrossed Substitute Senate Bill 3920, entitled:

"AN ACT Relating to transportation."

The provisions I have vetoed and the reasons therefore are as follows:

1. County Road Administration Board

The proviso language in Section 4 requires the County Road Administration Board to hire, contract or project personnel for the Implementation of the Pavement Management System and the completion of the road jurisdiction and revenue distribution study. While such an approach is probably desirable, the proviso places restrictive conditions on the Board's hiring procedures before the implementation planning has begun. The new positions require persons who have specific expertise in road engineering; the Board's ability to recruit qualified personnel is limited by the necessity to hire only those applicants who would be willing to take a temporary position.

The proviso also requires the Board to provide a detailed report to the Legislative Transportation Committee on the cost effectiveness of utilizing consultants or other non-agency personnel to undertake the implementation of the projects. My veto eliminates this requirement; however, I strongly urge the Board to undertake this evaluation and to keep the legislature fully informed of its implementation plans.

May 21, 1985

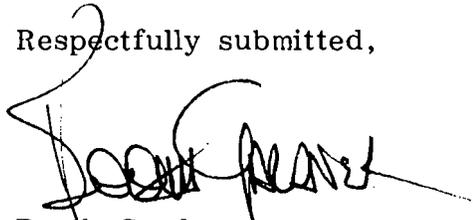
To the Honorable, the Senate
of the State of Washington
Page 2

2. Department of Licensing

Language in Section 9 requires that no more than \$6,270,100 be spent for the County Auditor and Subagent Automation project. Although this figure represents the additional appropriation authority necessary to support the project, the total cost is \$7.8 million, offset by \$1.5 million in savings. Because of the misleading project cost reflected in the proviso amount, and the accounting problems which would result from keeping track of both expenditures and savings, I am vetoing the proviso. It is expected that the Department of Licensing will nevertheless comply with legislative intent by keeping net expenditures to the amount stipulated and by complying with all other requirements of the original proviso.

With the exception of the provisos in the aforementioned sections, which I have vetoed, Engrossed Substitute Senate Bill No. 3920 is approved.

Respectfully submitted,



Booth Gardner
Governor

BOOTH GARDNER
GOVERNOR



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

May 21, 1985

OLYMPIA
98504-0413

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 3981, entitled:

"AN ACT Relating to exemption from industrial insurance premiums for taxicab operators."

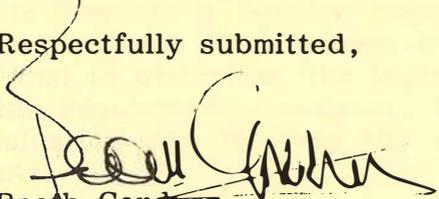
This bill would remove taxicab operators who work as independent contractors from mandatory coverage under the state's industrial insurance program. As a group, these operators appear to be treated like many other employees although technically they may be independent contractors. This bill would deprive them of the security provided by the worker's compensation system without establishing any workable system to insure they would pick up the cost on their own as self-employers.

It is likely that many drivers will not pay for their own insurance coverage, either because they view their work as temporary, feel the coverage is too expensive, believe they will never need coverage, and realize enforcement and collection will be difficult and expensive. The result of injuries without coverage will only serve to shift the cost to the State General Fund under social programs when the cost of adequate coverage should be borne by the business activity.

I realize the rates in this occupation are high. This is a problem to address along with other Labor and Industry issues. Other businesses have to bear the cost of this insurance, and it would not be fair to shift this cost to taxicab drivers when it is likely that a high percentage will not participate and will not be covered for their injuries.

For these reasons, I have vetoed Substitute Senate Bill No. 3981.

Respectfully submitted,


Booth Gardner
Governor



BOOTH GARDNER
GOVERNOR

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

May 21, 1985

OLYMPIA
98504-0413

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 2 through 4 and Sections 13 through 15, Engrossed Substitute Senate Bill 4228, entitled:

"AN ACT Relating to revenue and taxation;"

This measure contains several changes to business taxes. It includes important new revenue sources to meet the infrastructure financing needs of local government. It also includes adjustments in taxes for several industries which have clearly demonstrated that present taxes place them at a significant competitive disadvantage to similar businesses in other states. In each of these cases, Washington industries made convincing cases that continuing the current taxes would result in actual loss of existing business within the state with a resulting loss of jobs.

While approving the provisions of Sections 1, 5, 6, 7 and 16, I want to express once again my extreme distaste for piecemeal tax reform. I have approved these provisions only because I believe actual and irreparable losses of business and jobs would result before any general reform can occur. Substantial inequity continues to exist for many other industries in this state which must be addressed in a comprehensive manner in the very near future.

Sections 2 and 3 are essentially identical to Sections 1 and 2 of Engrossed House Bill 99, which I have already signed into law. They are vetoed to avoid double amendments. Section 4 is identical to Section 5 of Engrossed House Bill 99, which I have vetoed and which I am again vetoing.

Sections 13 through 15 create a fifty percent exemption from the B&O tax for new businesses which locate in distressed areas. These sections have an extremely laudable intent. I am firmly committed to bringing new jobs and industry to areas in which there is persistent unemployment resulting

May 21, 1985

To the Honorable, the Senate
of the State of Washington
Page 2

from long-term changes in the local economy. Given the state's limited resources, however, it is essential that such efforts are carefully targeted to reach areas with the greatest need. Unfortunately, I do not believe the exemption created in Section 13 through 15 meets this test.

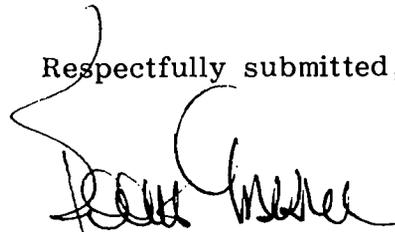
These sections, taken as a whole, are likely to result in substantial loss of revenue to the state without necessarily benefitting truly distressed areas. For example, an existing business could dissolve and reincorporate under a new name or create a wholly owned subsidiary and become eligible for the exemption. Also, Section 15 does not specify how much of a qualifying business is eligible for the exemption. It is, therefore, possible that a new business would qualify for the entire exemption by locating an insignificant operation in a distressed area while the vast majority of its business was located elsewhere in the state in a non-distressed area.

In addition, the fact that a county is considered distressed at any time its unemployment rate exceeds the average, will result in benefits going to businesses in areas with temporary problems instead of being restricted to areas with persistent high joblessness.

For these reasons, I have vetoed Sections 2 through 4 and Sections 13 through 15 of Engrossed Substitute Senate Bill No. 4228.

With the exceptions of Sections 2 through 4 and Sections 13 through 15, which I have vetoed, Engrossed Substitute Senate Bill No. 4228 is approved.

Respectfully submitted,



Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 10 and 11,
Substitute Senate Bill No. 4267, entitled:

"AN ACT Relating to abandoned rail rights of way."

Sections 10 and 11 of this bill seek to terminate and repeal, in 1991 and 1992, the rail right of way acquisition program and the rail right of way acquisition act, which are not defined. Signing these sections into law would raise difficult technical questions about the intent of Sections 10 and 11. I have, therefore, vetoed Sections 10 and 11 of Substitute Senate Bill No. 4267.

With the exception of Sections 10 and 11, which I have vetoed, Substitute Senate Bill No. 4267 is approved.

Respectfully submitted,

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval as to portions of Section 3(1)(a) through (h) of Engrossed Substitute Senate Bill No. 4399 entitled:

"AN ACT Relating to creating a local governance study commission."

I fully support the purpose of this legislation. I believe that it is now timely for the State, in cooperation with local government representatives, to undertake a comprehensive review of the State's assignment of various public service responsibilities, authorities and funding sources among counties, cities and special districts. Much of the rationale for the current allocation of responsibilities and authorities may now be outmoded due to the changes that have occurred over time in population growth and settlement patterns. The proposed Local Governance Study Commission represents a useful opportunity to recommend needed changes to State policies, statutes, and the constitution, which better serve current public service requirements, and which more appropriately define the roles and activities of cities, counties and special districts, as well as their interrelationship to one another.

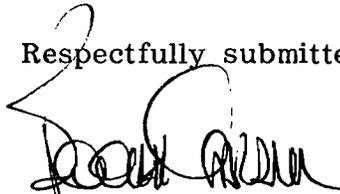
However, language contained in Section 3(1)(a) through (h) of this bill directs the Governor to appoint to the Commission twenty-one persons who are nominated by certain specified organizations related to local governance. While I concur with the appropriateness of placing representatives of the named organizations on the Commission, I believe this language precludes gubernatorial discretion and negates the Governor's appointment authority.

To the Honorable, the House of
Representatives of the
State of Washington
May 20, 1985
Page 2

Therefore, in order to preserve the Governor's appointment prerogatives, I have vetoed the language that requires the Governor to appoint the nominees of specified organizations. I will, of course, honor the spirit of the vetoed language when making my appointments.

With the exception of portions of Section 3(1)(a) through (h), ESSB 4399 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written over a large, stylized number "2".

Booth Gardner
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

May 20, 1985

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 4424, entitled:

"AN ACT Relating to water rights."

This bill reopens the filing of water claims for water rights based on water use up to 1917 for surface water and up to 1945 for groundwater. All claims must be filed by September 1, 1985.

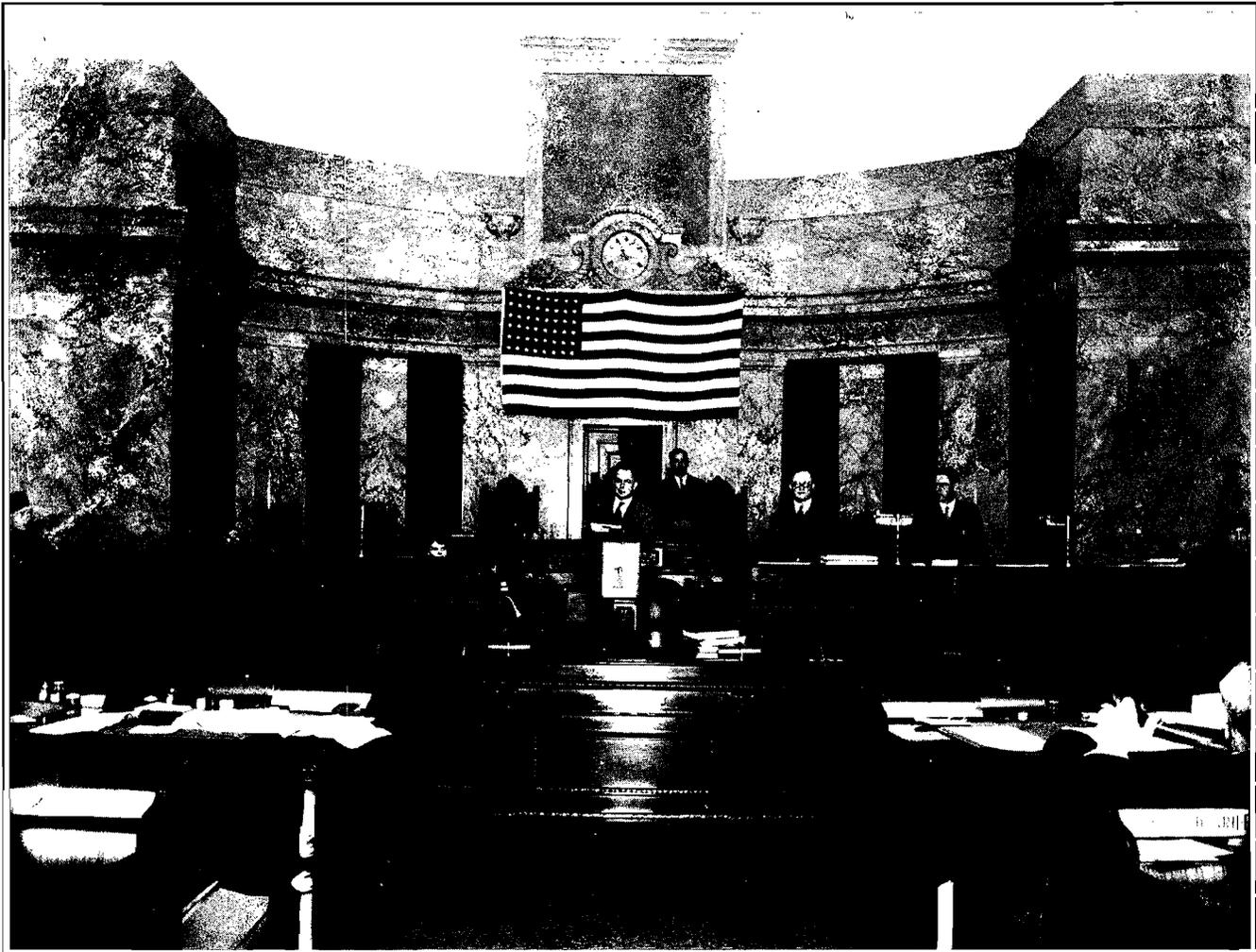
Section 3 of the bill is an emergency clause that would make the bill effective immediately. I believe it is in the best interest of all claimants to keep this period for filing claims as short as possible. By vetoing Section 3, this bill will become effective on July 28, 1985.

With the exception of Section 3, Substitute Senate Bill No. 4424 is approved.

Respectfully submitted,

Booth Gardner
Governor

SUNSET LEGISLATION



The House Chamber, 1929.

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Sunset Legislation

BACKGROUND

The Washington State Sunset Act was adopted in 1977 as a means to improve legislative oversight of state agencies and programs. The sunset process combines an automatic termination schedule of selected state agencies, programs and statutes with a system of program and fiscal reviews which are conducted by the Legislative Budget Committee and the Office of Financial Management. The program reviews are intended to assist the Legislature in determining whether agencies and programs should be allowed to terminate automatically or be reauthorized by legislative action.

In accordance with the Sunset Act, the Legislative Budget Committee submitted 12 sunset reports to the 49th Legislature. The reports concerning these agencies and programs which were scheduled for termination on June 30, 1985, were referred to the appropriate Senate and House standing committees for review.

SESSION SUMMARY

As a result of the sunset process, two programs were allowed to terminate, and 11 agencies and programs were reauthorized with modifications. In addition, the Legislature scheduled 13 agencies and programs for future termination under the sunset process.

AGENCIES AND PROGRAMS REAUTHORIZED OR MODIFIED

WASHINGTON STATE LIBRARY NETWORK

SSB 3047. The Library Network within the State Library is reauthorized and rescheduled for termination on June 30, 1987.

Modifications: The Washington State Library Network is renamed the Western Library Network. The Network is authorized to promote the sale of its products and services.

Status: C 21 L 85

Committee: Senate Governmental Operations
House State Government

VICTIMS OF SEXUAL ASSAULT PROGRAM

SSB 3198. The program is reauthorized and removed from the sunset process.

Modifications: The program is required to develop a biennial statewide plan to aid organizations which provide services to victims of sexual assault.

Status: C 34 L 85

Committee: Senate Judiciary
House Judiciary

WASHINGTON STATE ARTS COMMISSION

SSB 3776. The Commission is reauthorized and removed from the sunset process.

Modifications: The role of the Commission and the manner in which its members are appointed are clarified.

Status: C 317 L 85

Committee: Senate Governmental Operations
House State Government

CRIMINAL PROSECUTION AUTHORITY (OFFICE OF ATTORNEY GENERAL)

SSB 3388. The criminal prosecution authority of the Attorney General is reauthorized. Please note that the review of the criminal prosecution authority of the Attorney General was not required to comply with the comprehensive criteria of the sunset process.

Modifications: The Attorney General is required to report annually to the Organized Crime Advisory Board.

Sunset Legislation

Status: C 251 L 85

Committee: Senate Judiciary
House Judiciary

WASHINGTON STATE MUSEUM (UNIVERSITY OF WASHINGTON)

SB 4169. The Washington State Museum is reauthorized and removed from the sunset process.

Modifications: The museum is renamed the Thomas Burke Memorial Washington State Museum. The focus of the museum is limited to exhibiting and preserving anthropological, zoological, and geological documents and objects.

Status: C 29 L 85

Committee: Senate Education
House Higher Education

STATE CENTER AND COUNCIL FOR VOLUNTARY ACTION

SHB 53. The Center and Council are reauthorized and rescheduled for termination on June 30, 1989.

Modifications: The Center's and Council's sunset review is incorporated into the review of the Department of Community Development, which is also scheduled to terminate on June 30, 1989.

Status: C 110 L 85

Committee: House State Government
Senate Governmental Operations

NOTARIES PUBLIC STATUTE

SHB 155. Major revisions in the statute were requested and adopted prior to its scheduled sunset review.

Modifications: The statute is completely redrawn and provides a detailed description of the responsibilities, qualifications and authority of notaries.

Status: C 156 L 85

Committee: House Judiciary
Senate Judiciary

CAREER EXECUTIVE PROGRAM

HB 175. The program is reauthorized and rescheduled for termination on June 30, 1989. Please note that the review of the Career Executive Program was not required to comply with the comprehensive criteria of the sunset process.

Modifications: None.

Status: C 118 L 85

Committee: House State Government
Senate Governmental Operations

STATE BOARD OF HEALTH

HB 610. The Board is reauthorized and rescheduled for termination on June 30, 1986.

Modifications: The duties of the Board and those of the Department of Social and Health Services are more clearly defined, to reduce overlapping responsibilities.

Status: C 213 L 85

Committee: House Social & Health Services
Senate Human Services & Corrections

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Sunset Legislation

SHB 625. The Department is reauthorized and removed from the sunset process.

Modifications: The Department is renamed the Department of Trade and Economic Development and its responsibilities are reorganized into the following areas: Economic Development Coordination and Cooperation; Foreign and Domestic Investment Outreach; Business Expansion and Trade Development; Tourism Development and Coordination; Film and Video Production; Small Business Assistance and Coordination; and Development Services and Support.

Status: C 466 L 85 PV

Committee: House Trade & Economic Development
Senate Commerce & Labor

LANDSCAPE ARCHITECTS (DEPARTMENT OF LICENSING)

SHB 850. The regulation of landscape architects by the Department of Licensing is reauthorized and removed from the sunset process.

Modifications: The regulation of landscape architects is modified as follows: Public members are added to the State Board of Registration; the Board determines passing grades for exams; the term for certificates of registration is extended to three years; and the director may impose fines up to \$1,000.

Status: C 18 L 85

Committee: House Commerce & Labor
Senate Commerce & Labor

AGENCIES AND PROGRAMS TERMINATED

COUNCIL FOR POSTSECONDARY EDUCATION

SSB 3376. The Council is scheduled to terminate on June 30, 1985, and its duties are assigned to the newly established Higher Education Coordinating Board.

NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

The program is scheduled to terminate on June 30, 1985.

AGENCIES OR PROGRAMS INCLUDED ON THE SUNSET TERMINATION SCHEDULE

STATE BOARD OF HEALTH

June 30, 1986 (HB 610)

COMMUNITY ECONOMIC REVITALIZATION BOARD (CERB)

June 30, 1987 (SHB 461)

HUMAN RIGHTS COMMISSION

June 30, 1987 (SHB 52)

REGULATION OF VENIPUNCTURE (incorporated into the scheduled review of naturopathic medicine)

June 30, 1987

WESTERN LIBRARY NETWORK

June 30, 1987 (SSB 3047)

WASHINGTON AMBASSADOR PROGRAM

June 30, 1988 (SHB 625)

CAREER EXECUTIVE PROGRAM

June 30, 1989 (HB 175)

Sunset Legislation

STATE CENTER AND COUNCIL FOR VOLUNTARY ACTION

June 30, 1989 (SHB 53)

CENTER FOR INTERNATIONAL TRADE IN FOREST PRODUCTS (UW)

June 30, 1990 (SHB 837)

INTERNATIONAL MARKETING PROGRAM FOR AGRICULTURAL COMMODITIES AND TRADE (IMPACT) AT WSU

June 30, 1990 (SHB 1063)

REGULATION OF OCCUPATIONAL THERAPY

June 30, 1990 (SSB 3898)

SMALL BUSINESS EXPORT FINANCE ASSISTANCE CENTER

June 30, 1990 (SHB 1061)

REGULATION OF ACUPUNCTURE

July 1, 1991 (SHB 270)

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Public Lands/Social Security Building under construction, 1936.

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State General Fund Revenue & Expenditure Reconciliation — 1985 - 87 Biennium

(\$ in Millions)

BEGINNING FUND BALANCE (7/1/85)	\$0.0
REVENUE	
December 20 Forecast (RFC-Dec)	\$9,646.4
March 18 Forecast (RFC-March)	(153.6)
June 3 Forecast (RFC-June)	(221.3)

Current Revenue Forecast	\$9,271.5
Revenue Revisions:	
HB 1326--Sales Tax Deferral	(0.8)
Revenue--Add Staff & Equip.	41.6
Transfer to Tort Claim	(2.0)

TOTAL REVENUE AVAILABLE FOR 85-87	\$9,310.3
EXPENDITURES	
Biennial Budget	\$9,138.5
Capital Budget	0.8
Other Legislation	0.5

TOTAL EXPENDITURES FOR 85-87	\$9,139.8

ENDING FUND BALANCE (6/30/87)	\$170.5

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
SHB 16, Section 2	Prevailing Wage Payment	Fines of not less than \$1,000 for violation of prevailing wage rate requirements.
HB 66, Section 1(2)	Plumbers	Fees for plumbing training certificate.
SHB 68, Sections 6 and 8	Storage and Disposal of Human Remains	Fees for crematorium permits to the Department of Licensing and the Cemetery Board.
SHB 179, Sections 1 and 6	Migratory Waterfowl	Five dollar fee for migratory waterfowl stamp; revenues from the sale of prints and related artwork.
ESHB 254, Section 6	Amusement Rides	Fees of up to \$10 for amusement ride permits.
SHB 270, Sections 7 and 12	Acupuncture	Examination and license renewal fees.
SHB 297, Section 6	Organic Food Products	Fines for violating organic food statute.

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
EHB 409, Section 15	Practice of Architecture	Fines for illegal practice of architecture.
SHB 466, Section 5	Fish Dealers and Buyers	Fines for failure to properly document commercial harvest.
SHB 482, Section 1	Health Care Assistants	Fees for certification of health care assistants.
SHB 546, Section 13	Commodity Commissions	Assessments on commodities stored in frozen condition.
ESHB 767, Section 12	Criminal Profiteering	If the Attorney General's Office brings a suit and prevails in a criminal profiteering case, any payments in excess of actual damages will be deposited in the public safety and education account.
ESHB 804, Section 5	Tires/Recycle Program	Tax on retail sales of new replacement vehicle tires.
ESHB 815, Section 5	Water Quality	Administrative cost recovery for processing private or municipal waste disposal permits and point source discharge elimination permits.

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
HB 832, Section 1	World Fair Commission	Authorizes the World Fair Commission to receive gifts, grants, and endowments and to enter into revenue producing agreements.
SHB 850, Section 4	Landscape Architects	Fines of up to \$1,000 for improper practice by a certified landscape architect.
SHB 890, Section 17	Agricultural Liens	Fees for filing statements of security interests in livestock.
EHB 1021, Sections 1, 2, and 3	Enforcement of Pesticide Control	Civil penalties of up to \$1,000 for violations of the pesticide control and pesticide applicator acts.
SHB 1061, Section 4	Small Business Export Finance Assistance Center	Authorizes the Small Business Export Finance Assistance Center to charge counseling fees and receive gifts, grants, and endowments.
ESB 3067, Section 9	Aquatic Farming	User fees supporting the aquaculture disease inspection and control program.

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
SSB 3500, Section 3	Signs Tourists Agriculture	A fee schedule, established by the Department of Transportation, for temporary agricultural directional signs.
ESSB 3799, Section 3	Nuclear Energy and Materials	Site use permit fee (replaces fees collected under rule), and a surveillance fee (replaces fees collected under a 1979 executive order).
SSB 4138, Section 3	Insurance Holding Company Systems	Recovery of costs by the Insurance Commissioner for considering acquisition of a domestic insurer.
ESSB 4209, Sections 3 and 5	Asbestos	The Director of Labor and Industries may prescribe fees for the issuance and renewal of certificates for asbestos removal and encapsulation. Civil penalties of up to \$5,000 may be imposed for violations of asbestos removal provisions.

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
SHB 15, Section 1	Public Works Prevailing Wage	Gives employees of contractors engaged in public projects first priority of liens on the funds retained by the government in trust. Current law gives governments priority for unpaid taxes.
SHB 16, Section 3	Prevailing Wage Payment	Changes fines for failure to file or false filing of statements required under chapter 39.12 RCW.
EHB 99, Section 2	Fish Farms	Exempts fish farms from B&O taxes.
EHB 99, Sections 3 and 4	Fish Farms	Exempts fish farms from sales and use taxes on feed.
HB 132, Section 1	County Tax/Nonresidents	Repeals the optional county tax on nonresident commuters.
HB 183, Sections 1 and 2	Tax Exempt Senior Citizens Meals	Exempts meals provided by non-profit organizations to disabled, low-income, or senior citizens from the sales tax.
ESHB 199, Section 3	Farm Labor Contractors	License fees for farm labor contractors are increased from \$10 to \$35 (\$100 for those contractors involved in forestation or reforestation).
EHB 228, Section 1	Registration of Watercraft	All power boats under 16 feet in length with less than a 10 horsepower motor that are operated in non-federal waters are exempt from state watercraft registration requirements.
SHB 242, Section 16	Crime Victims Rights	The penalty assessment on offenders which is deposited in the crime victims account is increased. The fine for a felony or gross misdemeanor is increased from fifty to seventy dollars. The fine for a misdemeanor is increased from twenty-five to forty-five dollars.

Revenue Legislation — 1985 - 87 Biennium — MODIFIED

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
2SHB 356, Several Sections	Reimbursement for Social and Health Services	Simplifies the process under which the Department of Social and Health Services receives reimbursements from recipients of services.
SHB 389, Section 1	Vending Machines/Public Buildings	The bill revises the definition of "public building" for purposes of the business enterprise program. Proceeds for the business enterprise program are limited to those concessions and vendors in public buildings used for administrative purposes.
HB 853, Section 2	Vessels Watercraft	Provides for a two title system for watercraft resulting in greater fees for title searches.
HB 1000, Section 1	Use Taxation	Exempts trade-ins from use taxes.
SHB 1003, Sections 6 and 7	Excise Tax/Administrative Provisions	Expands the definition of successor to include the sale of equipment.
SHB 1003, Section 10	Excise Tax/Administrative Provision	Expands the B&O tax agriculture exemption to hired farmers.
HB 1004, Section 1	Revenue Director Escheat Property	The Director of the Department of Revenue is authorized to administer escheat properties providing greater control over the disposition of such estates.
SHB 1060, Section 2	Taxation of Food Fish and Shellfish	Reduces taxation by limiting it to "enhanced" food fish as defined.

Revenue Legislation — 1985 - 87 Biennium — MODIFIED

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
SHB 1079, Section 3 —	Sales and Use Tax	Provides for a deferral of state sales/use taxes on new or expanded manufacturing or research and development facilities located in distressed areas of the state.
ESHB 1089, Sections 1-7	Industrial Insurance Penalties	Penalties for violations of the industrial insurance statutes will be increased. Size of the increase is dependent upon the type of violation.
ESHB 1207, Section 2(3)	Employment and Training	Provides for tuition and fee waivers for eligible persons receiving training at certain community colleges.
HB 1326, Sections 2-5	Sales/Use Tax Deferral	Allows for sales and use tax deferrals for manufacturing or research and development investment projects for persons not currently engaged in these activities in Washington State.
SSB 3007, Section 3(1)	Motor Vehicles	Provides that a nonresident person employed in Washington may operate a vehicle within the state without state registration.
SB 3008, Section 1	Use Taxation	Provides that the use tax on personal property brought into the state by out-of-state businesses be calculated on the basis of daily rental value.
SB 3120, Section 5	MV Standards	Repeals special permit fee for truck trailer combinations between 65 and 75 feet in length.
ESB 3134, Section 1	Tuition Periodic Payment	Authorizes prepayment of tuition and fees in periodic installments.

Revenue Legislation — 1985 - 87 Biennium — MODIFIED

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
SB 3326, Section 1	Liquor Licenses	Provides for an annual Class I liquor license for \$350.00 per year.
SSB 3342, Several Sections	Horse Racing	Makes various changes to fees and licenses associated with horse racing activities.
ESB 3357, Section 1	Tuition Exemption	Exempts military personnel and their dependents from paying non-resident tuition and fees.
SB 3456, Sections 1-7	Tax Exemptions	Provides for the extension of sales/use tax, B&O tax, leasehold tax, and property tax exemptions for the production of alcohol from December 31, 1986 to December 31, 1992.
SB 3551, Sections 1-6	Tax Statutes Clarified	Makes permanent the 7 percent surcharge on the retailing B&O tax for border counties.
SSB 3553, Section 3	Abandoned, Unauthorized, and Junk Vehicles	Provides for an annual fee of \$100.00 plus \$50.00 per truck for tow truck registration.
SSB 3580, Sections 21, 22, and 23	Business Corporations	Simplifies corporate filing fees.
SB 3601, Several Sections	Motor Vehicle Registration Fees	Provides for the restructuring of truck registration fee schedules to comply with the International Registration Plan (IRP). The IRP requires a combined, simplified fee schedule for truck registration. The IRP would not go into effect until 1989. The revenue impact would be neutral.

Revenue Legislation — 1985 - 87 Biennium — MODIFIED

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
ESSB 3678, Section 1	Revenue and Taxation	Grants a credit for gross receipts taxes paid in another state if determined necessary by final court action (ARMCO).
SSB 3684, Section 1	Lotteries	Transfers of lottery revenue to the general fund to be determined by legislative appropriation rather than by statute.
ESSB 3792, Section 4	Banks and Banking	Investigative fees paid by out-of-state bank holding companies would be established by the Supervisor of Banking instead of being set by statute at \$5000.
SB 3812, Section 2	Water Pollution Control	Broadens coverage of waste discharge permit violation section by: (1) increasing fine from \$5,000 to \$10,000; (2) applying the fine to the whole chapter rather than one section; and (3) applying the fine to violations of regulations and orders, as well as statutes.
SB 3812, Section 4	Water Pollution Control	Broadens recoverable expenses for oil spills to include investigative and surveillance costs.
SB 3812, Section 7	Water Pollution Control	Makes each day of an oil spill a separate violation.
SB 3942, Several Sections	Driver's Licenses	Increases various permit and license fees administered by the Department of Licensing to provide for the Highway Safety Fund.
SB 4155, Several Sections	Court Costs Convicted Defendant	Under the Court Reform Act of 1984, all court fines were to be split 60 percent to the local jurisdiction and 40 percent to the state. Under SB 4155 the split is 63-37. Additional expenses are included as recoverable costs.

Revenue Legislation — 1985 - 87 Biennium — MODIFIED

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
Re ESSB 4196, Section 8	Un/Underemployed Assistance	Provides for a surcharge on the state unemployment insurance tax with a concurrent reduction in the rate schedule. The surcharge funds are to be used for the Employment Security Job Service Program.
ESSB 4228, Section 1(7)	Revenue and Excise Taxation	Reduces B&O tax on meat processors.
ESSB 4228, Section 5	Revenue and Excise Taxation	Reduces sales and use tax on sale of precious metal bullion.
ESSB 4228, Sections 6 and 7	Revenue and Excise Taxation	Reduces sales and use tax on artistic and cultural organizations.
ESSB 4228, Section 10(1)	Revenue and Excise Taxation	Increases public utility tax on water distribution. Exempts sewerage and refuse collection from the B&O tax and levies the public utility tax on these activities instead.
ESSB 4228, Section 11	Revenue and Excise Taxation	Increases the tax on conveyances.
ESSB 4228, Section 16	Revenue and Excise Taxation	Exempts from the B&O tax fuels to be used on the high seas.
SSB 4231, Sections 2-11	Game License and Permit Fees	Numerous changes in fees for licenses, permits, tags, and stamps, including a few new and deleted items.
SSB 4294, Section 1	Industrial Insurance, Three Months No Fine	The Department of Labor and Industries would be authorized to declare an "amnesty" period for employers to correct failures to register with the industrial insurance system, without penalty.

Revenue Legislation — 1985 - 87 Biennium — MODIFIED

BILL NUMBER/SECTION	BILL TITLE	DESCRIPTION
SB 4399, Section 6	Local Governance Study Commission	Funds are appropriated from the County Sales and Use Tax Equalization Account (RCW 82.14.310) for the commission.

HB 1327 Common School Capital Projects
Reauthorizes \$40,170,000 in bond sales for common
school plant facilities

— **HB 1328** Bonds for Capital Projects
Authorizes \$285,851,000 in new bond sales for:

BILL ANALYSIS

HOUSE BILL 1328

BACKGROUND:

Bond issues to fund capital projects for various state agencies including the institutions of higher education and common schools are required to carry out the purposes of the capital budget.

SUMMARY:

The State Finance Committee is authorized to issue, subject to legislative appropriation, \$285,851,000 of general obligation bonds to finance capital projects as follows:

- o \$38,054,000 of general obligation bonds to finance capital projects for the Department of General Administration, Commerce and Economic Development, Military Department, Parks and Recreation Commission and the Department of Corrections;
- o \$4,635,000 of general obligation bonds to finance the Washington State Agriculture Trade Center;

- o \$38,762,000 of general obligation bonds to finance capital projects for the Departments of Social and Health Services and Corrections;
- o \$3,230,000 of general obligation bonds to finance capital projects for the Departments of Ecology, Parks and Recreation, Fisheries, Game, and Natural Resources;
- o \$3,359,000 of general obligation bonds to finance capital projects for the Department of Fisheries;
- o \$59,630,000 of general obligation bonds to finance capital renewal projects for state agencies and the institutions of higher education including community colleges;
- o \$23,643,000 of general obligation bonds to finance capital projects for the University of Washington and state community colleges;
- o \$33,928,000 of general obligation bonds to finance capital projects for the institutions of higher education;
- o \$80,610,000 of general obligation bonds to finance capital projects for the institutions of higher education including the community college system.

A \$34,500,000 bond authorization for salmon hatcheries approved by the Legislature in 1977 required that the bonds be sold prior to January 1, 1985. This requirement is removed.

Previous bond authorizations approved by the Legislature in 1969 and 1980 for common school plant facilities, in 1973 and 1977 for institutions of higher education, and in 1979 for the Legislature and other agencies are reduced to reflect actual bond sales.

HB 1328 authorizes \$285,851,000 in new state general obligation bonds. Included within this total are \$33,928,000 of reimbursable bonds, the remaining \$251,923,000 are authorizations subject to the states' statutory debt limit. Assuming these bonds are sold during the 1985-87 biennium at an average interest rate of 10.1%, the remaining capacity for additional new bond sales for the biennium would be approximately \$62,000,000.

1985 - 87 Operating Budget — Total Washington State

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
LEGISLATIVE	65,308	58,740	11.18				2,188	2,331	-6.16	67,496	61,071	10.52
JUDICIAL	40,969	41,572	-1.45				13,838	2,692	414.00	54,807	44,264	23.82
GENERAL GOVERNMENT	124,268	110,423	12.54	7,522	5,976	25.87	601,847	547,343	9.96	733,637	663,742	10.53
HUMAN RESOURCES	2425,616	2105,399	15.21	1752,005	1499,280	16.86	390,874	464,819	-15.91	4568,495	4069,498	12.26
NATURAL RESOURCES	196,827	143,546	37.12	47,425	26,887	76.39	766,272	400,233	91.46	1010,524	570,665	77.08
TRANSPORTATION	25,946	21,784	19.10	6,004	5,117	17.35	766,208	643,645	19.04	798,158	670,546	19.03
TOTAL EDUCATION	5709,341	5257,969	8.58	275,729	220,153	25.24	941,085	855,028	10.06	6926,155	6333,151	9.36
PUBLIC SCHOOL	4241,022	3880,364	9.29	246,221	196,112	25.55	15,585	31,580	-50.65	4502,828	4108,056	9.61
COMM COLLEGES	481,438	447,255	7.64				54,798	52,193	4.99	536,236	499,448	7.37
HIGHER EDUCATION	930,792	884,440	5.24				854,766	755,313	13.17	1785,558	1639,753	8.89
EDUCATION OTH	56,089	45,910	22.17	29,508	24,042	22.74	15,936	15,942	-.04	101,533	85,894	18.21
SPECIAL APPROP	550,183	375,343	46.58	918	453	102.78	1150,171	942,058	22.09	1701,272	1317,854	29.09
TOT WASHINGTON STATE	9138,458	8114,776	12.62	2089,603	1757,865	18.87	4632,483	3858,150	20.07	15860,543	13730,791	15.51

NOTE

1985 - 87 Operating Budget — Legislative and Judiciary

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
TOTAL LEGISLATIVE	65,308	58,740	11.18				2,188	2,331	-6.16	67,496	61,071	10.52
HOUSE OF REP	30,349	27,129	11.87							30,349	27,129	11.87
SENATE	24,653	23,099	6.73							24,653	23,099	6.73
LEGIS BUDGET	1,446	1,421	1.76							1,446	1,421	1.76
LEGIS TRANSP							1,800	1,519	18.51	1,800	1,519	18.51
LEAP COMMITTEE	1,825	1,416	28.88							1,825	1,416	28.88
STATE ACTUARY	506	345	46.67							506	345	46.67
STATUTE LAW C	6,529	5,329	22.51				388	812	-52.26	6,917	6,142	12.62
TOTAL JUDICIARY	40,969	41,572	-1.45				13,838	2,692	414.00	54,807	44,264	23.82
SUPREME COURT	8,872	6,777	30.92					1,379		8,872	8,155	8.79
LAW LIBRARY	2,326	2,053	13.31							2,326	2,053	13.31
COURT OF APPE	10,364	9,317	11.24							10,364	9,317	11.24
COURT ADMR	19,053	23,036	-17.29				13,838	1,314	953.52	32,891	24,350	35.08
JUDICIAL QUAL	354	390	-9.25							354	390	-9.25
TOTAL LEG & JUD	106,277	100,312	5.95				16,026	5,024	219.02	122,303	105,335	16.11

NOTE

1985 - 87 Operating Budget — General Government

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
OFF OF GOV	4,735	3,631	30.42							4,735	3,631	30.42
LT GOVERNOR	277	253	9.66							277	253	9.66
SECRETARY OF	5,689	6,882	-17.34				2,171	1,701	27.62	7,860	8,584	-8.43
MEXICAN-AM AF	204	133	53.73							204	133	53.73
ASIAN-AM ADV	260	137	89.37							260	137	89.37
INDIAN ADVISO	216	126	71.97							216	126	71.97
STATE TREASUR		7					7,780	6,714	15.88	7,780	6,721	15.76
STATE AUDITOR	788	771	2.19	315			21,710	19,660	10.43	22,498	20,746	8.44
ATTORNEY GENE	4,700	4,372	7.49				29,760	26,250	13.37	34,460	30,622	12.53
OFF FINANCIAL	14,436	13,352	8.12	34			100	228	-56.10	14,536	13,614	6.77
INVESTMENT BO		6					1,542	1,311	17.66	1,542	1,316	17.15
DEPT OF PERSO		218					19,884	15,241	30.47	19,884	15,458	28.63
PERSONNEL APP		1					741	658	12.67	741	659	12.49
DATA PROCESS		1					1,173	901	30.26	1,173	901	30.13
DEFER COMP CO							1,232	976	26.20	1,232	976	26.20
DEPT OF REVEN	59,857	51,263	16.77				3,882	3,915	-.85	63,739	55,178	15.52
TAX APPEALS B	1,086	1,020	6.50							1,086	1,020	6.50
DEPT OF GEN A	7,694	5,901	30.38				168,036	141,223	18.99	175,730	147,124	19.44
INSURANCE COM	8,664	8,122	6.67					373		8,664	8,495	1.99
PUB DISCLOSUR	976	894	9.20							976	894	9.20
DEPT RETIREME		37					15,354	10,419	47.36	15,354	10,457	46.84
MUN RESEARCH	1,835	1,495	22.75							1,835	1,495	22.75
ST BRD OF ACC	342	305	12.06				540	353	53.06	882	658	34.04
BOXING COMMIS	86	77	11.83							86	77	11.83
CEMETERY BOAR							118	98	19.92	118	98	19.92
HORSE RACING		2					4,015	3,019	32.99	4,015	3,021	32.93
GAMBLING COMM							7,154	6,232	14.79	7,154	6,232	14.79
LIQUOR CONTRO		19					86,762	78,620	10.36	86,762	78,639	10.33
PHARMACY BOAR	1,166	1,066	9.38				396	200	98.00	1,562	1,266	23.38
UTILITY & TRA		24					23,279	19,127	21.71	23,279	19,151	21.56
VOL FIREMEN B							212	161	32.09	212	161	32.09
DEPT EMERGENC	1,036	930	11.35	5,430	3,863	40.58		1,227		6,466	6,020	7.42
MILITARY DEPT	7,109	7,130	-.29	2,092	1,765	18.56		218		9,201	9,112	.98
PUB EMPL REL	1,586	1,407	12.70							1,586	1,407	12.70
LOTTERY COMMI							197,632	201,304	-1.82	197,632	201,304	-1.82
UNIFORM LEG C	14	2	483.33							14	2	483.33
PRESIDENTIAL		1									1	
ADMIN HEARING							8,370	7,211	16.07	8,370	7,211	16.07
MINORITY & WO	1,512	840	79.94							1,512	840	79.94
DEATH INVESTI							5	5		5	5	
GENERAL GOVERNMEN	124,268	110,423	12.54	7,522	5,976	25.87	601,847	547,343	9.96	733,637	663,742	10.53

1985 - 87 Operating Budget — Dept. of Social & Health Services

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
CHILDREN & FA	127,625	90,652	40.79	50,438	44,686	12.87		3,503		178,063	138,841	28.25
JUVENILE REHA	73,574	68,482	7.44	968	842	14.98				74,542	69,324	7.53
MENTAL HEALTH	235,301	199,745	17.80	44,091	36,040	22.34	710	1,052	-32.50	280,102	236,836	18.27
DEVELOPMENTAL	171,033	155,673	9.87	128,946	113,502	13.61		188		299,979	269,363	11.37
LONG TERM CAR	270,929	224,733	20.56	247,636	213,045	16.24		5,073		518,565	442,851	17.10
INCOME MAINTENANCE	437,323	374,874	16.66	350,042	317,367	10.30		572		787,365	692,812	13.65
COMMUNITY SOC	35,980	28,751	25.14	14,093	12,227	15.26	165	2,984	-94.47	50,238	43,962	14.28
MEDICAL ASSISTANCE	438,257	391,830	11.85	304,100	256,605	18.51		28,600		742,357	677,035	9.65
PUBLIC HEALTH	43,411	39,429	10.10	66,635	52,310	27.38	52,907	24,627	114.83	162,953	116,366	40.03
VOCATIONAL RE	12,582	14,267	-11.81	29,370	25,878	13.49		329		41,952	40,474	3.65
ADMIN SUPPORT	62,971	56,641	11.18	39,032	37,346	4.51	74	432	-82.85	102,077	94,419	8.11
COMMUNITY SERVICES	124,454	103,081	20.73	145,726	118,355	23.13	732	4,521	-83.81	270,912	225,957	19.90
REVENUE COLLECTED	15,858	12,142	30.61	31,649	23,872	32.58				47,507	36,014	31.91
300-MISCELLANEOUS		18,406			12,933						31,339	
DEPT OF SOCIAL & HEALTH SERVICES	2049,298	1778,705	15.21	1452,726	1265,007	14.84	54,588	71,880	-24.06	3556,612	3115,591	14.16

NOTE

1985 - 87 Operating Budget — Natural Resources

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
STATE ENERGY	1,595	1,143	39.55	13,978	8,585	62.82	1,395	5,258	-73.47	16,968	14,986	13.23
COL RIV GORGE	104	77	35.95				82	57	43.36	186	134	39.12
DEPT OF ECOLO	42,489	25,759	64.95	20,250	9,947	103.57	545,851	188,587	189.44	608,590	224,294	171.34
ENVIRON HEARI	776	742	4.64							776	742	4.64
ENERGY FAC SI		22			28		2,740	2,350	16.59	2,740	2,400	14.18
PARKS & RECRE	33,956	29,536	14.96	660			10,859	9,994	8.65	45,475	39,531	15.04
ARCH/HIST PRE	367	340	7.94	614	916	-32.95				981	1,256	-21.88
OUTDR RECREAT		9					20,626	13,672	50.87	20,626	13,681	50.76
COMM & EC DEV	20,281	7,970	154.46				761	4,912	-84.51	21,042	12,882	63.34
DEPT OF FISHE	43,169	38,955	10.82	10,924	6,527	67.36	3,163	7,768	-59.28	57,256	53,250	7.52
DEPT OF GAME		39					53,741	48,065	11.81	53,741	48,104	11.72
ST CONVENT/TR							4,913	2,497	96.79	4,913	2,497	96.79
NATURAL RESOU	30,791	26,007	18.40	258	288	-10.48	87,456	86,787	.77	118,505	113,082	4.80
DEPT OF AGRIC	14,834	11,626	27.59	741	595	24.54	34,463	30,218	14.05	50,038	42,439	17.91
CONSERVATION	364	309	17.72					30		364	339	7.31
WASH CENTENNI	1,513	224	576.05				222			1,735	224	675.25
SMALL BUSINES		38									38	
WORLD FAIR CO	3,888	691	462.83							3,888	694	460.39
ADVIS COUNCIL		60									60	
CENTENNIAL PA								35			35	
PUGET SOUND W	2,700									2,700		
NATURAL RESOURCES	196,827	143,546	37.12	47,425	26,887	76.39	766,272	400,233	91.46	1010,524	570,665	77.08

NOTE

1985 - 87 Operating Budget — Transportation

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
STATE PATROL	13,295	11,796	12.71	140			119,829	105,736	13.33	133,264	117,531	13.39
TRAFFIC SAFET							5,049	5,237	-3.58	5,049	5,237	-3.58
DEPT OF LICEN	12,039	9,263	29.97				125,133	101,545	23.23	137,172	110,809	23.79
CNTY ROAD ADM							21,718	10,313	110.59	21,718	10,313	110.59
BRD PILOTAGE							80	70	15.11	80	70	15.11
DEPT OF TRANS	610	724	-15.77	5,864	5,117	14.61	425,173	386,249	10.08	431,647	392,090	10.09
URBAN ARTERIA							68,486	34,047	101.15	68,486	34,047	101.15
MARINE EMPLOY							274	125	118.50	274	125	118.50
TRANSPORTATIO	2	1	66.67				466	323	44.29	468	324	44.37
TOT TRANSPORTATIO	25,946	21,784	19.10	6,004	5,117	17.35	766,208	643,645	19.04	798,158	670,546	19.03

1985 - 87 Operating Budget — Education

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
PUBLIC SCHOOLS	4241,022	3880,364	9.29	246,221	196,112	25.55	15,585	31,580	-50.65	4502,828	4108,056	9.61
COMM COLLEGE TO	481,438	447,255	7.64				54,798	52,193	4.99	536,236	499,448	7.37
HIGHER EDUCATIO	930,792	884,440	5.24				854,766	755,313	13.17	1785,558	1639,753	8.89
UNIV OF WASH	437,423	416,249	5.09				698,077	608,725	14.68	1135,500	1024,974	10.78
WASH STATE UN	250,293	238,225	5.07				126,106	119,161	5.83	376,399	357,387	5.32
EASTERN WASH	71,567	69,255	3.34				8,035	6,746	19.11	79,602	76,001	4.74
CENTRAL WASH	61,532	58,409	5.35				11,716	9,922	18.08	73,248	68,331	7.20
THE EVERGREEN	33,643	30,526	10.21				2,948	2,802	5.22	36,591	33,328	9.79
WESTERN WASH	76,334	71,775	6.35				7,884	7,957	-.92	84,218	79,732	5.63
EDUCATION OTHER	56,089	45,910	22.17	29,508	24,042	22.74	15,936	15,942	-.04	101,533	85,894	18.21
COMPACT FOR E		35									35	
CNCL POSTSEC	35,933	28,244	27.22	3,634	3,262	11.40	40	40		39,607	31,546	25.55
HI TECH COORD		276									276	
PUBLIC BROADC		20									20	
COMM FOR VOC	6,276	4,750	32.12	22,560	17,670	27.68	500	4,435	-88.73	29,336	26,855	9.24
HE PERSONNEL		40					1,779	1,445	23.14	1,779	1,485	19.82
STATE LIBRARY	8,524	7,579	12.47	2,376	2,319	2.48	13,324	9,450	41.00	24,224	19,347	25.21
STATE ARTS CO	3,538	2,752	28.58	938	791	18.54		199		4,476	3,742	19.61
ST HIST SOCIE	630	599	5.11				106	91	16.74	736	690	6.64
E WA ST HIST	626	489	27.94				75	116	-35.12	701	605	15.89
ST CAPITOL HI	562	466	20.63				112	90	24.03	674	556	21.18
TEMP COMM ED		611						77			688	
ATHLETIC HEAL		49									49	
EDUCATION TOTAL	5709,341	5257,969	8.58	275,729	220,153	25.24	941,085	855,028	10.06	6926,155	6333,151	9.36

1985 - 87 Operating Budget — Public Schools

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
OFFICE OF SPI	19,173	13,569	41.30	7,412	6,316	17.36	464	1,925	-75.90	27,049	21,810	24.02
GEN APPORTION	3465,393	2963,873	16.92							3465,393	2963,873	16.92
TRANSPORTATIO	208,894	169,857	22.98							208,894	169,857	22.98
VOC-TECH INST	63,312	54,680	15.79							63,312	54,680	15.79
VOC ED FLOW T		13									13	
FOOD SERVICES	6,000	5,997	.05	69,584	60,611	14.80		18		75,584	66,626	13.45
HANDICAPPED	355,371	286,746	23.93	30,153	34,131	-11.66		100		385,524	320,977	20.11
TRAFFIC SAFET							15,123	13,078	15.64	15,123	13,078	15.64
EDUC SERVICE	9,568	6,789	40.94							9,568	6,789	40.94
ELEM & SECOND				105,360	107,969	-2.42		4,003		105,360	111,972	-5.90
INDIAN EDUCAT				335	367	-8.72				335	367	-8.72
INSTITUTIONAL	20,982	18,949	10.73	6,663	7,123	-6.45				27,645	26,072	6.03
ADULT BASIC E		2		2,629	3,362	-21.80		3		2,629	3,366	-21.90
SCHOOL DIST S	255	245	4.25		20			703		255	968	-73.67
CAREER EDUCAT					294						294	
SPECIAL & PIL	4,126	1,791	130.37							4,126	1,791	130.37
FEDERAL ENCUM				24,085	-24,085	200.00				24,085	-24,085	200.00
TRANSITIONAL	9,342	3,039	207.40							9,342	3,039	207.40
REMEDATION A	24,733	10,485	135.89							24,733	10,485	135.89
SPECIAL NEEDS		28,470			5						28,475	
RELIANCE DIST		500									500	
EDUCATIONAL C	2,332	1,845	26.40							2,332	1,845	26.40
TRS CONTRIBUT	42,000	314,636	-86.65					11,750		42,000	326,386	-87.13
BELATED CLAIM		6									6	
MISCELLANEOUS	4,622	-1,127	509.97							4,622	-1,127	509.97
HIGHLY CAPABL	4,918									4,918		
PUBLIC SCHOOLS	4241,021	3880,364	9.29	246,221	196,112	25.55	15,587	31,580	-50.64	4502,829	4108,056	9.61

NOTE: TRS Contributions total 297 million for the 1985-87 biennium. In addition to the 42 million shown under that heading, 255 million is spread thru other K-12 program areas.

NOTE: The -1,127 shown under miscellaneous for 1983-85 represents anticipated reversions per the supplemental and decremental budget bills.

1985 - 87 Operating Budget — Special Appropriations

DOLLARS IN THOUSANDS

	GENERAL FUND STATE			GENERAL FUND FEDERAL			ALL OTHER FUNDS			TOTAL ALL FUNDS		
	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF	1985-87	1983-85	% DIFF
SPEC APP TO G	1,700	-300	666.67							1,700	-300	666.67
SUPP BUDGET 1												
BELATED CLAIM	1,145									1,145		
SUNDRY CLAIMS	1,091	2,551	-57.25				1,251	15	***. **	2,342	2,566	-8.76
ST REV FOR DI	209,457	178,730	17.19				401,332	367,450	9.22	610,789	546,180	11.83
FED REV FOR D				918	453	102.78	25,281	22,645	11.64	26,199	23,098	13.43
BOND RETIRE & SALARY ADJUST		-835					677,487	516,659	31.13	677,487	516,659	31.13
RETIREMENT CO	310,000	195,197	58.81				25,700	35,289	-27.17	335,700	230,486	45.65
DSHS SUNDRY C COMP WORTH	26,790						19,120			45,910		
TOT SPECIAL APPRO	550,183	375,343	46.58	918	453	102.78	1150,171	942,058	22.09	1701,272	1317,854	29.09

NOTE: The -300 shown for special appropriations to the Governor in 1983-85 represents amounts to be reverted from distributions made to agencies per the decremental budget bill.

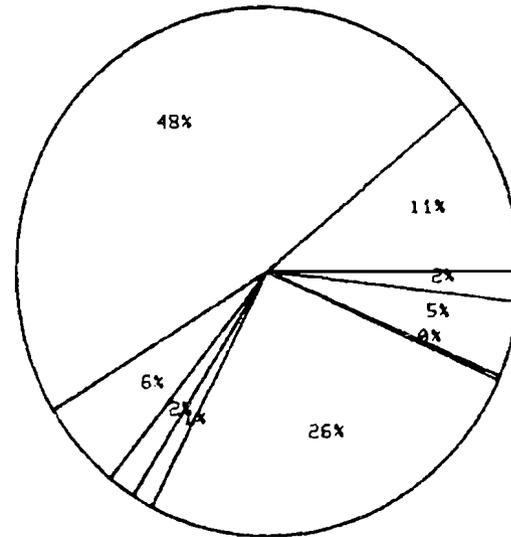
NOTE: The -835 shown for salary adjustments in 1983-85 represents amounts to be reverted from distributions made to agencies per the decremental budget bill.

Comparative Information — Operating Budget — Current Biennium Versus Ensuing Biennium

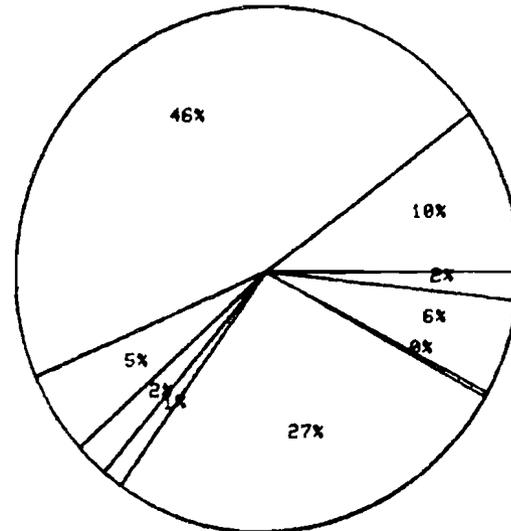
DOLLARS IN MILLIONS

GENERAL FUND-STATE

HIGHER EDUCATION	884	11%
PUBLIC SCHOOLS	3,880	48%
COMMUNITY COLLEGES	447	6%
NATURAL RESOURCES	144	2%
GENERAL GOVERNMENT	110	1%
HUMAN RESOURCES	2,105	26%
TRANSPORTATION	22	%
SPECIAL APPROP	375	5%
ALL OTHER	146	2%
1983-85 TOTAL	8,115	100%



HIGHER EDUCATION	931	10%
PUBLIC SCHOOLS	4,241	46%
COMMUNITY COLLEGES	481	5%
NATURAL RESOURCES	197	2%
GENERAL GOVERNMENT	124	1%
HUMAN RESOURCES	2,426	27%
TRANSPORTATION	26	%
SPECIAL APPROP	550	6%
ALL OTHER	162	2%
1985-87 TOTAL	9,138	100%

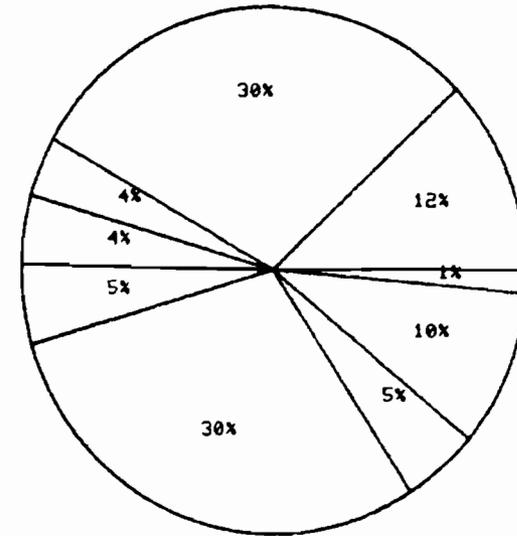


Comparative Information — Operating Budget — Current Biennium Versus Ensuing Biennium

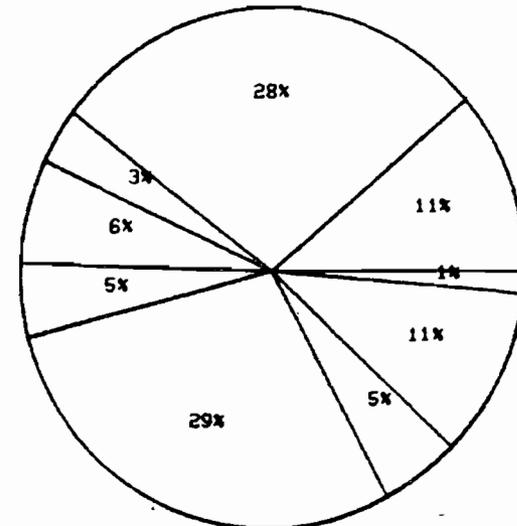
DOLLARS IN MILLIONS

ALL FUNDS

HIGHER EDUCATION	1,640	12%
PUBLIC SCHOOLS	4,108	30%
COMMUNITY COLLEGES	499	4%
NATURAL RESOURCES	571	4%
GENERAL GOVERNMENT	664	5%
HUMAN RESOURCES	4,069	30%
TRANSPORTATION	671	5%
SPECIAL APPROP	1,318	10%
ALL OTHER	191	1%
1983-85 TOTAL	13,731	100%



HIGHER EDUCATION	1,786	11%
PUBLIC SCHOOLS	4,503	28%
COMMUNITY COLLEGES	536	3%
NATURAL RESOURCES	1,011	6%
GENERAL GOVERNMENT	734	5%
HUMAN RESOURCES	4,568	29%
TRANSPORTATION	798	5%
SPECIAL APPROP	1,701	11%
ALL OTHER	224	1%
1985-87 TOTAL	15,861	100%

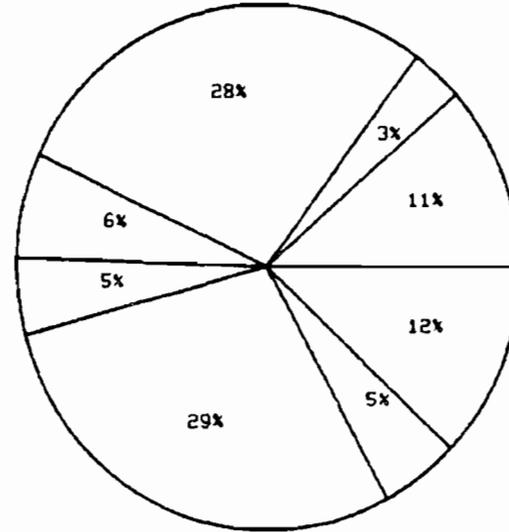


Comparative Information — Operating Budget — Total All Funds Versus General Fund — State

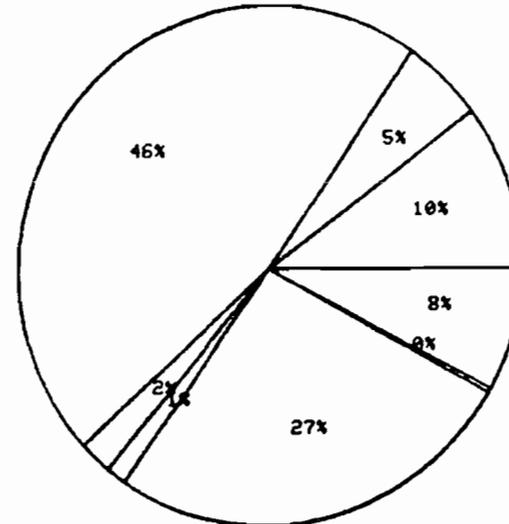
DOLLARS IN MILLIONS

1985-87 BIENNIUM

HIGHER EDUCATION	1,786	11%
COMMUNITY COLLEGES	536	3%
PUBLIC SCHOOLS	4,503	28%
NATURAL RESOURCES	1,011	6%
GENERAL GOVERNMENT	734	5%
HUMAN RESOURCES	4,568	29%
TRANSPORTATION	798	5%
ALL OTHER	1,925	12%
TOTAL ALL FUNDS	15,861	100%



HIGHER EDUCATION	931	10%
COMMUNITY COLLEGES	481	5%
PUBLIC SCHOOLS	4,241	46%
NATURAL RESOURCES	197	2%
GENERAL GOVERNMENT	124	1%
HUMAN RESOURCES	2,426	27%
TRANSPORTATION	26	%
ALL OTHER	713	8%
GENERAL FUND-STATE	9,138	100%



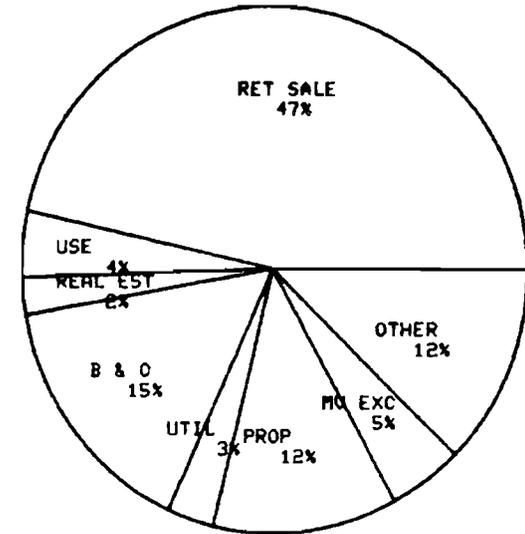
Comparative Information — Operating Budget — 1983-85 Versus 1985-87 Revenue Forecast

DOLLARS IN MILLIONS

1983-85 BIENNIUM

RETAIL SALES	3,772	47%
USE TAX	323	4%
REAL ESTATE EXCISE	182	2%
B & O	1,246	15%
PUBLIC UTILITY	246	3%
PROPERTY TAX	958	12%
MOTOR VEHICLE EXCISE	381	5%
ALL OTHER	999	12%

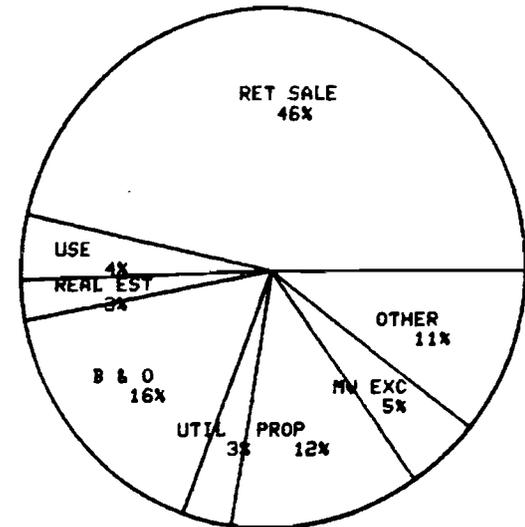
1983-85 TOTAL	8,107	100%
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1985-87 BIENNIUM

RETAIL SALES	4,302	46%
USE TAX	375	4%
REAL ESTATE EXCISE	234	3%
B & O	1,526	16%
PUBLIC UTILITY	296	3%
PROPERTY TAX	1,127	12%
MOTOR VEHICLE EXCISE	433	5%
ALL OTHER	979	11%

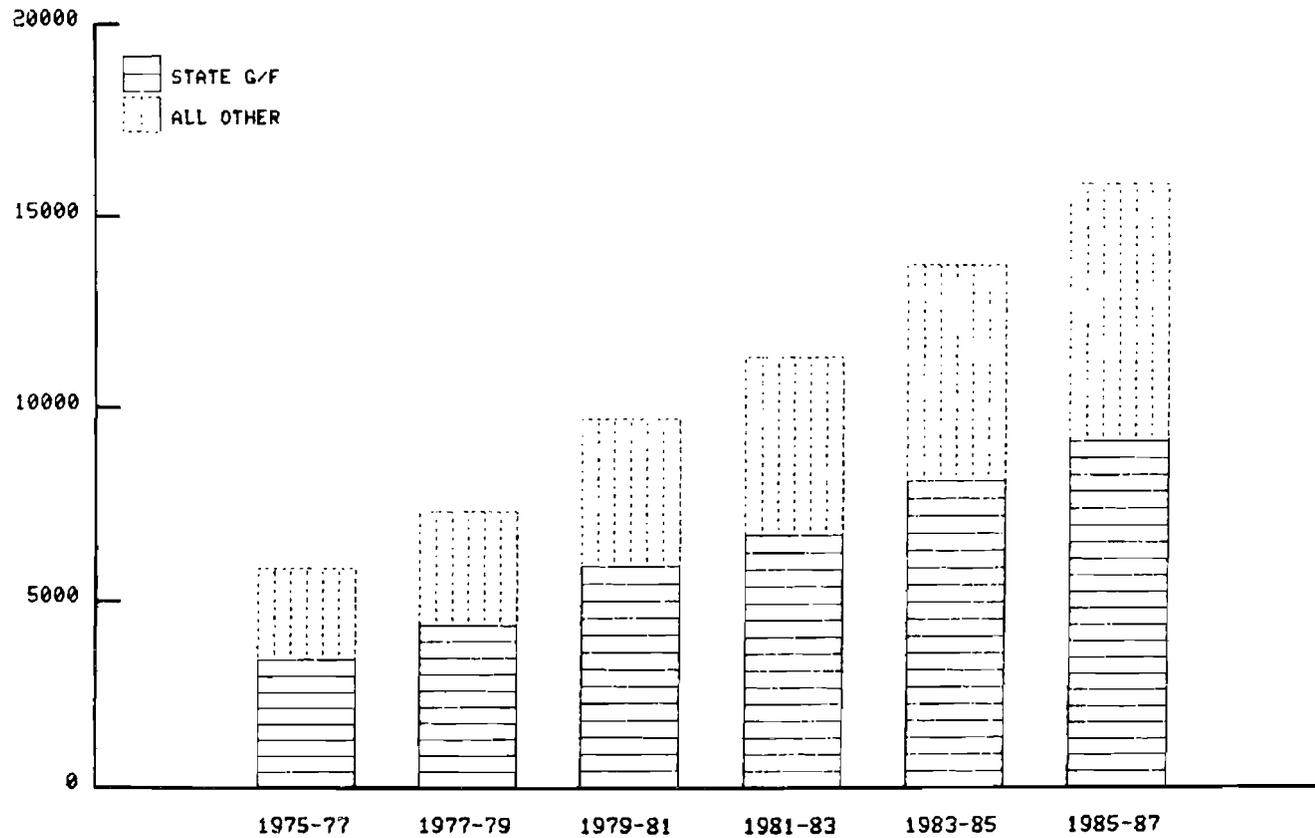
1985-87 TOTAL	9,272	100%
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Comparative Information — Operating Budget — Total All funds & State General Fund

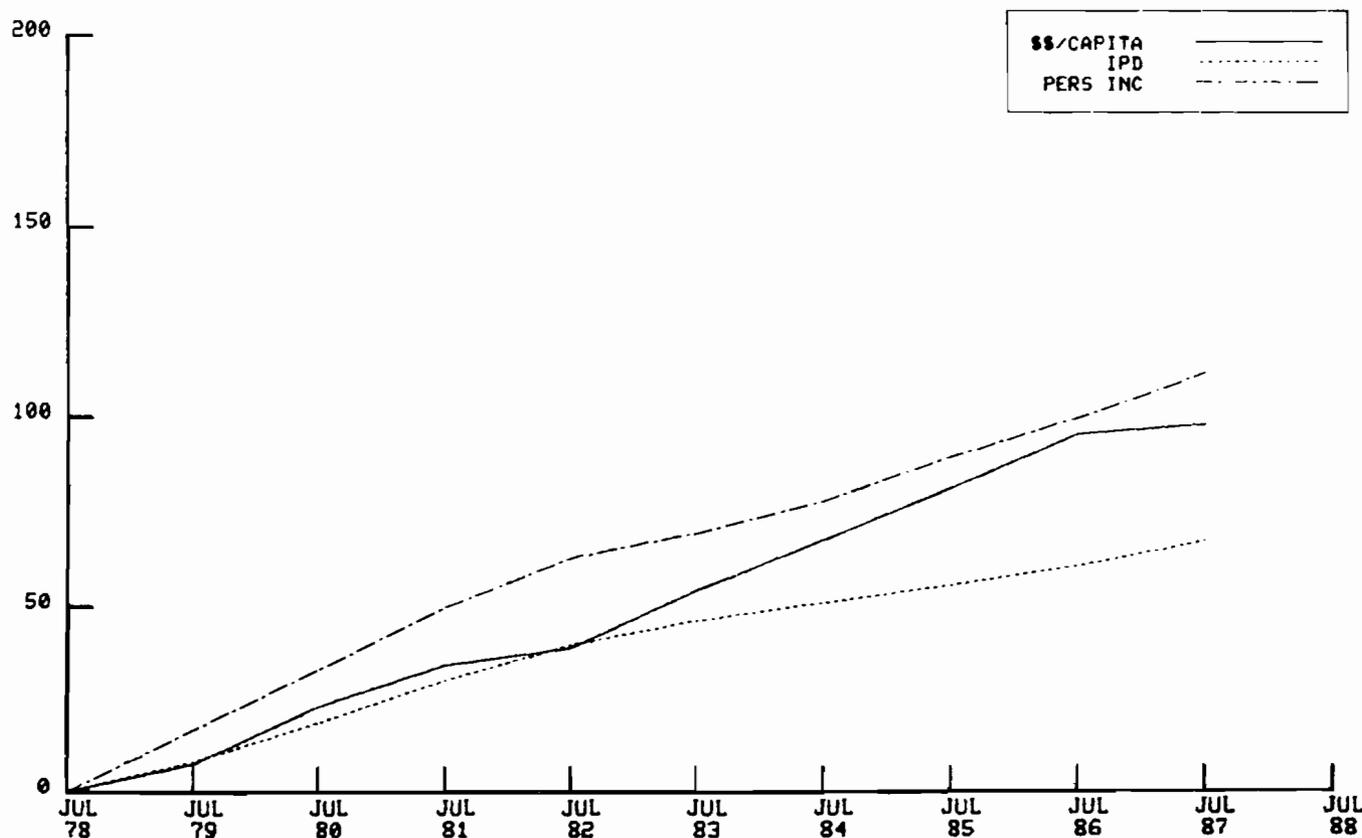
DOLLARS IN MILLIONS

	1975-77	1977-79	1979-81	1981-83	1983-85	1985-87
GFS	3,443	4,356	5,899	6,705	8,115	9,138
ALL OTHER	2,421	2,976	3,820	4,625	5,616	6,722
TOTAL	5,864	7,331	9,719	11,330	13,731	15,861



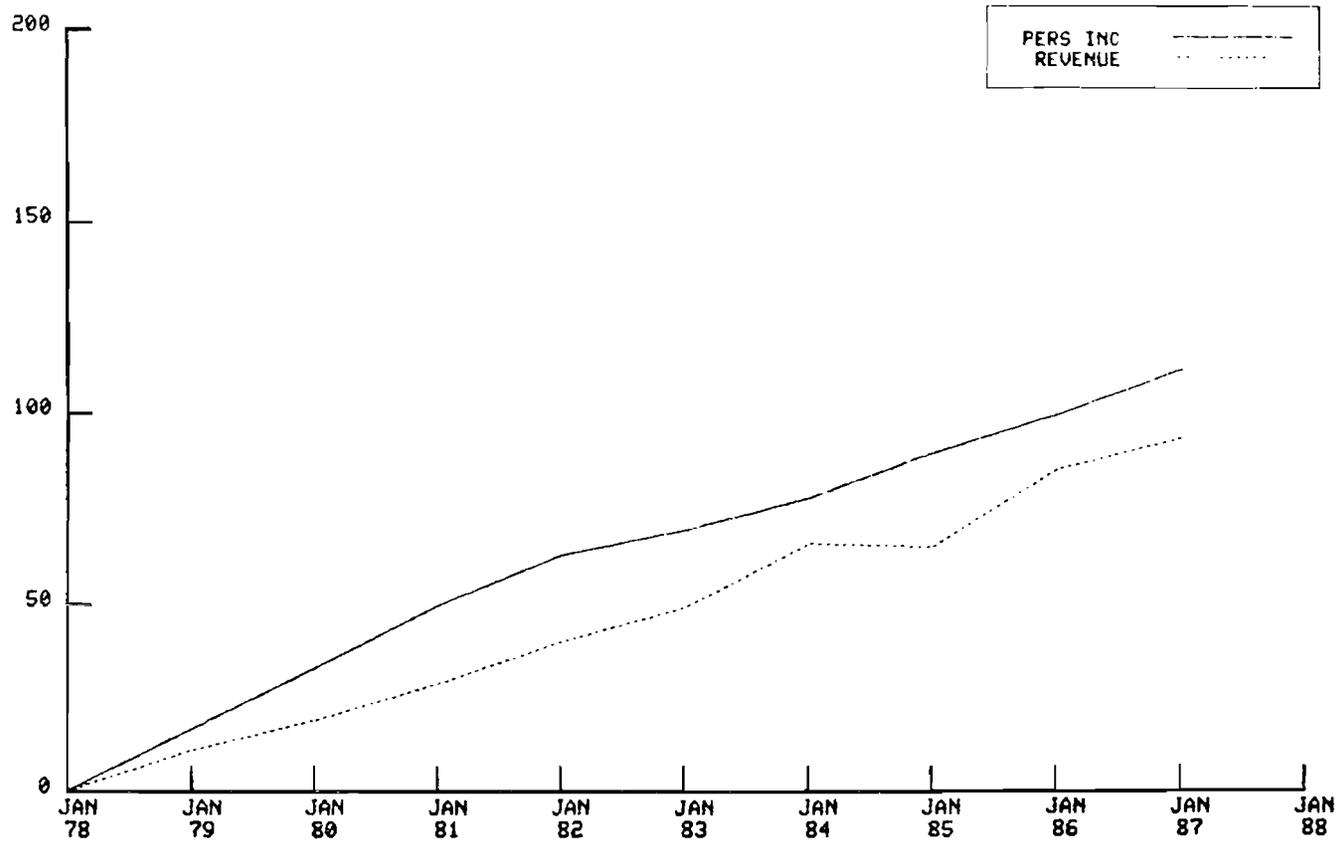
Comparative Information — Operating Budget — Cumulative Percent Growth Comparisons \$\$ Per Capita, Implicit Price Deflator, Personal Income

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
\$\$/CAPITA		7.50	23.02	34.22	38.87	54.43	67.71	81.37	95.41	97.74
IPD		8.14	18.65	30.20	39.74	46.28	51.01	55.74	60.82	67.22
PERS INC		16.79	33.03	49.88	63.08	69.55	77.92	89.62	99.65	111.31



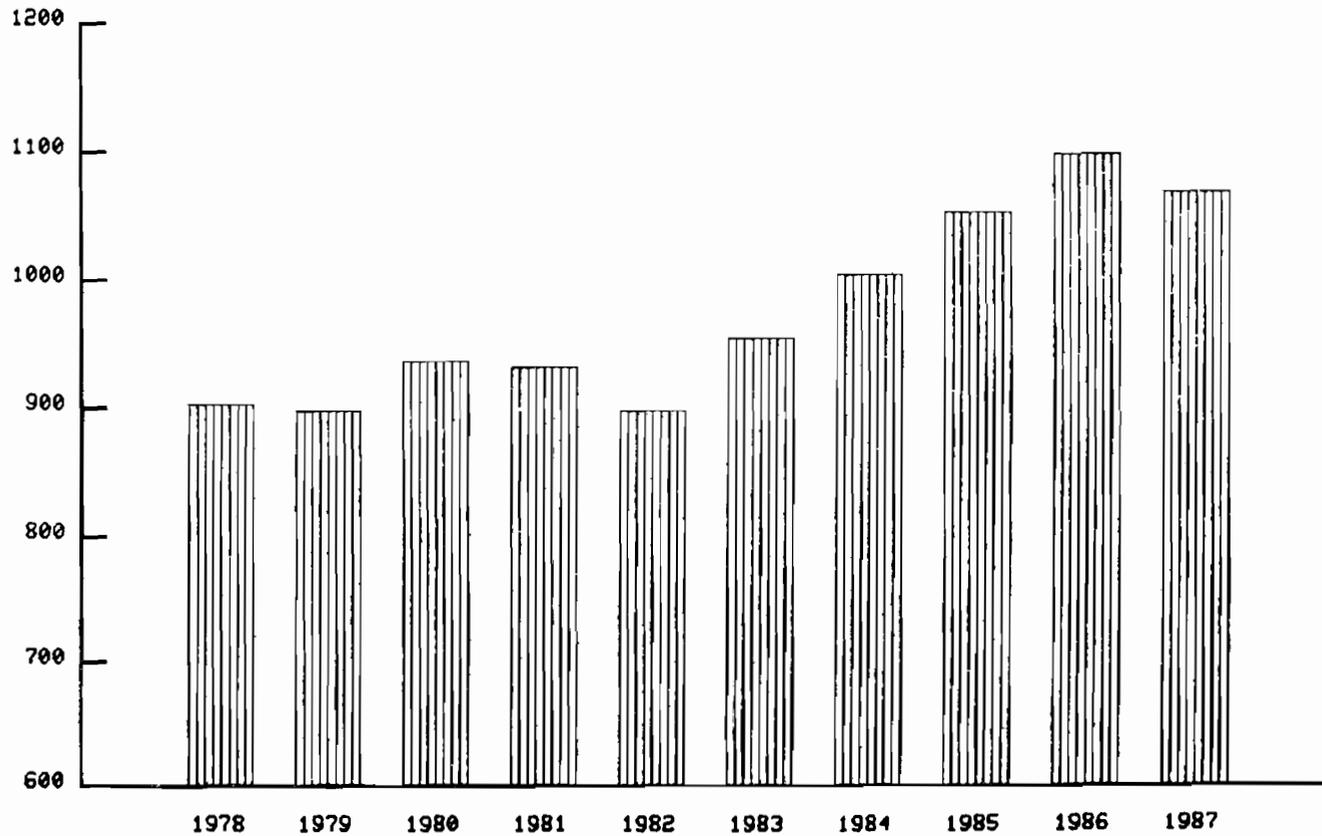
Comparative Information — Operating Budget — Percent Growth — Personal Income VS State Revenue

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
PERS INC		16.79	33.03	49.88	63.08	69.55	77.92	89.62	99.65	111.31
REVENUE		11.03	19.13	29.02	40.17	49.20	66.08	65.22	85.37	93.50



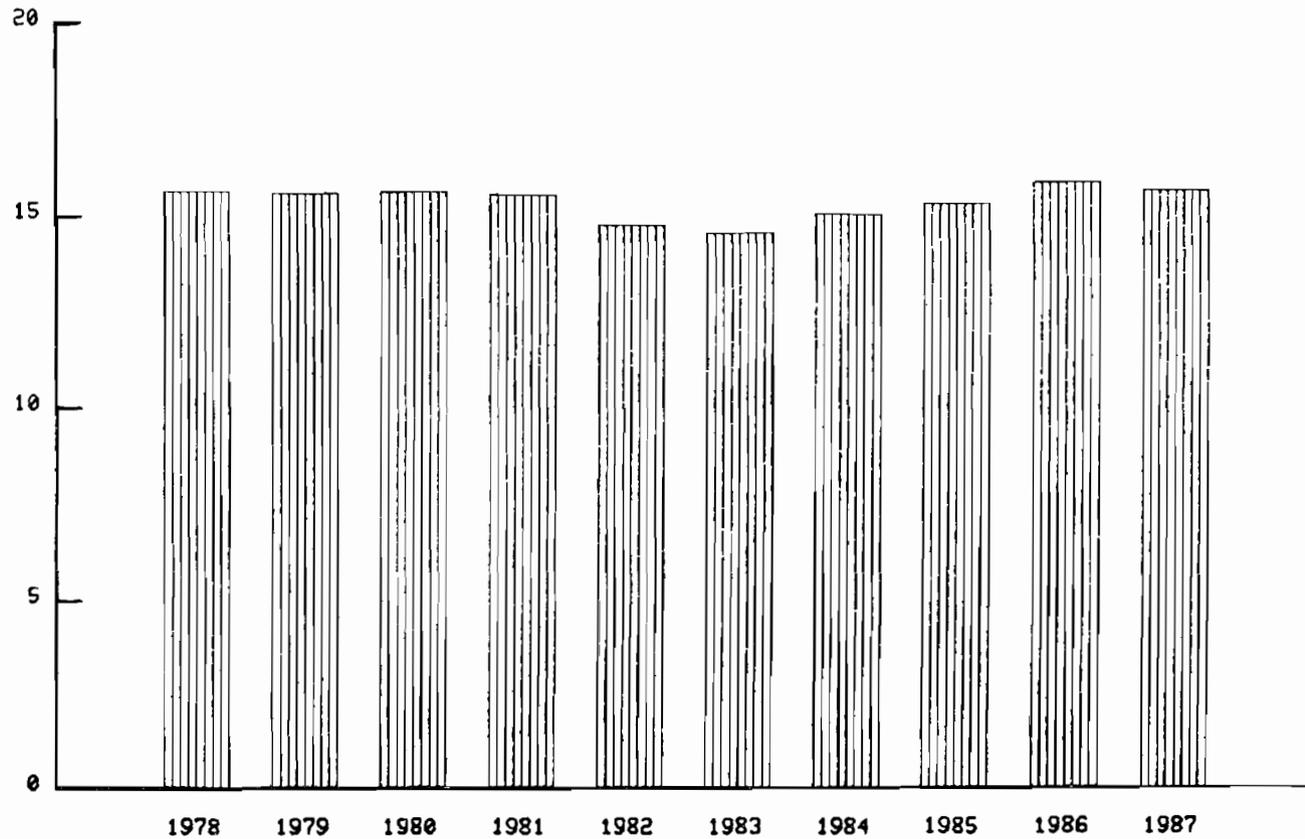
Comparative Information — Operating Budget — Per Capita Expenditures — Total All Funds — FY1978 Constant Dollars (IPD)

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
\$\$/CAPITA	904	898	937	931	898	954	1003	1052	1098	1068



 Comparative Information — Operating Budget — State Employees Per 1,000 Population (Includes Both Operating & Capital FTES)

	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
FTE/1000 POP	15.7	15.6	15.6	15.6	14.7	14.6	15.0	15.3	15.9	15.7
FTE	60078	62056	64575	65744	62892	62366	65125	67025	70407	70478
POPULATION	3836200	3979200	4132199	4226602	4264000	4285102	4328102	4376500	4432699	4496398



The 1985-87 biennial budget for the State of Washington was adopted at \$14.420 billion. Of that amount, \$9.138 billion is from the state's general fund. Federal funds total \$2.090 billion, and other fund sources contribute \$3.192 billion. The budget represents a 13.1 percent increase in state general fund dollars over the 1983-85 expenditure level. Four budget areas account for 75 percent of that increase:

- Increased pension funding (\$96 million);
- Maintenance of full funding of K-12 basic education (\$209 million);
- 1985-87 caseload increases in welfare entitlement programs and carry-forward costs of 1983-85 DSHS caseload and vendor rate increases (\$181 million); and
- Payment of the carry-forward costs of the public employee salary increases granted on January 1, 1985 (\$300 million).

All other budget increases, including program changes and inflation on goods and services for a two-year period account for only 25 percent of the budget increase, or a 3.3 percent increase of 1983-85 expenditure levels. No public employee salary or benefit increases are provided except for higher education faculty at the University of Washington and Washington State University. \$11 million is provided to help correct market disparities in faculty salaries at these two institutions. Public employee health benefit contributions are continued at \$167 per employee per month.

The 1985-87 budget emphasizes the following goals and priorities:

Protect the fiscal integrity of the state

- Tight first-year budget (current level with minimal, selected adjustments)
- Freeze on all second-year spending (except K-12 enrollment and inflation and caseload increases in entitlement programs) including:
 - A. Inflation
 - B. Caseload increases (other than entitlement programs)
 - C. Workload adjustments
 - D. Vendor rates
 - E. Salaries
 - F. Benefits
 - G. Enrollment (higher education)
- \$173 million contingency reserve for fiscal year '87 to protect state against:
 - A. Federal budget reductions
 - B. Potential revenue shortfalls
- 12-month planning period for state agencies to adjust to the second-year freeze remains in place
- Prevention of continual budget adjustments
- No return to use of unsound fiscal practices:
 - A. 25th month
 - B. Cash flow borrowing
 - C. Deferred pension payments
 - D. Use of capital funds for operating purposes

Reduce the unfunded liability of the state's public employee pension systems

- Funding of 73 percent of the State Actuary's recommendation (\$675 million GF-S)
- Continued improvement of the funding ratios for all retirement systems
- No delay in payment of the contribution toward reducing unfunded liability
- Regular payments to the pension systems of all appropriated amounts

- Increase in total pension funding from \$653 million in 1983-85 to \$779 million in 1985-87 (all funds)

Maintain basic life-support services and protect public health and safety

- Current level funding of existing human service programs plus entitlement caseload increases
- Maintenance of current staffing levels in correctional facilities and funding for the staffing and operation of the Clallam Bay prison beginning in February, 1986
- \$5 million in state grants to local communities to fund survival services:
 - A. Emergency shelters
 - B. Food banks
 - C. Community clinics
- Provision of a 3 percent inflationary adjustment for income assistance recipients and vendors on January 1, 1986
- increased staffing at mental hospitals
- Funding for sprinkler systems in nursing homes
- increased staffing for Child Protective Services, Adult Protective Services, and day care monitoring

Meet the state's legal obligation to fully fund basic education

- \$417 million in increased K-12 education funding above 1983-85 budgeted levels, a 10.7 percent increase (including TRS funding)
- Recognition of projected 1985-87 enrollment and inflation increases
- Exemption from the second-year freeze for forecasted enrollment and inflation
- Funding of 1983-85 carry-forward adjustments:
 - A. Biennialization of 1/1/85 salary increases
 - B. FY 85 transportation increases
 - C. FY 85 inflation
 - D. Special education funding

1985-87 OPERATING BUDGET — HIGHLIGHTS

- Adjustments for FY 86 workload increases in basic education, special education, bilingual programs and transportation

Maintain higher education enrollment levels with increased administrative flexibility

- Funding for existing enrollment levels at the state's higher education institutions:

UW	29,616 in FY 86 and 29,624 in FY 87
WSU	16,022 in FY 86 and 15,974 in FY 87
Eastern	7,000 in FY 86 and FY 87
Western	8,250 in FY 86 and 8,250 in FY 87
Central	5,955 in FY 86 and 6,000 in FY 87
Evergreen	2,416 in FY 86 and 2,466 in FY 87
Community colleges	83,300 in FY 86 and FY 87

- Enrollment levels include a small, 50 student increase at The Evergreen State College
- Budget language to control enrollment growth while providing local administrative flexibility (i.e., 2 percent tolerance band)

Encourage an out-of-court settlement of the comparable worth lawsuit

- 3.9 million comparable worth payment (\$2.6 million GF-S) beginning July 1, 1985 to meet statutory obligation
- \$350,000 to the Governor to hire an independent consultant to update job classifications and conduct evaluations for comparable worth and \$150,000 appropriation to Department of Personnel and Higher Education Personnel Board to provide assistance to the consultant
- \$100,000 to the Governor to hire a special negotiator to pursue a comparable worth settlement

- \$41.4 million offer (\$23.6 GF-S) to settle the comparable worth lawsuit and provide for statutory implementation with the following conditions:

A. Settlement proposal presented to the Legislature by January 1, 1986, or the money reverts to the general fund

B. Payments to begin no earlier than January 1, 1987, subject to court approval of settlement by June 30, 1986

C. Use of actual, average wages in state government as the comparable worth standard

Protect the state's natural resources while promoting economic development

- \$2.7 million for the Puget Sound Water Quality Authority
 - \$8.7 million for clean-up of hazardous wastes and groundwater contamination
 - \$3.9 million in funding for Expo '86
 - Inclusion of the High Technology Center at UW and the IMPACT Center at WSU and the Forest Products Center at UW in the Department of Commerce and Economic Development's budget total
 - Funding of \$6 million increase in economic development programs in the Department of Commerce and Economic Development
-

ESSB 3920:Adopting the 1985-87 transportation budget.

Highlights of the major issues in the transportation budget are described below. Spread sheets comparing 1983-85, 1985-87, Senate and House versions of the budget are on the following pages.

Highlights include:

- Basically represents a carry forward program from 1983-85 with no inflation allowance in the second year of the biennium except for the highway construction programs.
- Of the 82 new Washington State Patrol troopers recommended by Governor Gardner, the Legislature funded 61 troopers with 21 being deferred until the 1986 session.
- Implementation of the Department of Licensing County Auditor Automation Project (CAAP) has been funded.
- The Drivers Services division of the Department of Licensing reflects no staffing increases in order to help balance the Highway Safety Fund.
- Governor Gardner's inflation rate for highway construction programs was reduced from 7 percent to 5 percent.
- \$4 million was appropriated for the design of unfunded 1987-89 Category "C" highway construction.
- Any savings realized in the Marine operating budget are to be placed in reserve rather than being spent on new projects or programs.

1985-87 Operating Budget — Transportation Highlights

LTC - 07/03/85

1985-1987 TRANSPORTATION BUDGET AS ENACTED (ESSB 3920)

AGENCY & SOURCE OF FUND TOTALS

(DOLLARS IN 000)

AGENCY	ESTIMATED 1983-1985	GARDNER REQUEST	SENATE VERSION	HOUSE (FINAL)	FINAL VS B3-85 % DIFF.	FINAL VS GARDNER % DIFF.
DEPARTMENT OF LICENSING	70,780	96,213	88,868	87,526	24%	-9%
WASHINGTON STATE PATROL - OPERATING	104,507	120,328	118,428	118,278	13%	-2%
WASHINGTON STATE PATROL - CAPITAL	468	4,251	4,251	4,251	808%	0%
COUNTY ROAD ADMINISTRATION BOARD	10,313	21,778	21,778	21,718	111%	0%
URBAN ARTERIAL BOARD	34,047	68,486	68,486	68,486	101%	0%
BOARD OF PILOTAGE COMMISSIONERS	70	80	80	80	14%	0%
TRAFFIC SAFETY COMMISSION	5,236	5,049	5,049	5,049	-4%	0%
LEGISLATIVE TRANSPORTATION COMMITTEE	1,519	1,672	1,800	1,800	18%	8%
TRANSPORTATION COMMISSION	325	468	468	468	44%	0%
DEPARTMENT OF TRANSPORTATION	1,217,525	1,382,596	1,411,542	1,375,835	13%	0%
-----	-----	-----	-----	-----	---	---
TOTAL - ALL AGENCIES	1,444,790	1,700,921	1,720,750	1,683,491	17%	-1%

1985-87 Operating Budget — Transportation Highlights

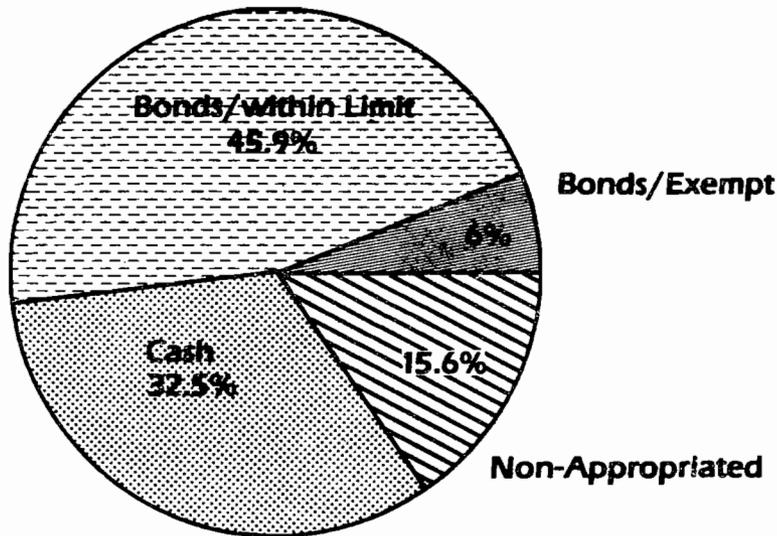
LTC - 07/03/85

1985-1987 TRANSPORTATION BUDGET AS ENACTED (ESSB 3920)

SOURCE OF FUNDS	ESTIMATED 1983-1985	GARDNER REQUEST	SENATE VERSION	HOUSE (FINAL)	FINAL VS 83-85 % DIFF.	FINAL VS GARDNER % DIFF.
GENERAL FUND - ST.	617	616	612	612	-1%	-1%
GENERAL FUND FED./LDC.	5,506	6,203	6,054	6,054	10%	-2%
SEARCH & RESCUE ACCT.	105	111	110	110	5%	-1%
AERONAUTICS ACCT. -ST./FED.	1,465	1,382	1,370	1,370	-6%	-1%
PILDTAGE ACCT.	70	80	80	80	14%	0%
STATE GAME FUND	223	334	334	334	50%	0%
PUBLIC SAFETY & EDUC. ACCT.	0	2,056	2,056	2,056	***	0%
MOTORCYCLE SAFETY EDUC. ACCT.	125	193	193	193	54%	0%
RURAL ARTERIAL TRUST ACCT.	10,021	21,042	21,042	21,042	110%	0%
URBAN ARTERIAL TRUST ACCT.	34,047	68,486	68,486	68,486	101%	0%
PUGET SOUND CAP. CONST. ACCT. - ST./FED.	49,450	42,929	62,982	63,782	29%	49%
PUGET SOUND FERRY OP. ACCT.	28,932	47,054	44,922	46,922	62%	0%
PUGET SOUND RESERVE ACCT.	4,100	3,958	3,958	3,958	-3%	0%
HIGHWAY SAFETY FUND - FED.	4,956	4,744	4,744	4,744	-4%	0%
HIGHWAY SAFETY FUND - ST.	36,981	46,370	39,025	38,309	4%	-17%
STATE PATROL HIGHWAY ACCT.	104,975	124,579	122,679	122,529	17%	-2%
MOTOR VEHICLE FUND - ST.	531,023	618,911	632,425	593,232	12%	-4%
MOTOR VEHICLE FUND - FED./LDC.	632,200	711,873	709,678	709,678	12%	0%
TOTAL - ALL FUNDS	1,444,790	1,700,921	1,720,750	1,683,491	17%	-1%

CAPITAL BUDGET BY TYPE OF FUND 1985-87

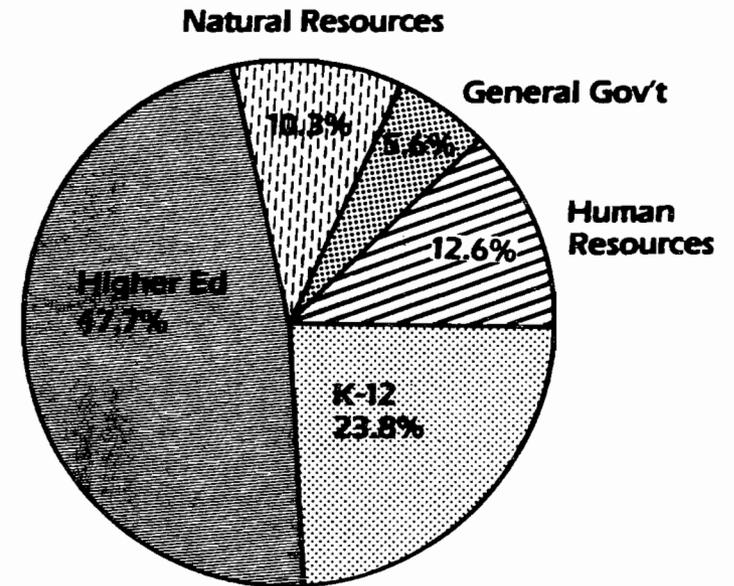
ALL FUNDS
In millions



	\$ in millions
Non-Appropriated	91,597
Cash	191,193
Bonds/within Limit	270,311
Bonds/Exempt	35,140
Total	588,241

CAPITAL BUDGET BY FUNCTION 1985-87

ALL FUNDS
In millions



	\$ in millions
K-12	140,000
Higher Education	280,460
Natural Resources	60,573
General Government	32,819
Human Resources	74,389
Total	588,241

1985-87 Capital Budget By Function, By Agency, By Plan

(\$000)	AGENCY REQUEST	GOVERNOR GARDNER	LEGISLATURE		AGENCY REQUEST	GOVERNOR GARDNER	LEGISLATURE
	-----	-----	-----		-----	-----	-----
EDUCATION				NATURAL RESOURCES & RECREATION			
ST. BOARD - K 12	\$323,071	\$104,100	\$140,000	DEPARTMENT OF ECOLOGY	\$120	\$120	\$120
ST. BOARD - COMMUNITY COLLEGES	\$128,581	\$67,211	\$68,544	PARKS & RECREATION COMMISSION	\$9,481	\$8,584	\$9,335
COMMISSION FOR VOCATIONAL EDUCATION	\$1,076	\$1,076	\$427	COMMERCE & ECONOMIC DEVELOPMENT	\$35,000	\$29,500	\$24,605
UNIVERSITY OF WASHINGTON	\$131,177	\$110,906	\$103,556	DEPARTMENT OF FISHERIES	\$7,607	\$6,691	\$7,391
WASHINGTON STATE UNIVERSITY	\$96,961	\$67,194	\$67,194	DEPARTMENT OF GAME	\$5,072	\$4,617	\$4,617
EASTERN WASHINGTON UNIVERSITY	\$21,179	\$9,982	\$7,341	DEPARTMENT OF NATURAL RESOURCES	\$19,506	\$14,505	\$14,505
CENTRAL WASHINGTON UNIVERSITY	\$27,857	\$8,240	\$5,910	STATE CONVENTION & TRADE CENTER	\$0	\$0	\$0
THE EVERGREEN STATE COLLEGE	\$18,979	\$12,782	\$12,782	TOTAL NATURAL RESOURCES & REC.	\$76,786	\$64,017	\$60,573
WESTERN WASHINGTON UNIVERSITY	\$17,327	\$12,102	\$13,477				
WASHINGTON STATE HISTORICAL SOCIETY	\$246	\$246	\$246				
EAST WASH STATE HISTORICAL SOCIETY	\$983	\$983	\$983				
STATE CAPITOL HISTORICAL ASSOC	\$60	\$60	\$0				
TOTAL EDUCATION	\$767,497	\$394,882	\$420,460				

1985-87 Capital Budget By Function, By Agency, By Plan

(\$000)	AGENCY REQUEST	GOVERNOR GARDNER	LEGISLATURE				
	-----	-----	-----				
GENERAL GOVERNMENT							
SECRETARY OF STATE	\$139	\$95	\$95				
DEPT OF GENERAL ADMINISTRATION	\$29,763	\$12,829	\$12,279				
DEPT OF PERSONNEL	\$0	\$0	\$90				
DEPARTMENT OF EMERGENCY MANAGEMENT	\$56	\$13,303	\$13,030				
MILITARY DEPARTMENT	\$7,382	\$7,175	\$7,175				
OFFICE OF FINANCIAL MANAGEMENT	\$0	\$0	\$150				
TOTAL GENERAL GOVERNMENT	----- \$37,340	----- \$33,402	----- \$32,819				
				TOTALS BY TYPE OF FUND:			
				BONDS:			
				SUBJECT TO THE DEBT LIMIT	\$412,874	\$265,632	\$270,311
				EXEMPT FROM THE DEBT LIMIT	\$54,489	\$58,094	\$35,140
				SUB TOTAL	----- \$467,363	----- \$323,726	----- \$305,451
				CASH	\$480,423	\$155,046	\$191,193
				NON - APPROPRIATED	\$87,481	\$91,597	\$91,597
				TOTAL	----- \$1,035,267	----- \$570,369	----- \$588,241
HUMAN RESOURCES							
DEPT OF SOCIAL & HEALTH SERVICES	\$75,618	\$36,643	\$38,093				
DEPT OF VETERANS AFFAIRS	\$3,798	\$3,726	\$629				
DEPT OF CORRECTIONS	\$74,228	\$37,699	\$35,467				
DEPARTMENT OF COMMUNITY DEVELOPMENT	\$0	\$0	\$200				
TOTAL HUMAN RESOURCES	----- \$153,644	----- \$78,068	----- \$74,389				
	=====	=====	=====				
TOTAL NEW EXPENDITURE AUTHORITY	\$1,035,267	\$570,369	\$588,241				

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APPENDICES



Fifth Avenue, downtown Olympia.

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Standing Committee Appointments	517

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Bill Number to Session Law Table

Bill No.	Title	Chapter No.
HOUSE BILLS		
2SHB 3	Radiation protection	C 372 L 85
SHB 4	County seats removal	C 145 L 85
HB 12	TV improve dist/FM radio	C 76 L 85
SHB 14	Salmon angling license	C 174 L 85
SHB 15	Public works/prevailing wage	C 80 L 85
SHB 16	Prevailing wage payment	C 15 L 85
HB 21	Horticultural nursery dealer	C 36 L 85
SHB 23	Special dists/comp	C 330 L 85
HB 27	Councilmanic offices reduce	C 106 L 85
SHB 28	Biennial municipal budgets	C 175 L 85
HB 31	Salmon/monofil gill net	C 147 L 85
HB 34	Water heater temperatures	C 119 L 85
SHB 36	Law enforce/teleph intercept	C 260 L 85
SHB 39	Insurance code/misc changes	C 264 L 85
SHB 46	Consumer protectn act/intent	C 401 L 85
SHB 48	Coll barg/life support tech	C 150 L 85
SHB 50	Soc sec/reimburs retroactive	C 100 L 85
SHB 52	Human rights commission	C 185 L 85 PV
SHB 53	Center vol actn/reauthorize	C 110 L 85
HB 54	Radioact waste/tort liability	C 275 L 85
HB 58	Arbitration awards/procedure	C 265 L 85
SHB 61	Health ins/public employees	Full Veto
SHB 62	Smoking/public places	C 236 L 85
HB 66	Plumbing contractrs/training	C 465 L 85
SHB 68	Human remains/add requirmnts	C 402 L 85
SHB 69	Solid wastes/trust funds	C 436 L 85
HB 73	Comsn on equipment/designees	C 165 L 85
HB 77	Ferry/performance requiremnt	C 176 L 85
HB 80	State highway routes/update	C 177 L 85
SHB 84	Schools/time-health benefits	C 277 L 85
SHB 86	DOT civil service exemptions	C 178 L 85
SHB 91	Open space/public benefit	C 393 L 85
HB 92	Comm for outdr rec/designees	C 77 L 85
SHB 94	Public health dir/appointng	C 124 L 85
HB 99	Fish farming/excise tax	C 148 L 85 PV
SHB 101	Chance drawing/grocery store	C 473 L 85
HB 107	Official proceedng/interfere	C 327 L 85
HB 116	Seniority/state employees	C 461 L 85 PV
SHB 124	State volunteers/defense	C 217 L 85
SHB 127	Wildlife-fisheries/enforcmnt	C 155 L 85
HB 132	County tax/nonresidents	C 179 L 85
SHB 133	Highway info panel revisions	C 142 L 85
HB 139	Fire code/air facilities	C 246 L 85
2SHB 141	Achievement test/10th grade	C 403 L 85
HB 142	Marriage licenses	C 82 L 85
HB 149	County treas/distrain paper	C 83 L 85
SHB 150	Spec purpose dists procedure	C 396 L 85 PV
HB 152	Comm coll treas/biennial adv	C 180 L 85
HB 153	Child support enforcement	C 276 L 85
SHB 155	Notaries requirements	C 156 L 85

Bill Number to Session Law Table

Bill No.	Title	Chapter No.
HOUSE BILLS---cont.		
HB 156	Drivers financial respons	C 157 L 85
HB 158	Driver lic reinstment fee	C 211 L 85
SHB 163	Driver lic/alcohol-drug abuse	C 101 L 85
SHB 166	Univ-college constructn bids	C 152 L 85
HB 168	UW printrs exmpt persnnl law	C 266 L 85
HB 169	Public lands/rent & use	C 168 L 85
2SHB 174	Teachers assistance program	C 399 L 85
HB 175	Career exec progrm/extend	C 118 L 85
SHB 177	Veterans/hall rental funds	C 181 L 85
SHB 178	WA state internship program	C 442 L 85
SHB 179	Migratory waterfowl stamp	C 243 L 85
HB 183	Tax/exempt sr citizens meals	C 104 L 85
SHB 187	County improve state hiways	C 400 L 85 PV
SHB 188	Mobile homes removal	C 78 L 85
SHB 189	Prop tax/fire protect dists	C 112 L 85
SHB 190	Escrow agents	C 340 L 85
SHB 194	Water-sewer dist/territory	C 153 L 85
SHB 199	Farm labor contractors	C 280 L 85
SHB 203	County road tax/aud study	C 429 L 85
SHB 204	Brd of prison terms & parole	C 279 L 85
HB 213	Port commissiohrs insurance	C 81 L 85
SHB 214	Watercraft/alcohol-drugs	C 267 L 85
SHB 220	Productivity board	C 114 L 85
HB 222	ML King Jr/state holiday	C 189 L 85
SHB 223	Hydraulic projects/study cmte	C 123 L 85
HB 228	Smallcraft registration	C 452 L 85
SHB 232	Groundwater advisory cmte	C 453 L 85
SHB 242	Crime victims rights	C 443 L 85 PV
HB 250	Small works roster/revision	C 154 L 85
HB 251	Ski area facility/fraud use	C 129 L 85
SHB 253	Code cities/annexation	C 105 L 85
SHB 254	Amusement rides/permits	C 262 L 85
HB 261	School plant facilities	C 136 L 85
SHB 262	Obsolete provisions 28A RCW	C 341 L 85 PV
HB 268	Institutnl industries/resale	C 151 L 85
SHB 270	Acupuncture practice/certify	C 326 L 85 PV
HB 271	Assistance vans/stops	C 149 L 85
SHB 272	Childrens statemnts/admissn	C 404 L 85
SHB 279	Pub hospital cmsns/meetings	C 166 L 85
HB 281	Radio communications service	C 167 L 85
HB 293	Brds of trustees/university	C 137 L 85
SHB 297	Organic food products	C 247 L 85
SHB 303	Water company redefined	C 161 L 85
HB 310	Wagering/permitting	C 86 L 85
HB 312	Private schools/hours & days	C 16 L 85
SHB 314	Budget modifications	C 405 L 85 PV
HB 318	Highway bond authorized 1989	C 406 L 85
SHB 321	County road admin/road money	C 120 L 85
SHB 323	Nisqually river systm/manage	C 244 L 85
HB 327	Strobe light restrictions	C 331 L 85 PV
HB 331	Higher ed governing laws	C 218 L 85

Bill Number to Session Law Table

Bill No.	Title	Chapter No.
HOUSE BILLS--cont.		
2SHB 356	DSHS reimbursement	C 245 L 85
HB 357	Personal records/disclosure	C 334 L 85
SHB 358	Personnel files/inspection	C 336 L 85
SHB 379	LID laws/revising	C 397 L 85
SHB 380	DOE/flood damage	C 454 L 85
SHB 386	Supplemental budget/Gov req	C 14 L 85 PV
SHB 389	Vending machines/public bldg	C 97 L 85
SHB 391	State purchasing/bid require	C 342 L 85
SHB 396	Public assistance eligibility	C 335 L 85 PV
HB 398	Heavy vehicle use tax	C 79 L 85
HB 399	MV related business/licensng	C 109 L 85
HB 402	Raffle ticket price increase	C 75 L 85
SHB 403	Aquifers/sewer districts	C 98 L 85
HB 409	Architecture/regulating	C 37 L 85
2SHB 428	Real estate license/educatn	C 162 L 85 PV
HB 434	U of W dentistry faculty	C 111 L 85
SHB 435	LEOFF revisions	C 462 L 85 PV
SHB 444	LEOFF disability benefits	C 102 L 85
SHB 459	Kosher foods sale	C 127 L 85
SHB 460	Phone solicitation/restrict	C 121 L 85
SHB 461	Loans--grants/public facility	C 446 L 85
SHB 466	Fish dealers/wholesale	C 248 L 85
SHB 469	Naturopathic medicine/define	C 131 L 85
HB 479	Park & fish license/disabled	C 182 L 85
SHB 481	Licensing brds/temp members	C 116 L 85
SHB 482	Health care assistnt/license	C 117 L 85
SHB 490	Transportation budget/supp	C 17 L 85
HB 492	Child abuse proceedings	C 183 L 85
SHB 493	Seismic safety commission	Full Veto
SHB 500	Medical care coverages	C 5 L 85
SHB 512	Bill of rights/children	C 394 L 85
SHB 520	Industrial loan companies	C 74 L 85
SHB 543	City consolidtn/uniform law	C 281 L 85
SHB 546	Agric commodity assessments	C 261 L 85
SHB 550	Cable TV services/theft	C 430 L 85 PV
SHB 565	County treasure/fiscal agent	C 84 L 85
HB 575	Political contrib/pay deduct	C 204 L 85
HB 576	Small works roster/contract	C 219 L 85
SHB 577	Employee stock ownrship plan	C 263 L 85
HB 593	Drivers licenses/alcohol	C 407 L 85
SHB 596	Noise abatemnt impacted area	C 115 L 85
HB 601	Sales tax included/ad prices	C 38 L 85
SHB 602	Plat standards	C 99 L 85
SHB 606	Lake management districts	C 398 L 85
HB 610	Board of health/provisions	C 213 L 85
SHB 622	WA centennial commission	C 268 L 85
SHB 625	Trade & economic dev dept	C 466 L 85 PV
2SHB 627	WA economic development board	C 467 L 85 PV
HB 629	Elections/gen obligatn bonds	C 282 L 85
HB 643	Retirement/direct billing	C 138 L 85
HB 657	LEOFF disability benefits	C 103 L 85

Bill Number to Session Law Table

Bill No.	Title	Chapter No.
HOUSE BILLS--cont.		
SHB 660	Private carriers/standards	C 333 L 85
HB 670	Salmon troll licenses	C 107 L 85
HB 675	Stepchild/wrongful death act	C 139 L 85
SHB 717	Phone rates/measured service	C 206 L 85
HB 718	Mobile homes/tax & assessmnt	C 395 L 85
HB 720	Highway constructn stable	C 140 L 85
HB 723	B&O tax/radioactive waste	Full Veto
SHB 731	Horses/ag dept marketng plan	C 113 L 85
2SHB 738	Community revitaliztn team	C 229 L 85 PV
SHB 746	Health insure/child support	C 108 L 85
HB 758	Utility services/theft	C 427 L 85 PV
SHB 760	Youth conservation corps	C 230 L 85 PV
SHB 767	Criminal profiteering	C 455 L 85
SHB 781	Distinguished prof program	C 343 L 85 PV
HB 787	State explosive act/avalanch	C 191 L 85
SHB 799	Parenting-child abuse program	C 344 L 85
SHB 802	Economic developmnt programs	C 125 L 85
SHB 804	Tires/recycle program	C 345 L 85
SHB 805	Teachers/potentl abuse train	C 419 L 85
HB 808	Destroyed property/tax value	C 220 L 85
SHB 814	Puget Snd wastewater stndrds	C 417 L 85
SHB 815	Sewage treatment facilities	C 249 L 85
HB 830	Business/siting & expansion	C 85 L 85
SHB 831	Bond info/publicizing	C 130 L 85
HB 832	World fair commission/gifts	C 274 L 85
SHB 837	Internl trade/forest product	C 122 L 85
SHB 839	Land use plans/Puget Sound	C 126 L 85
SHB 843	Livestock/modify provisions	C 415 L 85 PV
SHB 846	Electric generat/municipal	C 444 L 85
SHB 848	Inmates/disposition notice	C 346 L 85
2SHB 849	Teacher evaluation	C 420 L 85
SHB 850	Landscape architects	C 18 L 85
HB 853	Vessels-watercraft titles	C 258 L 85 PV
SHB 855	Develop finance authority	C 164 L 85
SHB 863	Transp improvmts/econ dev	C 433 L 85 PV
SHB 865	Hazard subst info-ed office	C 410 L 85
SHB 877	Adoptions/change provisions	C 421 L 85
SHB 890	Agricultural liens	C 412 L 85
SHB 891	Park district annexation	C 416 L 85
HB 914	Timber taxes/distributn	C 184 L 85
SHB 932	Child abuse reporting	C 259 L 85
HB 943	WA technology exchange	C 269 L 85
HB 949	Energy equip & services	C 169 L 85
SHB 956	Federal grants & programs	C 332 L 85
SHB 957	Underinsured motor veh	C 328 L 85
SHB 958	Trust lands/parks & rec	C 163 L 85
SHB 974	Acid rain	C 456 L 85
2SHB 975	Hazardous wastes	C 448 L 85
HB 999	Educational clinics	C 434 L 85 PV
HB 1000	Trade-in property/tax	C 132 L 85
SHB 1003	Excise taxes/admin provsns	C 414 L 85

Bill Number to Session Law Table

Bill No.	Title	Chapter No.
HOUSE BILLS--cont.		
HB 1004	Revenue directr escheat prop	C 133 L 85
HB 1006	Consumer/definition	C 134 L 85
HB 1009	Excise tax provisions	C 135 L 85
HB 1021	Pesticide control laws	C 158 L 85
SHB 1044	Irrigation districts plats	C 160 L 85
SHB 1046	Health maintenance contracts	C 283 L 85
2SHB 1056	School-based management	C 422 L 85
SHB 1060	Tax/food fish-shellfish	C 413 L 85
SHB 1061	Trade assistance center	C 231 L 85
SHB 1063	Interntl marketing program	C 39 L 85
2SHB 1065	Schools in-service program	C 423 L 85
2SHB 1078	Childhood assistance program	C 418 L 85
SHB 1079	Sales tax deferrals	C 232 L 85
SHB 1080	Exempt positions/increase	C 221 L 85
SHB 1082	Industrial insurance	C 337 L 85
SHB 1084	Voc rehab laws	C 339 L 85
SHB 1085	L&I prompt actions	C 338 L 85
SHB 1089	Industrial ins penalties	C 347 L 85
HB 1094	Identcards issuance	C 212 L 85
SHB 1107	Vehicle lic/drivers license	C 424 L 85
SHB 1114	Energy related bldg standrds	C 144 L 85
SHB 1116	Aquifer protection area	C 425 L 85
SHB 1129	Business improvement areas	C 128 L 85
SHB 1153	Voting & regis/handicapped	C 205 L 85
SHB 1169	Community reinvestment act	C 329 L 85
SHB 1170	Right to know act	C 409 L 85
SHB 1190	Joint center for education	C 408 L 85
SHB 1191	County property distribution	C 143 L 85 PV
SHB 1195	Flex-time work schedules	C 411 L 85
SHB 1207	Voc training pilot program	C 437 L 85
SHB 1232	Water & sewer districts	C 141 L 85
SHB 1234	Ag market progrm/responsblty	C 159 L 85 PV
SHB 1269	Emergency medical serv levies	C 348 L 85
HB 1326	Tax deferral/certain projects	C 2 L 85 E1
HB 1327	Bonds/school facilities	C 3 L 85 E1
HB 1328	Bonds/capital projects	C 4 L 85 E1

SENATE BILLS

SSB 3001	Port comm vacancies	C 87 L 85
SSB 3007	MV license exempt out of st	C 353 L 85 PV
SB 3008	Use tax out of st business	C 222 L 85
SSB 3012	Harassment/anti-harassment	C 288 L 85
SSB 3015	Used books	C 70 L 85
SSB 3027	Disabled drivers refueling	C 309 L 85
SB 3028	Archaeological materials	C 64 L 85
SSB 3035	Motorcycle instruct permit	C 234 L 85
SB 3040	DCD obsolete references	C 6 L 85
SB 3041	RCW clean-up	C 7 L 85
SSB 3047	Western library network	C 21 L 85
SSB 3059	Unemployment benefit contri	C 270 L 85

Bill Number to Session Law Table

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SSB 3066	Gambling	C 468 L 85
SB 3067	Aquatic farming	C 457 L 85 PV
SSB 3068	Mobile home move permit	C 22 L 85
SSB 3069	Health care PSC's	C 431 L 85 PV
SB 3070	County auditor records	C 44 L 85
SB 3072	Trust Act corrections	C 30 L 85
SB 3073	Trust Act wills corrections	C 23 L 85
SB 3074	Trust Act partnership corr	C 8 L 85
SB 3075	Trust Act declaratory judg.	C 9 L 85
SB 3076	Trust filing fee	C 24 L 85
SB 3077	Trust Act joint tenancy	C 10 L 85
SB 3078	Trust Act statute of limit	C 11 L 85
SB 3079	Trust Act corrections	C 31 L 85
SB 3081	L&I claims reciprocity	C 48 L 85
SB 3085	Auto window sunscreens	C 304 L 85
SSB 3087	Juvenile offenders dispositn	C 73 L 85
SSB 3090	Coroner inquest reimburse st	Full Veto
SB 3091	Real estate contracts	C 237 L 85
SSB 3094	Deeds of Trust	C 193 L 85
SB 3096	Federal vacancies	C 45 L 85
SSB 3099	Mental health juveniles	C 354 L 85
SB 3103	Award in lieu homestead	C 194 L 85
SB 3104	Ct rule superceded statutes	C 68 L 85
SSB 3116	Wildlife damage	C 355 L 85
SB 3120	MV standards	C 351 L 85
SB 3121	WSDOT federal funds	C 20 L 85
SSB 3122	DOT plans and specs	C 242 L 85
SSB 3125	Quinault tribal highway	C 228 L 85
SB 3127	Invest bd asst treas member	C 195 L 85
SB 3129	Vet affairs advis comm membs	C 63 L 85
SSB 3131	Sell Mt St Helens dredge	C 12 L 85
SB 3134	Higher ed tuition install	C 356 L 85
SB 3143	Trade name reregistration	C 88 L 85
SB 3144	Model traffic ordinance	C 19 L 85
SSB 3145	Forest reserve fund distri	C 311 L 85
SSB 3146	Correction inst name update	C 350 L 85
SB 3148	Special adult supervision	C 52 L 85
SSB 3162	Entertainers unemploy insur	C 47 L 85
SSB 3165	Superior Ct positions	C 357 L 85
SB 3167	Timeshare regulation	C 358 L 85
SSB 3170	Natural resources reports	C 93 L 85
SB 3173	Aquaculture trespass	C 289 L 85
SSB 3175	Shellfish commercial reg	C 51 L 85
SB 3176	Juv facil population	C 287 L 85
SSB 3179	Cashout annual leave	C 292 L 85
SSB 3180	Salary surveys	C 94 L 85
SSB 3184	St housing certain employees	C 463 L 85 PV
SB 3189	Pub emply org pac pay deduct	C 271 L 85
SSB 3198	Sexual assault victims	C 34 L 85
SSB 3201	PCBS dangerous waste	C 65 L 85

Bill Number to Session Law Table

Bill No.	Title	Chapter No.
SENATE BILLS--cont.		
SB 3202	Property value initial asses	C 318 L 85
SB 3204	Veterans day sch obser	C 60 L 85
SB 3205	Sch employ leave accum	C 210 L 85
SSB 3207	Prison work programs	C 286 L 85
SB 3214	Econ dev-prog public purpose	C 92 L 85
SSB 3220	Autopsy report acces	C 300 L 85
SB 3225	African dev bank invest auth	C 301 L 85
SB 3230	DWI	C 352 L 85
SSB 3235	Educational excellence	C 349 L 85
SB 3236	Bank holding companies	C 310 L 85
SSB 3240	Child abuse offend home acces	C 35 L 85
SSB 3249	Group life insurance	Full Veto
SSB 3254	Domestic violence prevention	C 303 L 85
SSB 3261	St building code	C 360 L 85 PV
SSB 3262	Nursing home licensing	C 284 L 85
SB 3267	Driver lic surrender return	C 302 L 85
SB 3270	Pub retire tax deferral	C 13 L 85
SB 3273	Law enfor mutual aid	C 89 L 85
SSB 3279	Home schooling	C 441 L 85
SB 3282	St preference historic prop	Full Veto
SSB 3283	Historic property pres	C 449 L 85
SB 3298	Water level change notice	C 196 L 85
SSB 3302	Chaplains for police work	C 223 L 85
SSB 3305	Telecommunication services	C 450 L 85
SSB 3307	Campaign contrib limits	C 359 L 85
SSB 3309	License fees county setting	C 91 L 85
SB 3312	Muni corp is public agency	C 33 L 85
SB 3314	Fishing bait restrictions	C 438 L 85
SB 3319	Open pub meeting suits costs	C 69 L 85
SB 3322	University regents increase	C 61 L 85
SB 3325	Alcohol beverage business	C 363 L 85
SB 3326	Special occasion liquor lic	C 306 L 85
SSB 3332	Joint govt self-insurance	C 278 L 85
SSB 3333	Motorcycle dealer franchise	C 472 L 85 PV
SB 3337	DNR duties land commsnr	C 197 L 85
SSB 3342	Horse racing	C 146 L 85
SSB 3346	Affirm action in-state	C 365 L 85
SSB 3350	Sch dist joint operations	C 58 L 85
SSB 3354	Medical aid to workers	C 368 L 85 PV
SSB 3356	County rd admin procedures	C 369 L 85
SB 3357	Military higher ed tuition	C 362 L 85
SSB 3361	Savings banks	C 56 L 85
SB 3363	Incest	C 53 L 85
SSB 3367	Public disclosure	C 367 L 85 PV
SB 3368	Salmon, sale of inedible	C 28 L 85
SB 3373	Judmnt debtor plaintiff cost	C 215 L 85
SB 3374	Attorney fees	C 240 L 85
SSB 3376	Higher ed coordin council	C 370 L 85 PV
SSB 3384	Salmon steelhead rehabilitn	C 458 L 85 PV
SSB 3386	Bds etc executive sessions	C 366 L 85
SSB 3387	Sewer connection payments	C 250 L 85

Bill Number to Session Law Table

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SSB 3390	Nursing home audit stds	C 361 L 85
SB 3393	Statute of limitations	C 186 L 85
SSB 3398	Purchase contract local govt	C 72 L 85
SB 3400	Mineral, oil, gas leases	C 459 L 85 PV
SB 3401	MV licens reciprocity comrcl	C 173 L 85
SB 3406	Shared work programs	C 43 L 85
SSB 3407	Unemploy comp training	C 40 L 85
SB 3408	Unemploy insur emplyr definit	C 41 L 85
SB 3409	Exp rating accts, charges to	C 42 L 85
SB 3415	Adjustable interest rates	C 224 L 85
SB 3420	Open space transfers	C 319 L 85
SB 3426	Industrial insur appeals	C 314 L 85
SB 3427	Domestic insur holding corp	C 364 L 85
SB 3436	Ballot titles AG duty	C 252 L 85
SSB 3438	Energy emergencies	C 308 L 85
SSB 3442	Fire service training fund	C 312 L 85
SB 3445	Park/Recreation service area	C 253 L 85
SSB 3450	Firearms	C 428 L 85
SB 3456	MV fuel alcohol tax exmpts	C 371 L 85
SB 3467	Rail districts	C 187 L 85
SSB 3468	Hanford as disposal site	C 293 L 85
SB 3486	County gambling tax	C 172 L 85
SB 3494	Turkey shoots	C 170 L 85
SSB 3500	Signs tourists agri	C 376 L 85
SSB 3516	Schools spanish/japanese	C 379 L 85
SSB 3536	PUDs	C 95 L 85
SB 3538	Sch seniority nontransferabl	C 46 L 85
SSB 3540	HMO's	C 320 L 85
SB 3547	Sch immunization	C 49 L 85
SB 3551	Tax statutes clarified	C 32 L 85
SSB 3553	Junk vehicles	C 377 L 85
SB 3569	Risk management office	C 188 L 85 PV
SB 3572	Generally acctd acct pract	C 57 L 85
SB 3576	Lake Osoyoos	C 27 L 85
SSB 3580	Business corporations	C 290 L 85
SB 3593	Mt St Helens reimburse	C 255 L 85
SSB 3594	Irrigation dist voting	C 66 L 85
SB 3596	Crim just info system	C 201 L 85
SSB 3598	Service dogs disabled persns	C 90 L 85
SB 3601	MV proportional licensing	C 380 L 85
SSB 3602	Savings & loans	C 239 L 85
SB 3612	Freeze excess levy lid	C 374 L 85 PV
SB 3624	Employ security polit activ	C 96 L 85
SB 3625	Fire dist annexation	C 313 L 85
SB 3627	Marginal labor force	C 285 L 85
SSB 3630	High-tech coord bd	C 381 L 85
SSB 3654	Capital budget	C 373 L 85
2SSB 3656	Biennial budget	C 6 L 85 E1 PV
SSB 3678	Revenue & taxation	C 190 L 85 PV
SSB 3684	Lottery funds/accounts	C 375 L 85 PV

Bill Number to Session Law Table

Bill No.	Title	Chapter No.
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SSB 3723	Hotel-motel tax	C 272 L 85
SB 3762	Convention trade cent	C 233 L 85
SB 3765	Municipal utilities	C 445 L 85
SSB 3776	Arts commission	C 317 L 85
SSB 3781	St Patrol exams officers	C 4 L 85
SB 3782	Honors award program	C 62 L 85
SSB 3786	Shopping cart thefts	C 382 L 85
SSB 3792	Banks	C 305 L 85
SB 3794	School land purchase	C 200 L 85
SSB 3797	Blind deaf schools	C 378 L 85
SSB 3799	Radiation control resp	C 383 L 85 PV
SB 3800	Legal notices	C 469 L 85 PV
SB 3804	AIDS liability	C 321 L 85
SB 3812	Water poll control penalties	C 316 L 85
SB 3818	Records committee	C 192 L 85
SB 3826	Local govt finance	C 71 L 85
2SSB 3828	Puget Sound water qual auth	C 451 L 85 PV
SB 3829	Physician licensing	C 322 L 85
SB 3830	Street vacation	C 254 L 85
SB 3846	Schools in-service training	C 214 L 85
SB 3851	Liquor premise 18 yr workers	C 323 L 85
SB 3852	Child support jt comm	C 294 L 85
SB 3854	Ongoing absentee voters	C 273 L 85
SSB 3856	Fire protection bd	C 470 L 85 PV
SSB 3882	Armory rental cleaning	C 295 L 85
SSB 3897	Property & casualty insur	C 238 L 85
SSB 3898	Occupational therapist	C 296 L 85
SSB 3904	Self-medication	C 297 L 85
SB 3906	Pornography moral nuisance	C 235 L 85
SSB 3911	Affordable housing	C 386 L 85
SSB 3920	Transportation budget	C 460 L 85 PV
SB 3942	Drivers licensing	C 1 L 85 E1
SSB 3951	Northern St Hospital reuse	C 241 L 85
SSB 3981	Taxicab indust insur	Full Veto
SSB 3989	Mastectomy insurance	C 54 L 85
SSB 4041	Oyster reserves management	C 256 L 85
SSB 4059	Juvenile service restitution	C 257 L 85
SSB 4105	Mental health comm	C 207 L 85
SSB 4107	Nurses privileged commun	C 447 L 85
SB 4110	SPI contract admin hearings	C 225 L 85
SSB 4114	Securities of the state	C 171 L 85
SB 4115	Sport facil indust dev bonds	C 439 L 85
SB 4121	Agri assess promo or trade	C 26 L 85
SB 4122	Flour & bread	C 25 L 85
SB 4127	Alcoholic bev licenses	C 226 L 85
SB 4129	Work release	C 298 L 85
SSB 4138	Domestic insurers	C 55 L 85
SB 4140	High sch graduation	C 384 L 85
SB 4142	School dist organization	C 385 L 85
SB 4143	Stdnt trans allowance	C 59 L 85
SB 4146	Mt St Helens	C 307 L 85

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SB 4155	Crt costs convicted defndt	C 389 L 85
SB 4169	Burke Museum	C 29 L 85
SB 4185	Higher ed tuition fees	C 390 L 85
SSB 4189	Indust insur tax appeal juri	C 315 L 85
SSB 4190	Indust insur appeals bd	C 209 L 85
SSB 4196	Un/underemployed assist	C 5 L 85 E1
SB 4206	Sch bidding procedure	C 324 L 85
SSB 4209	Asbestos	C 387 L 85
SB 4216	Dentists copayment	C 202 L 85
SB 4227	Scoliosis screening	C 216 L 85
SSB 4228	B&O multiple activities	C 471 L 85 PV
SSB 4229	Juveniles adult jails	C 50 L 85
SSB 4231	Hunting fishing adjust	C 464 L 85
SB 4236	Deferred comp approp	C 199 L 85
SB 4259	Public accomdatn discris ses	C 203 L 85
SSB 4263	Equity agreement	C 440 L 85
SB 4266	EFSEC	C 67 L 85
SSB 4267	Rail right of way DOT buy	C 432 L 85 PV
SB 4278	MV impound unlicensed	C 391 L 85
SB 4288	On the job train indst insu	C 299 L 85
SSB 4294	Indust insur 3 mo no fine	C 227 L 85
SB 4302	Lie detectors	C 426 L 85
SSB 4314	Natural fish runs	C 208 L 85
SSB 4358	L&I deputy director	C 325 L 85
SSB 4361	Centennial comm duties	C 291 L 85
SSB 4386	Library districts	C 392 L 85
SSB 4399	Local gov study commission	C 388 L 85 PV
SSB 4424	Yakima water adjudication	C 435 L 85 PV

KEY TO SYMBOLS

E1 – First Extraordinary Session
 PV – Partial Veto

Session Law to Bill Number Table

Chapter No.	Title	Bill No.
REGULAR SESSION		
C 3 L 85	Subsist./lodging/legislators	SB 3065
C 4 L 85	St Patrol exams officers	SSB 3781
C 5 L 85	Medical care coverages	SHB 500
C 6 L 85	DCD obsolete references	SB 3040
C 7 L 85	RCW clean-up	SB 3041
C 8 L 85	Trust Act partnership corr	SB 3074
C 9 L 85	Trust Act declaratory judg.	SB 3075
C 10 L 85	Trust Act joint tenancy	SB 3077
C 11 L 85	Trust Act statute of limit	SB 3078
C 12 L 85	Sell Mt St Helens dredge	SSB 3131
C 13 L 85	Pub retire tax deferral	SB 3270
C 14 L 85 PV	Supplemental budget/Gov req	SHB 386
C 15 L 85	Prevailing wage payment	SHB 16
C 16 L 85	Private schools/hours & days	HB 312
C 17 L 85	Transportation budget/supp	2SHB 490
C 18 L 85	Landscape architects	SHB 850
C 19 L 85	Model traffic ordinance	SB 3144
C 20 L 85	WSDOT federal funds	SB 3121
C 21 L 85	Western library network	SSB 3047
C 22 L 85	Mobile home move permit	SSB 3068
C 23 L 85	Trust Act wills corrections	SB 3073
C 24 L 85	Trust filing fee	SB 3076
C 25 L 85	Flour and bread	2SB 4122
C 26 L 85	Agri assess promo or trade	SB 4121
C 27 L 85	Lake Osoyoos	SB 3576
C 28 L 85	Salmon, sale of inedible	SB 3368
C 29 L 85	Burke Museum	SB 4169
C 30 L 85	Trust Act corrections	SB 3072
C 31 L 85	Trust Act corrections	SB 3079
C 32 L 85	Tax statutes clarified	SB 3551
C 33 L 85	Muni corp is public ageny	SB 3312
C 34 L 85	Sexual assault victims	SSB 3198
C 35 L 85	Child abuse offend home acces	SSB 3240
C 36 L 85	Horticultural nursery dealer	HB 21
C 37 L 85	Architecture/regulating	HB 409
C 38 L 85	Sales tax included/ad prices	HB 601
C 39 L 85	Internl marketing program	SHB 1063
C 40 L 85	Unemploy comp training	SSB 3407
C 41 L 85	Unemploy insur employer definit	SB 3408
C 42 L 85	Exp rating accts, charges to	SB 3409
C 43 L 85	Shared work programs	SB 3406
C 44 L 85	County auditor records	SB 3070
C 45 L 85	Federal vacancies	SB 3096
C 46 L 85	Sch seniority nontransferable	SB 3538
C 47 L 85	Entertainers unemploy insur	SSB 3162
C 48 L 85	L&I claims reciprocity	SB 3081
C 49 L 85	School immunization	SB 3547
C 50 L 85	Juveniles adult jails	SSB 4229
C 51 L 85	Shellfish commercial reg	SSB 3175
C 52 L 85	Special adult supervision	SB 3148

Session Law to Bill Number Table

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REGULAR SESSION--cont.		
C 53 L 85	Incest	SB 3363
C 54 L 85	Mastectomy insurance	SSB 3989
C 55 L 85	Domestic insurers	SSB 4138
C 56 L 85	Savings bank	SSB 3361
C 57 L 85	Generally acceptd acct pract	SB 3572
C 58 L 85	Sch dist joint operations	SSB 3350
C 59 L 85	Student trans allowance	SB 4143
C 60 L 85	Veterans day sch obser	SB 3204
C 61 L 85	University regents increase	SB 3322
C 62 L 85	Honors award program	SB 3782
C 63 L 85	Vet affairs advis comm members	SB 3129
C 64 L 85	Archaeological materials	SB 3028
C 65 L 85	PCBS dangerous wastes	SSB 3201
C 66 L 85	Irrigation dist voting	SSB 3594
C 67 L 85	EFSEC	SB 4266
C 68 L 85	Ct rule superceded statutes	SB 3104
C 69 L 85	Open pub meeting suits costs	SB 3319
C 70 L 85	Used books	SSB 3015
C 71 L 85	Local govt finance	SB 3826
C 72 L 85	Purchase contract local govt	SSB 3398
C 73 L 85	Juvenile offenders disposition	SSB 3087
C 74 L 85	Industrial loan companies	SHB 520
C 75 L 85	Raffle ticket price increase	HB 402
C 76 L 85	TV improve dist/FM radio	HB 12
C 77 L 85	Comm for outdr rec/designees	HB 92
C 78 L 85	Mobile homes removal	SHB 188
C 79 L 85	Heavy vehicle use tax	HB 398
C 80 L 85	Public works/prevaling wage	SHB 15
C 81 L 85	Port commissioners insurance	HB 213
C 82 L 85	Marriage licenses	HB 142
C 83 L 85	County treas/distrain paper	HB 149
C 84 L 85	County treasurer/fiscal agent	SHB 565
C 85 L 85	Business/siting & expansion	HB 830
C 86 L 85	Wagering/permitting	HB 310
C 87 L 85	Port comm vacancies	SSB 3001
C 88 L 85	Trade name reregistration	SB 3143
C 89 L 85	Law enfor mutual aid	SB 3273
C 90 L 85	Service dogs disabled persons	SSB 3598
C 91 L 85	License fees county setting	SSB 3309
C 92 L 85	Econ dev-prog public purpose	SSB 3214
C 93 L 85	Natural resources reports	SSB 3170
C 94 L 85	Salary surveys	SSB 3180
C 95 L 85	PUDs	SSB 3536
C 96 L 85	Employ security polit activ	SB 3624
C 97 L 85	Vending machines/public bldg	SHB 389
C 98 L 85	Aquifers/sewer districts	SHB 403
C 99 L 85	Plat standards	SHB 602
C 100 L 85	Soc sec/reimburse retroactive	SHB 50
C 101 L 85	Driver lic/alcohol-drug abuse	SHB 163
C 102 L 85	LEOFF disability benefits	SHB 444
C 103 L 85	LEOFF disability benefits	HB 657

Session Law to Bill Number Table

Chapter No.	Title	Bill No.
REGULAR SESSION--cont.		
C 104 L 85	Tax/exempt sr citizens meals	HB 183
C 105 L 85	Code cities/annexation	SHB 253
C 106 L 85	Councilmanic officers reduce	HB 27
C 107 L 85	Salmon troll licenses	HB 670
C 108 L 85	Health insure/child support	SHB 746
C 109 L 85	MV related business/licensing	HB 399
C 110 L 84	Center vol actn/reauthorize	SHB 53
C 111 L 85	U of W dentistry faculty	HB 434
C 112 L 85	Prop tax/fire protect dists	SHB 189
C 113 L 85	Horses/ag dept marketing plan	SHB 731
C 114 L 85	Productivity board	SHB 220
C 115 L 85	Noise abatement impacted area	SHB 596
C 116 L 85	Licensing boards/temp members	SHB 481
C 117 L 85	Health care assistant/license	SHB 482
C 118 L 85	Career exec program/extend	HB 175
C 119 L 85	Water heater temperatures	HB 34
C 120 L 85	County road admin/road money	SHB 321
C 121 L 85	Phone solicitation/restrict	SHB 460
C 122 L 85	Internl trade/forest product	SHB 837
C 123 L 85	Hydraulic projcts/study comte	SHB 223
C 124 L 85	Public health dir/appointng	SHB 94
C 125 L 85	Economic developmnt programs	SHB 802
C 126 L 85	Land use plans/Puget Sound	SHB 839
C 127 L 85	Kosher foods sale	SHB 459
C 128 L 85	Business improvement areas	SHB 1129
C 129 L 85	Ski area facility/fraud use	HB 251
C 130 L 85	Bond info/publicizing	SHB 831
C 131 L 85	Naturopathic medicine/define	SHB 469
C 132 L 85	Trade-in property/tax	HB 1000
C 133 L 85	Revenue directr escheat prop	HB 1004
C 134 L 85	Consumer/definition	HB 1006
C 135 L 85	Excise tax provisions	HB 1009
C 136 L 85	School plant facilities	HB 261
C 137 L 85	Brds of trustees/university	HB 293
C 138 L 85	Retirement/direct billing	HB 643
C 139 L 85	Stepchild/wrongful death act	HB 675
C 140 L 85	Highway constructn stable	HB 720
C 141 L 85	Water and sewer districts	SHB 1232
C 142 L 85	Highway info panel revisions	SHB 133
C 143 L 85 PV	County property distribution	SHB 1191
C 144 L 85	Energy related bldg standrds	SHB 1114
C 145 L 85	County seats removal	SHB 4
C 146 L 85	Horse racing	SSB 3342
C 147 L 85	Salmon/monofil gill net	HB 31
C 148 L 85 PV	Fish farming/excise tax	HB 99
C 149 L 85	Assistance vans/stops	HB 271
C 150 L 85	Coll barg/life support tech	SHB 48
C 151 L 85	Institutnl industries/resale	HB 268
C 152 L 85	Univ-college constructn bids	SHB 166
C 153 L 85	Water-sewer dist/territory	SHB 194
C 154 L 85	Small works roster/revision	HB 250

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Chapter No.	Title	Bill No.
REGULAR SESSION--cont.		
C 155 L 85	Wildlife--fisheries/enforcmnt	SHB 127
C 156 L 85	Notaries requirements	SHB 155
C 157 L 85	Drivers financial respons	HB 156
C 158 L 85	Pesticide control laws	HB 1021
C 159 L 85 PV	Ag market prgrm/responsblty	SHB 1234
C 160 L 85	Irrigation districts plats	SHB 1044
C 161 L 85	Water company redefined	SHB 303
C 162 L 85 PV	Real estate license/educatn	2SHB 428
C 163 L 85	Trust lands/parks & rec	SHB 958
C 164 L 85	Develop finance authority	SHB 855
C 165 L 85	Comsn on equipment/designees	HB 73
C 166 L 85	Pub hospital comsns/meetings	SHB 279
C 167 L 85	Radio communications service	HB 281
C 168 L 85	Public lands/rent & use	HB 169
C 169 L 85	Energy equip & services	HB 949
C 170 L 85	Turkey shoots	SB 3494
C 171 L 85	Securities of the state	SSB 4114
C 172 L 85	County gambling tax	SB 3486
C 173 L 85	MV licens reciprocity comrcl	SB 3401
C 174 L 85	Salmon angling licenses	SHB 14
C 175 L 85	Biennial municipal bonds	SHB 28
C 176 L 85	Ferry/performance requiremnt	SHB 77
C 177 L 85	State highway routes/update	HB 80
C 178 L 85	DOT civil service exemptions	SHB 86
C 179 L 85	County tax/nonresidents	HB 132
C 180 L 85	Comm coll treas/biennial adv	HB 152
C 181 L 85	Veterans/hall rental funds	SHB 177
C 182 L 85	Park & fish license/disabled	HB 479
C 183 L 85	Child abuse proceedings	HB 492
C 184 L 85	Timber taxes/distributn	HB 914
C 185 L 85 PV	Human rights commission	SHB 52
C 186 L 85	Statute of limitations	SB 3393
C 187 L 85	Rail districts	SB 3467
C 188 L 85 PV	Risk management office	SB 3569
C 189 L 85	ML King Jr/state holiday	HB 222
C 190 L 85 PV	Revenue & taxation	SSB 3678
C 191 L 85	State explosve act/avalanch	HB 787
C 192 L 85	Records committee	SB 3818
C 193 L 85	Deeds of Trust	SSB 3094
C 194 L 85	Award in lieu homestead	SB 3103
C 195 L 85	Invest bd asst treas member	SB 3127
C 196 L 85	Water level change notice	SB 3298
C 197 L 85	DNR duties land commsnr	SB 3337
C 198 L 85	Tuition residency high sch	SB 4152
C 199 L 85	Deferred comp approp	SB 4236
C 200 L 85	School land purchase	SB 3794
C 201 L 85	Crim just info system	SB 3596
C 202 L 85	Dentists copayment	SB 4216
C 203 L 85	Public accomdatn discris es	SB 4259
C 204 L 85	Political contrib/pay deduct	HB 575
C 205 L 85	Voting & regis/handicapped	SHB 1153

Session Law to Bill Number Table

Chapter No.	Title	Bill No.
REGULAR SESSION—cont.		
C 206 L 85	Phone rates/measured service	SHB 717
C 207 L 85	Mental health comm	SSB 4105
C 208 L 85	Natural fish runs	SSB 4314
C 209 L 85	Indus insur tax appeal juri	SSB 4190
C 210 L 85	Sch employ leave accum	SB 3205
C 211 L 85	Driver lic reinstmt fee	HB 158
C 212 L 85	Identicards issuance	HB 1094
C 213 L 85	Board of health/provisions	HB 610
C 214 L 85	Schools in-service training	SB 3846
C 215 L 85	Judmnt debtor plaintiff cost	SB 3373
C 216 L 85	Scoliosis screening	SB 4227
C 217 L 85	State volunteer/defense	SHB 124
C 218 L 85	Higher ed governing laws	HB 331
C 219 L 85	Small works roster/contract	HB 576
C 220 L 85	Destroyed property/tax value	HB 808
C 221 L 85	Exempt positions/increase	SHB 1080
C 222 L 85	Use tax out of st business	SB 3008
C 223 L 85	Chaplains for police work	SSB 3302
C 224 L 85	Adjustable interest rates	SB 3415
C 225 L 85	SPI contract admin hearings	SB 4110
C 226 L 85	Alcoholic bev licenses	SB 4127
C 227 L 85	Indust insur 3 mo no fine	SSB 4294
C 228 L 85	Quinault tribal highway	SSB 3125
C 229 L 85 PV	Community revitaliztn team	2SHB 738
C 230 L 85 PV	Youth conservation corps	SHB 760
C 231 L 85	Trade assistance center	SHB 1061
C 232 L 85	Sales tax deferrals	SHB 1079
C 233 L 85	Convention trade cent	SB 3762
C 234 L 85	Motorcycle instruct permit	SSB 3035
C 235 L 85	Pornography moral nuisance	SB 3906
C 236 L 85	Smoking/public places	SHB 62
C 237 L 85	Real estate contracts	SB 3091
C 238 L 85	Property & casualty insur	SSB 3897
C 239 L 85	Savings & loans	SSB 3602
C 240 L 85	Attorney fees	SB 3374
C 241 L 85	Northern St Hospital reuse	SSB 3951
C 242 L 85	DOT plans and specs	SSB 3122
C 243 L 85	Migratory waterfowl stamp	SHB 179
C 244 L 85	Nisqually river systm/manage	SHB 323
C 245 L 85	DSHS reimbursement	2SHB 356
C 246 L 85	Fire code/air facilities	HB 139
C 247 L 85	Organic food products	SHB 297
C 248 L 85	Fish dealers/wholesale	SHB 466
C 249 L 85	Sewage treatment facilities	SHB 815
C 250 L 85	Sewer connection payments	SSB 3387
C 251 L 85	Attorney general	SSB 3388
C 252 L 85	Ballot titles AG duty	SB 3436
C 253 L 85	Park/Recreation service area	SB 3445
C 254 L 85	Street vacation	SB 3830
C 255 L 85	Mt St Helens reimburse	SB 3593
C 256 L 85	Oyster reserves management	SSB 4041

Session Law to Bill Number Table

Chapter No.	Title	Bill No.
REGULAR SESSION--cont.		
C 257 L 85	Juvenile service restitution	SSB 4059
C 258 L 85 PV	Vessels-watercraft titles	HB 853
C 259 L 85	Child abuse reporting	SHB 932
C 260 L 85	Law enforce/teleph intercept	SHB 36
C 261 L 85	Agri commodity assessments	SHB 546
C 262 L 85	Amusement rides/permits	SHB 254
C 263 L 85	Employee stock ownrship plan	SHB 577
C 264 L 85	Insurance code/misc changes	SHB 39
C 265 L 85	Arbitration awards/procedure	HB 58
C 266 L 85	UW printrs exmpt persnrl law	HB 168
C 267 L 85	Watercraft/alcohol-drugs	SHB 214
C 268 L 85	WA centennial commission	SHB 622
C 269 L 85	WA technology exchange	HB 943
C 270 L 85	Unemployment benefit contri	SSB 3059
C 271 L 85	Pub emply org pac pay deduct	SB 3189
C 272 L 85	Hotel-motel tax	SSB 3723
C 273 L 85	Ongoing absentee voters	SB 3854
C 274 L 85	World fair commission/gifts	HB 832
C 275 L 85	Radioactive waste/tort liabilty	HB 54
C 276 L 85	Child support enforcement	HB 153
C 277 L 85	Schools/time-health benefits	SHB 84
C 278 L 85	Joint govt self-insurance	SSB 3332
C 279 L 85	Brd of prison terms & parole	SHB 204
C 280 L 85	Farm labor contractors	SHB 199
C 281 L 85	City consolidtn/uniform law	SHB 543
C 282 L 85	Elections/gen obligatn bonds	HB 629
C 283 L 85	Health maintenance contracts	SHB 1046
C 284 L 85	Nursing home licensing	SSB 3262
C 285 L 85	Marginal labor force	SB 3627
C 286 L 85	Prison work programs	SSB 3207
C 287 L 85	Juv facil population	SB 3176
C 288 L 85	Harassment/anti-harassment	SSB 3012
C 289 L 85	Aquaculture trespass	SB 3173
C 290 L 85	Business corporations	SSB 3580
C 291 L 85	Centennial comm duties	SSB 4361
C 292 L 85	Cashout annual leave	SSB 3179
C 293 L 85	Hanford as disposal site	SSB 3468
C 294 L 85	Child support jt comm	SB 3852
C 295 L 85	Armory rental cleaning	SSB 3882
C 296 L 85	Occupational therapist	SSB 3898
C 297 L 85	Self-medication	SSB 3904
C 298 L 85	Work release	SB 4129
C 299 L 85	On the job train indst insu	SB 4288
C 300 L 85	Autopsy report acces	SSB 3220
C 301 L 85	African dev bank invest auth	SB 3225
C 302 L 85	Driver lic surrender return	SB 3267
C 303 L 85	Domestic violence prevention	SSB 3254
C 304 L 85	Auto window sunscreens	SB 3085
C 305 L 85	Banks	SSB 3792
C 306 L 85	Special occasion liquor lic	SB 3326
C 307 L 85	Mt St Helens	SB 4146

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Chapter No.	Title	Bill No.
REGULAR SESSION--cont.		
C 308 L 85	Energy emergencies	SSB 3438
C 309 L 85	Disabled drivers refueling	SSB 3027
C 310 L 85	Bank holding companies	SB 3236
C 311 L 85	Forest reserve fund dist	SSB 3145
C 312 L 85	Fire service training fund	SSB 3442
C 313 L 85	Fire dist annexation	SB 3625
C 314 L 85	Industrial insur appeals	SB 3426
C 315 L 85	Indust insur tax appeal juri	SSB 4189
C 316 L 85	Water poll control penalties	SB 3812
C 317 L 85	Arts commission	SSB 3776
C 318 L 85	Property value initial asses	SB 3202
C 319 L 85	Open space transfers	SB 3420
C 320 L 85	HMO's	SSB 3540
C 321 L 85	AIDS liability	SB 3804
C 322 L 85	Physician licensing	SB 3829
C 323 L 85	Liquor premise 18 yr workers	SB 3851
C 324 L 85	Sch bidding procedure	SB 4206
C 325 L 85	L&I deputy director	SSB 4358
C 326 L 85 PV	Acupuncture practice/certify	SHB 270
C 327 L 85	Official proceedng/interfere	HB 107
C 328 L 85	Underinsured motor/veh	SHB 957
C 329 L 85	Community reinvestment act	SHB 1169
C 330 L 85	Special dists/comp	SHB 23
C 331 L 85 PV	Strobe light restrictions	HB 327
C 332 L 85	Federal grants & programs	SHB 956
C 333 L 85	Private carriers/standards	SHB 660
C 334 L 85	Personal records/disclosure	HB 357
C 335 L 85 PV	Public assistance eligibility	SHB 396
C 336 L 85	Personnel files/inspection	SHB 358
C 337 L 85	Industrial insurance	SHB 1082
C 338 L 85	L&I prompt actions	SHB 1085
C 339 L 85	Voc rehab laws	SHB 1084
C 340 L 85	Escrow agents	SHB 190
C 341 L 85 PV	Obsolete provisions 28A RCW	SHB 262
C 342 L 85	State purchasing/bid require	SHB 391
C 343 L 85 PV	Distinguished prof program	SHB 781
C 344 L 85	Parenting--child abuse progrm	SHB 799
C 345 L 85	Tires/recycling program	SHB 804
C 346 L 85	Inmates/disposition notice	SHB 848
C 347 L 85	Industrial ins penalties	SHB 1089
C 348 L 85	Emergency medical serv levies	SHB 1269
C 349 L 85	Educational excellence	SSB 3235
C 350 L 85	Correction inst name update	SSB 3146
C 351 L 85	MV standards	SB 3120
C 352 L 85	DWI	SB 3230
C 353 L 85 PV	MV license exempt out of st	SSB 3007
C 354 L 85	Mental health juveniles	SSB 3009
C 355 L 85	Wildlife damage	SSB 3116
C 356 L 85	Higher ed tuition install	SB 3134
C 357 L 85	Superior ct positions	SSB 3165
C 358 L 85	Timeshare regulation	SB 3167

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Chapter No.	Title	Bill No.
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C 359 L 85	Campaign contrib limits	SSB 3307
C 360 L 85 PV	St building code	SSB 3261
C 361 L 85	Nursing home audit stds	SSB 3390
C 362 L 85	Military higher ed tuition	SB 3357
C 363 L 85	Alcohol beverage business	SB 3325
C 364 L 85	Domestic insur holding corp	SB 3427
C 365 L 85	Affirm action in-state	SSB 3346
C 366 L 85	Bds etc executive sessions	SSB 3386
C 367 L 85 PV	Public disclosure	SSB 3367
C 368 L 85 PV	Medical aid to workers	SSB 3354
C 369 L 85	County rd admin procedures	SSB 3356
C 370 L 85 PV	Higher ed coordin council	SSB 3376
C 371 L 85	MV fuel alcohol tax exmpts	SB 3456
C 372 L 85	Radiation protection	2SHB 3
C 373 L 85	Capital budget	SSB 3654
C 374 L 85 PV	Freeze excess levy lid	SB 3612
C 375 L 85 PV	Lottery funds/accounts	SSB 3684
C 376 L 85	Signs tourists agri	SSB 3500
C 377 L 85	Junk vehicles	SSB 3553
C 378 L 85	Blind deaf schools	SSB 3797
C 379 L 85	Schools spanish/japanese	SSB 3516
C 380 L 85	MV proportional licensing	SB 3601
C 381 L 85	High-tech coord bd	SSB 3630
C 382 L 85	Shopping cart thefts	SSB 3786
C 383 L 85 PV	Radiation control resp	SSB 3799
C 384 L 85	High sch graduation	SB 4140
C 385 L 85	School dist organization	SB 4142
C 386 L 85	Affordable housing	SSB 3911
C 387 L 85	Asbestos	SSB 4209
C 388 L 85 PV	Local gov study commission	SSB 4399
C 389 L 85	Crt costs convicted defndt	SB 4155
C 390 L 85	Higher ed tuition fees	SB 4185
C 391 L 85	MV impound unlicensed	SB 4278
C 392 L 85	Library districts	SSB 4386
C 393 L 85	Open space/public benefit	SHB 91
C 394 L 85	Bill of rights/children	SHB 512
C 395 L 85	Mobile homes/tax & assessmnt	HB 718
C 396 L 85 PV	Special purpose dists procedure	SHB 150
C 397 L 85	LID laws/revising	SHB 379
C 398 L 85	Lake management districts	SHB 606
C 399 L 85	Teachers assistance program	2SHB 174
C 400 L 85 PV	County improve state hiways	SHB 187
C 401 L 85	Consumer protectn act/intent	SHB 46
C 402 L 85	Human remains/add requirmnts	SHB 68
C 403 L 85	Achievement test/10th grade	2SHB 141
C 404 L 85	Childrens statemnts/admissn	SHB 272
C 405 L 85 PV	Budget modifications	SHB 314
C 406 L 85	Highway bond authorized 1989	HB 318
C 407 L 85	Drivers licenses/alcohol	HB 593
C 408 L 85	Joint center for education	SHB 1190
C 409 L 85	Right to know act	SHB 1170

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Chapter No.	Title	Bill No.
REGULAR SESSION--cont.		
C 410 L 85	Hazard subst info--ed office	SHB 865
C 411 L 85	Flex-time work schedules	SHB 1195
C 412 L 85	Agricultural liens	SHB 890
C 413 L 85	Tax/food fish--shellfish	SHB 1060
C 414 L 85	Excise taxes/admin provsns	SHB 1003
C 415 L 85 PV	Livestock/modify provisions	SHB 843
C 416 L 85	Park district annexation	SHB 891
C 417 L 85	Puget Snd wastewater stndrds	SHB 814
C 418 L 85	Childhood assistance programs	2SHB 1078
C 419 L 85	Teachers/potentl abuse train	SHB 805
C 420 L 85	Teacher evaluation	2SHB 849
C 421 L 85	Adoptions/change provisions	SHB 877
C 422 L 85	School-based management	2SHB 1056
C 423 L 85	Schools in--service program	2SHB 1065
C 424 L 85	Vehicle lic/drivers license	SHB 1107
C 425 L 85	Aquifer protection area	SHB 1116
C 426 L 85	Lie detectors	SB 4302
C 427 L 85 PV	Utility services/theft	HB 758
C 428 L 85	Firearms	SSB 3450
C 429 L 85	County road tax/aud study	SHB 203
C 430 L 85 PV	Cable TV services/theft	SHB 550
C 431 L 85 PV	Health care PSC's	SSB 3069
C 432 L 85 PV	Rail right of way DOT buy	SSB 4267
C 433 L 85 PV	Transp improvmts/econ dev	SHB 863
C 434 L 85 PV	Educational clinics	HB 999
C 435 L 85 PV	Yakima water adjudication	SSB 4424
C 436 L 85	Solid wastes/trust funds	SHB 69
C 437 L 85	Voc training pilot program	SHB 1207
C 438 L 85	Fishing bait restrictions	SB 3314
C 439 L 85	Sport facil indust dev bonds	SB 4115
C 440 L 85	Equity agreement	SSB 4263
C 441 L 85	Home schooling	SSB 3279
C 442 L 85	WA state internship program	SHB 178
C 443 L 85 PV	Crime victims rights	SHB 242
C 444 L 85	Elect/generat/municipal	SHB 846
C 445 L 85	Municipal utilities	SB 3765
C 446 L 85	Loans--grants/public facility	SHB 461
C 447 L 85	Nurses privileged commun	SSB 4107
C 448 L 85	Hazardous wastes	2SHB 975
C 449 L 85	Historic property pres	SSB 3283
C 450 L 85	Telecommunication services	SSB 3305
C 451 L 85 PV	Puget Sound water qual auth	2SSB 3828
C 452 L 85	Smallcraft registration	HB 228
C 453 L 85	Groundwater advisory cmte	SHB 232
C 454 L 85	DOE/flood damage	SHB 380
C 455 L 85	Criminal profiteering	SHB 767
C 456 L 85	Acid rain	SHB 974
C 457 L 85 PV	Aquatic farming	SB 3067
C 458 L 85 PV	Salmon steelhead rehabilitn	SSB 3384
C 459 L 85 PV	Mineral, oil, gas leases	SB 3400
C 460 L 85 PV	Transportation budget	SSB 3920

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Chapter No.	Title	Bill No.
REGULAR SESSION--cont.		
C 461 L 85 PV	Seniority/state employees	HB 116
C 462 L 85 PV	LEOFF revisions	SHB 435
C 463 L 85 PV	St housing certain employees	SSB 3184
C 464 L 85	Hunting fishing adjust	SSB 4231
C 465 L 85	Plumbing contractrs/training	HB 66
C 466 L 85 PV	Trade & economic dev dept	SHB 625
C 467 L 85 PV	WA economic development board	2SHB 627
C 468 L 85	Gambling	SSB 3066
C 469 L 85 PV	Legal notices	SB 3800
C 470 L 85 PV	Fire protection bd	SSB 3856
C 471 L 85 PV	B&O multiple activities	SSB 4228
C 472 L 85 PV	Motorcycle dealers franchise	SSB 3333
C 473 L 85	Chance drawing/grocery store	SHB 101

Chapter No.	Title	Bill No.
FIRST SPECIAL SESSION		
C 1 L 85 E1	Drivers licensing	SB 3942
C 2 L 85 E1	Tax deferral/certain projects	HB 1326
C 3 L 85 E1	Bonds/school facilities	HB 1327
C 4 L 85 E1	Bonds/capital projects	HB 1328
C 5 L 85 E1	Un/underemployed assist	SSB 4196
C 6 L 85 E1 PV	Biennial budget	2SSB 3656

Key to Symbols

E1 – First Extraordinary Session
 PV – Partial Veto

Governor's Proclamation — Special Session



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

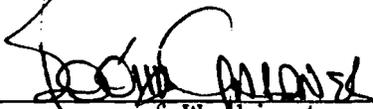
PROCLAMATION BY THE GOVERNOR

In accordance with Article II, Section 12 (Amendment 68), the 1985 Regular Session adjourned April 28, 1985, the 105th day of the session without finishing its essential tasks. It is therefore necessary for me to convene an extraordinary session for the purpose of addressing the state budget and budget-related items.

Now therefore, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the state Constitution, do hereby convene the Legislature of the state of Washington on Monday, June 10, 1985, at 9:00 a.m. in extraordinary session in the Capitol at Olympia for the purposes stated herein.



IN Witness Whereof, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 31st day of May, Nineteen Hundred and Eighty-five.


Governor of Washington

BY THE GOVERNOR:


Secretary of State

GUBERNATORIAL APPOINTMENTS CONFIRMED

EXECUTIVE AGENCIES

Department of Agriculture

C. Alan Pettibone, Director

Department of Services for the Blind

Paul Dziejdzic, Director

Department of Commerce and Economic Development

John C. Anderson, Director

Department of Community Development

Richard J. Thompson, Director

Department of Ecology

Andrea W. Beatty, Director

Department of Emergency Management

Hugh H. Fowler, Director

Department of Employment Security

Isiah Turner, Jr., Commissioner

Washington State Energy Office

Richard H. Watson, Director

Office of Financial Management

Orin C. Smith, Director

Department of General Administration

Richard A. Virant, Director

State Historic Preservation Officer

Jacob E. Thomas

Department of Labor and Industries

Richard A. Davis, Director

Department of Licensing

Theresa Anna Aragon, Director

Washington State Lottery

Mary G. Faulk, Director

Washington State Patrol

George B. Tellevik, Chief

Public Printer

Leland Blankenship

Department of Revenue

A.N. "Bud" Shinpoch, Director

Department of Retirement Systems

Robert L. Hollister, Jr., Director

Department of Veterans Affairs

Randy S. Fisher, Director

MEMBERS OF BOARDS, COUNCILS, COMMISSIONS

University of Washington

David L. Cohn

Janet H. Skadan

Washington State University

Robert "Mac" Crow

Edwin J. McWilliams

Belinda K. Pearson

The Evergreen State College

Richard S. Page

Central Washington University

Bruce D. Wilkes

Eastern Washington University

Jean L. Beschel

Joe W. Jackson

Michael Ormsby

Western Washington University

Martha C. Choe

Craig W. Cole

Board for Community College Education District No. 1

Marian May Gerstle

Board for Community College Education District No. 5

Dr. Max M. Snyder

Bellevue Community College District No. 8

Carol B. James

Henry R. Seidel

Big Bend Community College District No. 18

Paul Hirai

Hary M. Yamamoto, Jr.

Centralia Community College District No. 12

Ariand D. Lyons

Clark Community College District No. 14

Georgia-Mae Gallivan

R.L. "Dick" Schway

Columbia Basin Community College District No. 19

Aleene M. Galloway

Charles K. Michener

W. David Shaw

Edmonds Community College District No. 23

Margaret H. Hays

Everett Community College District No. 5

Jean L. Berkey

Jean M. Cooley

Fort Steilacoom Community College District No. 11

Ramon L. Barnes

Grays Harbor Community College District No. 2

W. Keith Herrell

Frank H. Larner

GUBERNATORIAL APPOINTMENTS CONFIRMED

Green River Community College District No. 10

Jack A. Hawkins

Highline Community College District No. 9

Marilu M. Brock
Elizabeth N. Metz

Lower Columbia Community College District No. 13

Robert P. Binns
Asa Reed

Olympic Community College District No. 3

Carolyn Powers

Peninsula Community College District No. 1

Marietta J. Kilmer

Seattle Community College District No. 6

Philip L. Burton
Rhonda L. Hilyer
Lee Pasquarella

Shoreline Community College District No. 7

Cherry McGee Banks
James E. Massart

Skagit Community College District No. 4

Janet N. Finn
W. Kelley Moldstad

Spokane Community College District No. 17

Dale F. Foster
Dee McMillan

Tacoma Community College District No. 22

Tery L. Smith

Walla Walla Community College District No. 20

Jean H. Adams
Lester C. Floyd
William A. Grant

Wenatchee Community College District No. 15

Cherste N. Brundage
T.W. Small, Jr.

Whatcom Community College District No. 21

Patricia G. Hite
Judy Wiseman

Yakima Community College District No. 16

Betty L. Edmondson
Joan Harris

Energy Facility Site Evaluation Council

Curtis P. Eschels, Chairman

Gambling Commission

Juli Vraves Anderson
Thomas P. Keefe

Higher Education Facilities Authority

Harry E. Morgan, Jr.
Robert K. Powers
Very Reverend William J. Sullivan, S.J.
Delores E. Teutsch

Washington High-Technology Coordinating Board

James E. Minor

Horse Racing Commission

Barbara Black
Lyle E. Smith

Hospital Commission

Steve Hill
Joseph E. Hunt
Judith A. Klayman
Mary Ellen McCaffree
Jon D. Smiley

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Ann Sandstrom

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Stan Taylor

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Donna D. Schram

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Richard D. Odabashian

Utilities and Transportation Commission

Richard D. Casad
Sharon L. Nelson

Commission on Vocational Education

Leslie A. Crowe

1985 LEGISLATIVE OFFICERS AND CAUCUS OFFICERS

**1985 Regular Session
of the
Forty-Ninth Legislature**

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Marlin Appelwick Asst. Majority Leader
Lorraine A. Hine Democratic Caucus Chair
Paul King Demo. Caucus Vice Chair/Secretary
Dennis Dellwo Majority Whip
Margaret Rayburn Asst. Majority Whip
James Hargrove Asst. Majority Whip

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Clyde Ballard Republican Caucus Chair
Dick Barrett Republican Floor Leader
Curt Smith Republican Whip
Bruce Addison ... Republican Organization Leader
Jean Silver Asst. Republican Floor Leader
Mike Padden Asst. Republican Floor Leader
Joe Williams Asst. Republican Whip
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Steve Fuhrman Asst. Republican Whip
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H.A. "Barney" Goltz President Pro Tempore
A.L. "Slim" Rasmussen Vice President Pro Tempore
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Rick S. Bender Majority Whip

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Bob McCaslin Caucus Vice Chairman
Alex Deccio Asst. Republican Floor Leader
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